

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-Seventh Session
April 4, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:01 p.m. on Thursday, April 4, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator Scott T. Hammond, Senatorial District No. 18

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Brenda Erdoes, Counsel
Lynn Berry, Committee Secretary

OTHERS PRESENT:

Boyd Wittwer
Larry Gilbertson, Chief, Game Division, Department of Wildlife
Don Molde
Neena Laxalt, Nevada Cattlemen's Association
Larry Johnson, President, Coalition for Nevada's Wildlife
Harold Wittwer
Sandy Noffsinger
Stacia Newman, Nevada Political Action for Animals

Senate Committee on Natural Resources
April 4, 2013
Page 2

Beverlee McGrath, American Society for the Prevention of Cruelty to Animals;
Best Friends Animal Society; Nevada Humane Society; Northern Nevada
Society for the Prevention of Cruelty to Animals; Nevada Political Action
for Animals; Lake Tahoe Humane Society and Society for the Prevention
of Cruelty to Animals; Compassion Charity for Animals; Pet Network of
Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; Lake Tahoe Wolf
Rescue

Doug Busselman, Nevada Farm Bureau Federation

Margaret Martini

Alan Rosean

Robert D. Haughian, Chief, Operations, Department of Wildlife

Rob Buonamici, Chief Game Warden, Department of Wildlife

Christine Schwamberger, Nevada Political Action for Animals

Kathryn Bricker, Executive Director, NoBearHuntNV

Elaine Carrick

Pamela Gartin, NoBearHuntNV

Trish Swain, TrailSafe Nevada

Margaret Flint, Nevada Humane Society; Canine Rehabilitation Center and
Sanctuary

Carolyn Stark, NoBearHuntNV

Holly Haley, Nevada State Director, Humane Society of the United States

Joel Blakeslee, Coalition for Nevada's Wildlife; Southern Nevada Coalition for
Wildlife

Bob Brunner

Robert Gaudet, President, Nevada Wildlife Federation

Tina Nappe

Jack Robb, Chair, Board of Wildlife Commissioners

Chair Ford:

We will be hearing four bills today. I will open the hearing on
Senate Bill (S.B.) 333.

SENATE BILL 333: Revises provisions relating to wildlife. (BDR 45-1026)

Senator Scott T. Hammond (Senatorial District No. 18):

Senate Bill 333 authorizes the establishment of a commercial or private shooting
preserve for the propagation, culture and maintenance of certain game
mammals. Assemblyman Crescent Hardy, Assembly District No. 19, and I would
like to amend the bill to remove section 1, section 2 and section 8,

subsection 3. These removed provisions address the manner in which the number of deer and antelope damage compensation tags are determined by Department of Wildlife (NDOW).

The owner or proprietor of the shooting preserve must secure a license, at a cost of \$125 from NDOW prior to commencing operations at the preserve. This bill will expand the existing law for certain species of game mammals as approved by the Board of Wildlife Commissioners.

There is a need for such shooting preserves for game mammals and should not be limited to upland game birds. This bill guarantees fair and equal treatment for both bird hunters and big game hunters. Additional information is in my prepared testimony ([Exhibit C](#)).

Boyd Wittwer:

We were most interested in the part of S.B. 333 that was deleted regarding the landowner compensation tags. Large landowners get a lot of tags, but the smaller ranches that do not have many animals come on their property, do not qualify.

Senator Hammond:

I spoke with Mr. Wittwer and informed him there was considerable opposition to this idea from several different areas. This battle has been fought before. Their concern was instead of receiving one tag for compensation for damage done to their fields, they might not get any.

Senator Goicoechea:

What is your rationale for game mammal instead of game animals?

Senator Hammond:

There is no rationale. Game animals would be fine.

Senator Settlemeyer:

Is there a particular species to be hunted?

Senator Hammond:

Mr. Wittwer might be able to answer that. There are provisions in this bill for NDOW to suggest animals to be included in the preserve.

Mr. Wittwer:

We were looking for fallow deer and other common animals found on preserves.

Senator Hammond:

Preserves are popular in Texas. Diseases can be a concern. I would like to check further to see how other preserves handle diseases.

Larry Gilbertson (Chief, Game Division, Department of Wildlife):

As noted in my written testimony, ([Exhibit D](#)), we oppose S.B. 333 as written. In section 1, subsection 3, the number 50 was chosen by the original committee as the number of animals needed to justify receiving a tag for compensation for damage.

