

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,  
AND MINING**

**Seventy-Eighth Session  
May 28, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 4:14 p.m. on Thursday, May 28, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website: [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Robin L. Titus, Chair  
Assemblyman Jim Wheeler, Vice Chair  
Assemblyman Nelson Araujo  
Assemblywoman Maggie Carlton  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Chris Edwards  
Assemblyman John Ellison  
Assemblyman David M. Gardner  
Assemblyman Ira Hansen  
Assemblyman James Oscarson  
Assemblywoman Heidi Swank

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Scott T. Hammond, Senate District No. 18

Minutes ID: 1397



**STAFF MEMBERS PRESENT:**

Susan E. Scholley, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Donna J. Ruiz, Committee Secretary  
Cheryl L. Williams, Committee Assistant

**OTHERS PRESENT:**

Michael J. Bertoldi, Member, Coalition for Nevada's Wildlife  
Larry Johnson, President, Coalition for Nevada's Wildlife  
Bob Brunner, Director, Coalition for Nevada's Wildlife  
Jeremy Drew, Chair, Board of Wildlife Commissioners, Department  
of Wildlife  
Patrick O. Cates, Deputy Director, Administrative Services, Department  
of Wildlife  
Doug Martin, Private Citizen, Carson City, Nevada  
Margaret Flint, representing Nevadans for Responsible Wildlife  
Management

**Chair Titus:**

[Roll was taken. Committee policies and procedures were explained.] I am going to open the hearing on Senate Bill 163 (2nd Reprint).

**Senate Bill 163 (2nd Reprint): Creates the Advisory Council on Nevada Wildlife Conservation and Education within the Department of Wildlife. (BDR 45-616)**

**Senator Scott T. Hammond, Senate District No. 18:**

I am pleased to introduce Senate Bill 163 (2nd Reprint) for your consideration today. This bill creates the Advisory Council on Nevada Wildlife Conservation and Education. With me is Mr. Michael Bertoldi, who will walk you through the program. We had to change it. We were looking at one state as a model, but realized that we had some difficulties with federal money coming to the state. We have changed to the Colorado model. Mr. Patrick Cates from the Department of Wildlife will come up later and give testimony on what they will contribute and what they have been asked to do on this piece of legislation.

**Michael J. Bertoldi, Member, Coalition for Nevada's Wildlife:**

This bill is amended from the original version. The Coalition worked with the Department of Wildlife (NDOW) to avoid Pittman-Robertson Act diversion of funds. It now follows a model from Colorado, which has been in place for about five years. The funding will be from the Wildlife Heritage Trust Account.

Twenty-five percent of the annual income of that account will go toward funding this council, and \$250,000 a year for the next four years from the principal will also go to funding the council. It has the full support of the Board of Wildlife Commissioners and NDOW. It also has the full support of the Coalition for Nevada's Wildlife in northern Nevada and the Southern Nevada Coalition for Wildlife, which represent about 10,000 sportsmen. Funding is exclusively by sportsmen.

The Wildlife Heritage Trust Account is funded by Wildlife Heritage Tags, which are auction tags, and also the Silver State Tag program. There is no taxpayer money involved in this at all. This is sportsmen's funds. The people on the council are going to be appointed by the Director of NDOW. There will be one person from the Board of Wildlife Commissioners, one person from NDOW, and three sportsmen representatives. The sportsmen representatives must have had either a fishing, hunting, or trapping license within three of the last five years. We also have an expert in public relations and advertising and a representative from the sporting goods industry or someone who is directly involved in hunting, fishing, or trapping, either a guide or a sporting goods store person. Does anyone have any questions?

**Assemblywoman Swank:**

In section 3 where you refer to subsection 9 of Chapter 501.181 of the *Nevada Revised Statutes* (NRS), I looked that up and there is no subsection 9.

**Michael Bertoldi:**

Subsection 9 is found in section 8 of this bill, which will amend NRS 501.181.

**Assemblywoman Swank:**

How are the three residents of the state selected?

**Michael Bertoldi:**

The three sportsmen representatives are selected by the Director of the Department of Wildlife.

**Assemblywoman Swank:**

What are the criteria for being on that list of candidates?

**Michael Bertoldi:**

They are actually from a list of recommended people that is presented from the Wildlife Commission to the Department of Wildlife.

**Assemblywoman Swank:**

The name of this council is the Advisory Council on Nevada Wildlife Conservation and Education. That is something that is really of interest to a wide group of people. I would like to see the inclusion of some of the nonconsumptive users of our natural resources: hikers, campers, and people who work for conservation organizations. It seems that if we want to educate people on the conservation of our natural resources, we need a broader base. I know this is funded by sportsmen, but I think it would be a benefit to everyone if there was an inclusion of a wider range of people. I was wondering if the bill's sponsor would be open to that amendment.