Section 1, subsection 7, states owners, lessees and managers are eligible to apply for tags, and there are no specifications concerning a minimum acreage requirement for eligibility.

Section 2, subsection 3, paragraph (c), adds the same language as in section 1, subsection 7 to *Nevada Revised Statutes* (NRS) 504.155 to 504.185, the Prevention and Mitigation of Damage Caused by Certain Game Animals program, which refers to elk damage. This program is funded by a \$3 fee sportsmen pay when they buy an elk tag.

The addition of game mammals in section 3 raises disease-related concerns. Nevada is currently free from certain diseases that could be brought into Nevada if new mammals are added.

Sportsmen also have an issue regarding hunting behind a high fence.

Don Molde:

I oppose S.B. 333, primarily the shooting preserve. It is aesthetically unappealing. It may be popular in Texas, but it does not need to be in Nevada.

This bill may be in conflict with S.B. 245.

SENATE BILL 245: Enacts provisions relating to the importation, possession, sale, transfer and breeding of dangerous wild animals. (BDR 50-161).

This shooting preserve might be asking for animals such as lions, tigers, leopards or zoo animals that sportsmen might like to shoot behind a fence. The Commission would have to approve such animals, but it is still a possible conflict with S.B. 245.

Neena Laxalt (Nevada Cattlemen's Association):

We oppose S.B. 333. We had an issue with section 1 regarding the number of animals specified for a tag. We are pleased to see those sections removed. We agree with NDOW regarding the concern that diseases could be transferred to livestock. Agriculture is the third largest industry in the State.

Larry Johnson (President, Coalition for Nevada's Wildlife):

I oppose S.B. 333. I commend Senator Hammond for deleting the landowner tag section. I have been on committees to help create the formulas for tag selection, which have worked extremely well. I have testified in the past about game farms. We were successful in eliminating elk from the list of "ranchable" livestock. I oppose game farms primarily regarding the transmission of disease. Even with double fencing, animals often escape. This happens in other states. Millions of dollars have been spent attempting to control diseases that have been spread in the wildlife population. Wisconsin has eradicated white-tailed deer herds around the game farms in an attempt to stop the spread of diseases. Other state wildlife departments we contacted who have game farms wished they did not have them.

Mr. Wittwer:

The landowner tags are set up now to benefit big landowners. I have an 80-acre ranch. Approximately 30 elk and 30 deer come onto my property regularly. I have provided water ponds and pasture for these animals. We are benefiting the wildlife. Because we do not have the 50 animals required by law or are not a big enough corporation, we are not eligible for tags. It is not our goal to take tags away from anyone. If the landowners are large and eligible for several tags, we should be able to get at least one. I have spoken with representatives from the U.S. Fish and Wildlife Service and biologists. They said they would fence off our property at taxpayer expense to keep out the animals. I do not want to incur any taxpayer cost, and we are benefiting the State's wildlife. I would like some compensation even though we are not a large farm. Our property is as valuable to us as large landowners' property is to them.

Chair Ford:

Are you speaking in favor of S.B. 333?

Mr. Wittwer:

Absolutely. I am in favor of the bill as it was originally written.

Harold Wittwer:

We are in favor of S.B. 333 as written. We would like our property to start paying for itself. We cannot afford to keep it up. We are looking at selling the water and letting it go back to sagebrush. When I first bought the place, there was not even a bird. It now has deer, elk, birds and quail. We are helping the State develop game animals, both for hunting and pleasure. We would like to be compensated enough to offset the costs. Large corporations get tags. We do not make our living raising cattle, but we enjoy the lifestyle.

Sandy Noffsinger:

I am opposed to S.B. 333. I oppose bringing in exotic animals to be hunted.

Stacia Newman (Nevada Political Action for Animals):

The Nevada Political Action for Animals opposes S.B. 333.

Beverlee McGrath (American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals, Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation, PawPac, Lake Tahoe Wolf Rescue):

We oppose S.B. 333. Canned hunts are historically an outlet for surplus zoo animals. Zoos breed animals because a small baby is an attraction to the public. When the animals reach adulthood, there is nowhere to put them. The animals sometimes get shot, but it is not always a clean shot. The animals will go up to the hunter because they are used to people helping them. I would like language to be added that surplus zoo animals not be included in these canned hunts.

Doug Busselman (Nevada Farm Bureau Federation):

The Nevada Farm Bureau Federation is opposed to S.B. 333. We oppose the removal of the required number of 50 animals per tag. This program was introduced in 1991 and has been effective since that time.

Margaret Martini:

I oppose S.B. 333. This is not natural in Nevada. If you want to hunt exotic animals, you should go to Africa. There are other ways to bring in revenue, if that is its purpose. I agree with previous testifiers regarding diseases.

Senator Hammond:

I understand the concerns expressed. I will work with groups to try to reach a resolution.

Chair Ford:

I will close the hearing on S.B. 333 and open the hearing on S.B. 248.

SENATE BILL 248: Allows a person who discovers an abandoned vessel on private property to apply for a certificate of ownership to the abandoned vessel under certain circumstances. (BDR 43-997)

Senator James A. Settelmeyer (Senatorial District No. 17):

This bill stems from a constituent who had a boat abandoned on his property. He attempted to obtain the title or have it removed. This process became complicated and costly. He asked me to bring this forward. We are trying to create a simple procedure for an individual to have the ability to have a vessel removed or obtain ownership, if the original owner cannot be found. My constituent, Mr. Rosean, will present the bill. I have provided you with a walk-through copy of the bill ([Exhibit E](#)).

Alan Rosean:

A 14-foot boat was abandoned on my girlfriend's property. I will read from my prepared testimony ([Exhibit F](#)). I have personally observed that a number of people have this issue. There should be a limit of one vessel per year per property owner and two for a business. This would prevent someone acquiring several boats, obtaining titles and selling the title for use on another boat.

Senator Settelmeyer:

I had a similar incident where a boat appeared on my property. I waited 2 weeks and it disappeared.

Robert D. Haughian (Chief, Operations, Department of Wildlife):

The NDOW opposes S.B. 248 as written. I will read my prepared testimony ([Exhibit G](#)). The new procedures in this bill are far less stringent than current

procedures. These less stringent procedures can open the door allowing the unscrupulous person to acquire title to the boat as well as eroding the rights of the legal owner.

Chair Ford:

Do we have existing laws covering this?

Mr. Haughian:

Yes, we do.

Senator Goicoechea:

What should this individual have done?

Mr. Haughian:

Law enforcement could have removed it and completed the 180-day process, thereby obtaining the title. At the conclusion of the process, the law enforcement agency could retain it, sell it or destroy it.

Senator Goicoechea:

Should he have called you?

Mr. Haughian:

We did have conversations, but I do not know if they reached the law enforcement stage.

Senator Manendo:

Vacant lots have abandoned vehicles. Local governments can abate whether it is private property. Can counties remove the property? If not, the individual has to pay for the removal of an item that was abandoned on his or her property.

Mr. Rosean:

The boat is aluminum and weighs about 200 pounds. If I cut it up and take it to a recycler, I would receive \$120. It would be worth \$450 if I restored it. A new one costs \$1,000. In 1972, federal law mandated a hull identification number on all boats. Prior to that there was no requirement. This boat has no hull identification number. The NDOW was unable to locate a hull identification number. Information from California shows this boat was built in 1968. The Starcraft Corporation has been in and out of bankruptcy three times. The chances of finding any type of documentation for this boat are slim.

Senator Settlemeyer:

In these economic times the value of the abandoned vehicle may determine whether the county will come and get it. We could suggest an amendment that the responsible entity, whether the county or municipality, should remove it.

Chair Ford:

I will close the hearing on S.B. 248 and open the hearing on S.B. 434.

SENATE BILL 434: Revises provisions relating to vessels. (BDR 43-1002)

Rod Buonamici (Chief Game Warden, Department of Wildlife):

The NDOW is the primary boating enforcement agency. Most stolen boats are stolen from a garage or in front of a house and are reported to local police agencies. We have tried to mirror the Department of Motor Vehicles laws regarding stolen vehicles. Section 1 emphasizes the alteration of hull numbers. An attempt to alter or remove the numbers becomes probable cause to seize the vessel. Additional information is in my written testimony ([Exhibit H](#)).