**Senator Hammond:**

The purpose of the bill is really to educate people on what sportsmen do for the land and the conservation efforts they make. Therefore, those who have a bigger part in that are the ones we are trying to get involved, so that they can educate other people. We are not opposed to bringing legislation later on involving groups that also preserve or do things for the land. I would be more than happy to help with a bill like that next session. Right now, we are just trying to find a way for this particular group of people to express to others what they do to protect, preserve, and conserve the land.

**Assemblywoman Swank:**

I agree. I feel there is a false division between folks who are sportsmen and folks who go hiking and camping. I would like to see a lot more collaboration. Instead of using this as an opportunity to create two separate groups, create one larger group where everyone can understand each other and break down those divisions. This seems to me to be a great spot for that.

**Senator Hammond:**

Actually, if you look at the advertising campaign that occurred in Colorado, that is the whole purpose for this, a sort of hunter program. If you watch the commercials, it is allowing those who go out there as sportsmen, who go out there to hunt and fish, to express to others what they do. There is a commercial with a hiker who has no idea the reason there is a trail in a certain part of the backcountry is because of funds and efforts, "sweat equity" if you will, that is put into those trails. That is done by those consumptive users and there is a moment in the commercial when the hiker hugs the hunter for all he does. That is what they are trying to do; come together and tell each other what they are doing for the conservation of the land. In a way, we are achieving that through this bill.

**Assemblywoman Swank:**

I think if you want to reach out to folks who are the nonconsumptive users, it is probably best to include some of those folks so you know how to reach out to them. In section 9, it talks about the period beginning July 1, 2015, and ending June 30, 2019. What is the reasoning for those dates?

**Michael Bertoldi:**

The commitment was basically \$250,000 a year for four years from the principal of the Wildlife Heritage Trust Account. Right now, the principal is about \$7 million. It is currently only making about three tenths of a percent interest. Last year it only made \$24,000. We are going to draw down that principal by \$1 million over the course of four years. This council will hire a public relations firm to reach the demographics that you spoke about. It is not them doing it, it will be professionals. The commitment from the Wildlife Heritage Trust Account was for four years: \$250,000 plus 25 percent of what they make every year, which is about \$250,000.

**Assemblywoman Swank:**

Thank you for bringing this bill. I would be more than happy to help out on this after session. I think it is a great idea.

**Assemblyman Ellison:**

Why do we need to create another council when there are so many out there for wildlife? Is there a \$480,000 fiscal note on this bill?

**Michael Bertoldi:**

I believe that fiscal note was from the original bill, which included a \$3 increase on license fees for trapping, hunting, and fishing licenses. That has since been modified. All the funding is coming from the Wildlife Heritage Trust Account.

**Assemblyman Ellison:**

Why do we need another board or council? I thought some of the money in the Wildlife Heritage Trust Account was supposed to be used for predator control.

**Michael Bertoldi:**

I am going to let NDOW speak to that. Right now, 75 percent of the Wildlife Heritage Trust Account goes to the Board of Wildlife Commissioners to allocate for projects. I think most of those projects are habitat projects. I do not believe it is allocated toward predator control.

We need another council because NDOW cannot directly lobby for this program and neither can the Board of Wildlife Commissioners. This new council would

be able to do that. We feel it is necessary to get the word out to those people out hiking who see a bighorn sheep, for instance. We want them to know what sportsmen do for wildlife and why there is wildlife. There is a big story behind that. A lot of it has to do with successful NDOW programs and the efforts of sportsmen, both in money and time.

**Assemblyman Hansen:**

Right now, the Wildlife Heritage Trust Account is supposed to be used exclusively for the "protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State" and the "management and control of predatory wildlife in this State." You guys want to expand that and spend \$250,000, \$1 million over the next four years. It seems like it violates the original intent of the account. You folks already spend millions of dollars through the Department of Wildlife every year. You have a public information officer, you have an entire branch that handles public relations. Frankly, it has felt like that for many years, going back to David Rice, that they have almost dodged the whole consumptive user angle. It seems to me that this is a redirection of a lot of funds that could be used in a lot of other positive areas. The agency itself should be doing this through their own public information function. It is almost like this is a duplicative effort. I am wondering why are we spending \$1 million when we are already spending millions of sportsmen's dollars to do what this is designed to do. How much money has been spent out of the Wildlife Heritage Trust Account on predatory wildlife control?