The current threshold for reporting a boating accident is \$500. The federal threshold is \$2,000. Twenty percent of accidents we investigate are under the \$2,000 threshold. It would reduce our investigative workload if we used the federal threshold. There would be no change regarding personal injury cases. Accidents with personal injuries still need to be reported.

Senator Goicoechea:

Is NDOW responsible for the investigation of all boat accidents?

Mr. Buonamici:

Yes and no. We are responsible for reporting all boat crashes to the U. S. Coast Guard, even if the report is taken by another law enforcement agency.

Senator Goicoechea:

If a boating accident happens in the rural areas, the local sheriff could investigate it, send the report to NDOW, and then NDOW would send it to the Coast Guard, is that correct?

Mr. Buonamici:

That is correct.

Chair Ford:

I will close the hearing of S.B. 434 and open the hearing on S.B. 184.

SENATE BILL 184: Revises provisions governing the membership of the Board of Wildlife Commissioners. (BDR 45-408)

Christine Schwamberger (Nevada Political Action for Animals):

We support S.B. 184. This bill proposes to add to the Commission an ecologist or environmentalist having some specialty in endangered species. I have submitted a summary of relevant statutes for the makeup of the Commission ([Exhibit I](#)). The current configuration gives a voting majority to hunting interests.

This position would provide expertise in holistic environmental interests, which is important to the general public, and specialized environmental and habitat needs of wildlife, particularly endangered species. Additional information is in my written testimony ([Exhibit J](#)).

The requirements of this position are narrow. There are not many qualified applicants.

Kathryn Bricker (Executive Director, NoBearHuntNV):

We support S.B. 184. I will read my prepared testimony ([Exhibit K](#)). Diversifying the representation on the Commission begins to correct a structural flaw in the statutory language. I have provided a summary document ([Exhibit L](#)) that elaborates on this issue.

Ms. McGrath:

We support S.B. 184. The population of Nevada has varied interests. There are bikers, hikers, photographers, skiers and wildlife observers. Only 2 percent are hunters. The Commission members should reflect the interests of most of the population. An environmentalist or ecologist would be appropriate on the Commission.

Chair Ford:

How did you decide on the credentials for this position?

Ms. McGrath:

Ms. Schwamberger and I met with an attorney from the Legislative Counsel Bureau to discuss what would be best for the Commission.

Ms. Schwamberger:

We did want a credentialed academic person with an environmental perspective. We considered a person with a doctoral degree, but that made the field even narrower.

Chair Ford:

What is the composition of wildlife boards in other states?

Ms. Schwamberger:

I surveyed the Western states. A common element was that all regions within the state be represented. We are most similar to Utah. Nevada is the only state requiring people with a hunting license to be on the Commission.

Another common element was certain areas of knowledge or familiarity were preferred such as hunting, conservation and wildlife. None are as specific as Nevada's.

Senator Settlemeyer:

California makes appointments, no qualifications are required. What would prevent someone who wants to be on the Commission, who is not an environmentalist, from buying a fishing license and applying?

Ms. Schwamberger:

Some of the general public do not want to do it.

Senator Settlemeyer:

I appreciate the concept of a learned individual with academic credentials. I ran into a problem when reformatting the State Dairy Commission. The law said there had to be an agronomist as a member. There were qualified individuals, but no one was willing to serve. You may run into the same problem. Will you be able to fill this position with your requirements?

Ms. Schwamberger:

I do not know. We would be willing to ease up on the requirements. We were trying to get some expertise in this field and a holistic viewpoint.

Ms. McGrath:

We could change the language to say "preferably" instead of "qualified" as a specialist in endangered species.

Mr. Molde:

I support S.B. 184. I do not hunt or trap wildlife, but I am involved with wildlife advocacy. I attended many Commission meetings to express my concerns and opinions. This bill is about fairness. The Commission is stacked with sportsmen who outvote the general public member.

The advantage of the new requested position is the diversity of ideas and the opportunity to broaden the perspective of the Commission. Additional information is in my written testimony ([Exhibit M](#)).

Elaine Carrick:

I support S.B. 184. The Commission is given the responsibility of managing the wildlife of Nevada for all Nevadans. If that is true, common sense would say the Commission should be representative of the people who enjoy activities other than hunting. The Commission is lacking balance. I will read my written testimony ([Exhibit N](#)).

Other Western states do not have specific qualifications for their appointees. Nevada Commissioners have predominately hunting backgrounds. This new requested position will not change the balance on the Commission; the hunters would still have a majority. It will, however, be a positive step in creating a more balanced board that can make better decisions for our wildlife, and involve a more diverse group of wildlife conservationists.

Chair Ford:

How many people will be able to meet the qualifications of this position? In our population of 2 million, how many qualify?

Ms. Carrick:

I do not know. We could modify the language to encompass a larger pool of candidates.

Senator Manendo:

The College of Southern Nevada has an associate's degree in that field. The University of Nevada, Las Vegas has a master's program in that area.

Pamela Gartin (NoBearHuntNV):

I support S.B. 184. In the 1930s, society's value system viewed game animals as crops to be harvested and predators to be eliminated. Since then, our values

have shifted and scientific knowledge has evolved considerably. Nevada's wildlife institution has not changed and wild populations are managed primarily for the benefit of hunters, trappers, ranchers and farmers. This is reinforced by the makeup of the Commission. Additional information is in my written testimony ([Exhibit O](#)).

In 2004, the Western Association of Fish and Wildlife Agencies undertook a comprehensive study of wildlife values in the west. This project confirmed that our values toward wildlife are changing as our economy and demographics change. I have provided the study documentation and results ([Exhibit P](#)).

Other Western states have more lenient framework for their commission members. Nevada is stringent and explicit. Replacing one member with a scientist will add to the diversity of viewpoints on the Commission.

Trish Swain (TrailSafe Nevada):

We support S.B. 184. The Commission and county game boards view animals in the aggregate as resources to be harvested or managed. New directions will broaden the perspective of the Commission and make it more representative of the general public. Please refer to my written testimony ([Exhibit Q](#)).

We would like to work together with NDOW on projects that promote nonlethal coexistence with predators. They would eliminate the need for massive slaughter programs. We could discuss classification of animals. This bill is a step toward changing the entrenched status quo.

Ms. Noffsinger:

I support S.B. 184. Adding a member to the Commission who meets the suggested education and environmental background will add breadth and depth to the Commission.

Ms. Newman:

We support S.B. 184. The bill would create more diversity in the Commission. I am also submitting written testimony from Jana Wright for the record ([Exhibit R](#)).

Margaret Flint (Nevada Humane Society; Canine Rehabilitation Center and Sanctuary):

We support S.B. 184. We agree with previous testifiers.

Ms. Martini:

I support S.B. 184. The Commission is not representative of Nevada's diverse population. Wildlife management should be based on sound science.

Education is a requirement for high-level positions on most boards. Nevada should not be any different. If Nevada had a higher level of professionalism on the Commission, it could start a trend in other Western states. The Commission is the highest State level for management of public trust. This position should require a high degree of ethics. It would be prudent to choose a commissioner with the required level of education who would be able to base decisions on sound science.

There should be a qualifying educational credential added to NRS 501.171, subsection 2. It is appalling there is no higher educational requirement for this important position.

Carolyn Stark (NoBearHuntNV):

The Commission is supposed to protect all wildlife, focus on rare and endangered species, protect sensitive lands and resolve human to wildlife conflicts. More money is spent in Nevada watching wildlife rather than hunting on a ratio of 3 to 1. More diversity is needed. This is the reason there should be a member with a degree in environmental science or ecology.

Nevada has not evolved in a progressive manner compared to other Western states. The previous trapping bill is an example of decisions being made for hunter convenience. There are complaints that the Commission dismisses the opinions, findings and science of those who do not hunt. Some commissioners do support science-based decisions, but structural change is still necessary.

I support S.B. 184.

Holly Haley (Nevada State Director, Humane Society of the United States):

The U.S. Humane Society supports S.B. 184. Valid concerns were brought up and I would like to work together to create a bill that works.

Joel Blakeslee (Coalition for Nevada's Wildlife):

The inference that the Commission only takes into consideration the consumptive users is false.

The qualifications required for the new position are very limiting. It does not say whether an associate's degree or doctorate's degree qualifies. Could a hunter be qualified? One of the members of the Commission has those qualifications.

Chair Ford:

You bring up a good point. A person who has those qualifications could have a fishing or hunting license as well. Who is the person on the Commission with those qualifications?

Mr. Blakeslee:

Jeremy Drew has the qualifications. There is also the question of willingness to serve. Not everyone has the time or inclination to serve. The Commission meets 9 times per year with meetings lasting 2 or 3 days. It could amount to a time commitment of 50 days a year

Senator Manendo:

Are you in favor of the bill?

Mr. Blakeslee:

No, I am not.

Senator Manendo:

You are still opposed to the bill even though there is someone on the Commission who fits that criteria?

Mr. Blakeslee:

The Governor could appoint someone with the qualifications whether or not he or she is a hunter.

Senator Manendo:

This is where people get frustrated. Compromise seems so hard. This is fair and reasonable legislation and you are saying there is someone who fits the criteria but are still against the bill.

Chair Ford:

The proponents are looking for more representation on the Commission. How many members on the Commission are hunters?

Mr. Blakeslee:

There are nine members on the Commission and five are hunters.

Chair Ford:

What is the objection to one more person on the Commission who represents the proponents particular thoughts on wildlife?

Mr. Blakeslee:

This criteria is too narrow. Assembly Bill 168 requests to include one qualified member who represents the interests of the general public on each county advisory board. We support this bill.

ASSEMBLY BILL 168: Requires the membership of each county advisory board to manage wildlife to include one qualified member who represents the interests of the general public (BDR 45-780)

Chair Ford:

What does that bill say?

Mr. Blakeslee:

That bill is very broad. It says one member of the general public will be added to each county advisory board. We are fine with that bill.

Chair Ford:

It is promising there is something on the Assembly side that you support. That means we may be able to have conversations regarding this bill to make it acceptable.

Bob Brunner:

I oppose S.B. 184. The endangered species mentioned in this bill are a federal issue. The reason we have wildlife that all Nevadans enjoy is because of the North American Wildlife Conservation Model. Before Nevada had enforcement and regulations, wildlife was being wiped out. This plan is working well. The Commission makes the best decisions they can for wildlife. They have voted against sportsmen many times. They have closed areas if necessary for the protection of wildlife. If we did not have bear hunters, bears would have been eliminated for their gall bladders. If studies show there are not enough bears, sportsmen will be the first to say they would not hunt them. It is all about the wildlife.

Chair Ford:

The opposing view is that you are not the only ones who like wildlife. There are differing views on how to handle wildlife. It does not seem unreasonable to add one more person to the board with a differing view to add to the discussions.

Mr. Brunner:

When we did not manage horses, they all died. If we let nature take its course, we have plagues and mass starvation. We know better now. We have management to be able to accomplish these things.

Chair Ford:

Is adding one more person going to change that?

Mr. Brunner:

No. The person who would be added does not represent the general public, but a small faction. It would not be the best for wildlife.

Chair Ford:

You do not represent the general public, either.

Mr. Brunner:

I do not, I am a sportsman.

Chair Ford:

It is a public trust. Just because 98 percent of funding comes from hunters and fisherman does not mean they get to make all the rules. What is the overall concern of adding one more person to the Commission that has a differing view than the majority of those on the Commission?

Mr. Brunner:

Wildlife will not get the best decisions. I have a wildlife management degree from the University of Nevada, Reno. I also have a master's degree. You cannot have a lifetime of learning from a person from the general public that will make the right decision for wildlife.

Chair Ford:

Reasonable minds can disagree. I am not certain I agree with your position, but I understand.

Mr. Johnson:

The coalition for Nevada's Wildlife opposes S.B. 184. This bill is too restrictive. There are only a few people who would meet this requirement. This will make filling the position difficult.

Chair Ford:

I can tell you this bill, as currently written, will not come out of this Committee. What are your objections for adding another person to the Commission with differing views?

Mr. Johnson:

Jeremy Drew is on the Commission with those qualifications. He is also on Governor Sandoval's Greater Sage-grouse Advisory Committee and the Sagebrush Ecosystem Council. The endangered species are under the U.S. Fish and Wildlife Service, not NDOW.

The conservation member on the Commission usually votes with the proponents of this bill. They are well represented. There is no wildlife position on the State Board of Agriculture or the Nevada Department of Transportation Board of Directors.

Chair Ford:

We are speaking about someone who may not be in the field but has an academic approach and some understanding and recognition of wildlife. The sponsors of the bill are not asking for a lawyer.

Mr. Johnson:

A degree in environmental science or ecology may have nothing to do with wildlife. They may be air-quality specialists.

Chair Ford:

Would it be acceptable to add someone to the board if we are able to tailor this bill to add a differing voice and fulfill the necessary requirements for wildlife awareness?

Mr. Johnson:

Not at the expense of removing a sportsman.

Chair Ford:

We are not removing anyone. They want to add one.

Mr. Johnson:

It is a removal. Section 1, subsection 2, paragraph (f) reduces the hunter category from five to four.

Chair Ford:

I missed that. That makes this a whole new issue.

Mr. Johnson:

I would not be opposed to adding an additional person of the general public to the Commission. This bill is too narrow.

Senator Manendo:

How long is the member's term?

Mr. Johnson:

Each member's term is 3 years.

Senator Manendo:

Instead of removing one could we replace someone in the next expiring member's seat? How many members of the Commission are from southern Nevada and Washoe County?

Mr. Johnson:

There are three members from Clark County and two members from Washoe County. A problem with your suggestion is the next vacancy is in the rurals. Trying to find someone who meets the criteria in the rurals is problematic.

Senator Manendo:

You testified someone from southern Nevada might not understand these issues.

Mr. Johnson:

I did not say that. I said the number of qualified people in the rurals versus the large counties would make finding a person for the rurals problematic.

Senator Manendo:

I would respectfully disagree with that. Our Chair could fit the criteria because he is reasonable, fair and open minded. Are you saying someone who does not have a wildlife background should not be considered?

Mr. Johnson:

I respectfully disagree. That does not characterize my testimony. Senator Ford has done an admirable job with contentious issues.

Chair Ford:

It was Mr. Brunner's testimony. The issue now is adding or replacing a person to the Commission.

Mr. Johnson:

Wildlife management through NDOW is diplomatic and democratic. The public has input in each meeting across the State. There is diversity within the Commission. People who say they have not been heard, have not agreed with the Commission's decisions.

Senator Settelmeyer:

Do you obey the Open Meeting Law?

Mr. Johnson:

Yes, we do.

Robert Gaudet (President, Nevada Wildlife Federation; Southern Nevada Coalition for Wildlife):

I oppose S.B. 184 as written. I do not have a problem with adding an additional position. We are sportsmen, not necessarily hunters. The money to manage wildlife comes from licenses and tags. I am in favor of sportsmen's licenses.

Tina Nappe:

I was appointed to the Commission in 1979 as a result of a major revision to bring the Commission up to date. The sportsmen made the change to bring in a conservationist hoping to invite more public input and perhaps receive general funds to supplement the budget. The situation has not changed regarding funding. I was a specialist with a background in endangered species. I worked with groups to have the first endangered species law in the United States passed in Nevada.

There is a conservationist position on the Commission. Each time the term becomes available, it is a challenge to find a conservationist. Because I was appointed from Washoe County, the position remains in Washoe County. It is not easy to find someone willing to serve. It is a time commitment and the person needs to be able to work with others. A degree is not enough.

I propose we combine positions, such as a rancher and a farmer into one, and then utilize one for a general public member. Ranching and farming are important, but there are far more urban people in the State.

One more person with a degree may make a difference, but essentially, it is a political process. The sportsmen on the Commission represent a wide breadth of people.

Jack Robb (Chair, Board of Wildlife Commissioners):

The Commission opposes S.B. 184. The restrictive nature of this bill makes the position difficult to fill. There can only be three people from Clark County, two people from Washoe County and only one from any one rural county on the Commission.

I was on the Commission during then Governor Kenny C. Guinn's term and I reapplied under Governor Brian Sandoval. I never referred to hunting in my application and resumé, I only said what I did for wildlife. We have several members with environmental resource or wildlife management degrees. We also have members with extensive background in endangered species.

The restrictive nature of the bill would limit our pool of applicants. There are not many people raising their hands to volunteer. If I was not a private business owner, I would not be able to serve either. It has a major impact on my family and my business.

The Commission is accountable to the Governor. We are also accountable to the legislative body. We could change the hunting license to a wildlife license. Anyone could buy a wildlife license and then be able to support NDOW. I am a hunter and enjoy being outside. Being a hunter does not necessarily mean you are a killer. It means you enjoy wildlife.

Chair Ford:

What about adding one more member to the Commission?

Mr. Robb:

It would be problematic. That would make ten members. We have had many five to four votes on issues with sportsmen on both sides. We would have tie votes. We purposefully have odd numbers on committees. We have five members instead of three because of the restrictive nature of the Open Meeting Law. We have the longest publication period of any Open Meeting Law body in the State so that county boards have time to adjust their meetings to address the issues we have on our agendas. There is ample time for general public involvement. I do not vote on the side of the sportsmen.

Chair Ford:

I will close the hearing on S.B. 184 with a suggestion that all parties get together and work out a compromise.

Senator Settlemeyer:

This comment is directed to Ms. Schwamberger. I do not think the bill addresses the issue. We already have someone on the Board who meets the qualifications. We are looking for someone with a different attitude or will vote a different way. You said the Commission has not heard you. They have obeyed the Open Meeting Law; they just have not agreed with you. The heart of this bill has nothing to do with criteria. Am I wrong?

Ms. Schwamberger:

Your comments are perceptive. You have put your finger on the problem. It is one thing to comply with the Open Meeting Law and have comment; it is another to have representation on the Commission.

We request a representative on the Commission with a holistic value system. We are repeatedly told that we do not understand or contribute to wildlife.

Senator Settlemeyer:

I appreciate and concur with your position. However, it is the process.

Chair Ford:

I will now entertain a motion on S.B. 434.

SENATOR MANENDO MOVED TO DO PASS S.B. 434.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Chair Ford:

We will begin the work session and open the hearing on S.B. 133.

SENATE BILL 133: Requires the State Engineer to allow a county to participate in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances. (BDR 48-631)

Michael Stewart (Policy Analyst):

Senate Bill 133 was presented by Senator Goicoechea as shown in the work session document ([Exhibit S](#)). I will briefly read through the bill and conceptual amendments.

SENATOR SETTELMEYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 133.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Chair Ford:

We will open the hearing on S.B. 134.

SENATE BILL 134: Revises provisions governing animals. (BDR 48-249)

Mr. Stewart:

Senate Bill 134 was presented by Senator Goicoechea as shown in the work session document ([Exhibit T](#)). I will read the conceptual amendments. Section 8 of the bill adds new language requiring each guzzler include a posted notice

providing the telephone number and other contact information should the guzzler need repair. For any guzzler in use on or after October 1, the person or agency that placed the guzzler must comply with these new notice requirements by April 1, 2014.

Senator Goicoechea:

The NDOW has requested an implementation date change from April 1, 2014, to October 1, 2014, to give more time to post signs.

SENATOR SEGERBLOM MOVED TO AMEND AND DO PASS AS AMENDED S.B. 134.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Senate Committee on Natural Resources
April 4, 2013
Page 25

Chair Ford:

There being no more business, the Senate Committee on Natural Resources is adjourned at 3:30 p.m.

RESPECTFULLY SUBMITTED:

Lynn Berry,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 333	C	2	Senator Scott Hammond	Introductory Remarks
S.B. 333	D	1	Larry Gilbertson	Written Testimony
S.B. 248	E	8	Senator James A. Settlemeyer	Walk-through of bill
S.B. 248	F	23	Alan Rosean	Written Testimony
S.B. 248	G	2	Robert Haughian	Written Testimony
S.B. 434	H	1	Rob Buonamici	Written Testimony
S.B. 184	I	2	Christine Schwamberger	Relevant statutes on the appointment of Wildlife Commissioners
S.B. 184	J	2	Christine Schwamberger	Written Testimony
S.B. 184	K	2	Kathryn Bricker	Written Testimony
S.B. 184	L	1	Kathryn Bricker	Summary Document
S.B. 184	M	2	Don Molde	Written Testimony
S.B. 184	N	1	Elaine Carrick	Written Testimony
S.B. 184	O	2	Pamela Gartin	Written Testimony
S.B. 184	P	5	Pamela Gartin	Mule Deer Working Group Study
S.B. 184	Q	2	Trish Swain	Written Testimony
S.B. 184	R	1	Stacia Newman	Jana Wright Written Testimony
S.B. 133	S	2	Michael Stewart	Work Session Document
S.B. 134	T	2	Michael Stewart	Work Session Document