**Michael Bertoldi:**

I am not certain of that, but NDOW is here and probably could answer that question. As far as what can be spent right now, in NRS, 75 percent of what is brought in annually can be allocated out by the Commission for projects. The other 25 percent has to go to the principal. The principal cannot be touched. There is \$7 million dollars sitting in the principal that is not being used.

**Assemblyman Hansen:**

When NDOW comes up, I do want to know what their budget is for their public information and public relations people. I know it is substantial. I would also like to find out, since the Wildlife Heritage Trust Account is supposed to be used for predatory wildlife management control, what the dollar amounts are that have actually been expended since that account was created. I remember when that came about.

**Assemblyman Carrillo:**

I know there are two different effective dates because there are different sections of the bill. Are those for the purpose of time to set up the program?

**Senator Hammond:**

Yes, I believe that would be true, in order to put all the regulations and pieces together.

**Assemblyman Carrillo:**

In section 8, subsection 9, regarding the qualifications for the candidates, is there anything to ensure that someone not have something in their background that could question their qualifications?

**Michael Bertoldi:**

Right now, the candidates for the council would be chosen by the Wildlife Commission, which has full access to who has committed game violations. I cannot say that they check, but obviously if a license has been suspended, that would definitely show up.

**Senator Hammond:**

I discussed this with some of the Wildlife Commissioners and they could probably speak to this better, but they do go through a vetting process before they choose someone. That is why we are going with the Colorado model. They will be the ones placing people on this advisory Council.

**Chair Titus:**

Are there any other questions? [There were none.] We will hear further testimony in favor.

**Larry Johnson, President, Coalition for Nevada's Wildlife:**

This bill is actually almost a companion bill to Senate Joint Resolution 11, which is a proposed constitutional amendment to preserve the right to hunt, trap, and fish. We feel the bill is necessary to educate and inform the public before this proposed constitutional amendment goes on the ballot in 2018. Approximately 90 percent of the public are not involved in wildlife activities. Quite frankly, they need to know that our wildlife resources were decimated up until approximately 50 years ago. It has been an extreme effort to restore those resources in a magnificent partnership between the Department of Wildlife and private sportsmen. One of my groups, Nevada Bighorns Unlimited, for example, has placed tens of millions of dollars on the ground in these efforts, and tens of thousands of volunteer man hours. The public needs to know that.

The model has been so successful that Colorado Parks and Wildlife now enjoys a 70 percent approval rating by the general public. Hunting, trapping, and fishing statistics have climbed significantly because the public is informed, not only of the restoration of the natural resources, but the fact that this has been done with no taxpayer monies. It was done with sportsmen's dollars and sportsmen's efforts. That is the importance of this bill. Agencies are not public relations firms. Take the Bureau of Land Management, U.S. Department of the Interior; the U.S. Forest Service, U.S. Department of Agriculture; or any agency you like. They do not sell themselves well. That is why we need the additional council with private public relations firms being involved. I think an overwhelming majority of sportsmen support this bill.

**Chair Titus:**

Is there further testimony in favor of S.B. 163 (R2)?

**Bob Brunner, Director, Coalition for Nevada's Wildlife:**

I am in favor of this. It uses money that would be sitting in the Wildlife Heritage Trust Account that would be untouched; it is unused money. This is privately funded money, not taxpayer money. This program shows the rest of the state that wildlife is out there and it is doing great. It is being paid for by sportsmen, and it does great things for the economy in Nevada. That is what this bill does, and the money would be sitting there unused if we do not use it in this way.

**Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of Wildlife:**

The Board of Wildlife Commissioners supports S.B. 163 (R2). We really appreciate all of Senator Hammond's hard work in ironing out some of the issues in the Senate. The concerns that we had raised early in the process have been addressed. I would like to reiterate that this program would be housed within the Department of Wildlife with some of our input. I do think the focus of the proposed advisory council is much needed, and I think it is valuable to have that separation. In answer to some of the other questions that have been raised about the Wildlife Heritage Trust Account, the Commission does expend 75 percent of the interest income on an annual basis. Those programs can include trap and transplant, habitat projects, and predation control projects. Most of the predation control projects we have funded have come out of a different program and we talked about that with Assembly Bill 78. I do not recall any predator projects that came through this year.



**Chair Titus:**

Why do we need a new council for this? If the funds are already under the control of the Board of Wildlife Commissioners, why are we forming another group to spend some of this money on advertising for hunting and fishing?

**Jeremy Drew:**

In my opinion, the Commission has a broad range of issues, that we have to pay attention to. I think trying to get the word and education out to the general public is going to take some real specialized effort and focus. That is why I would advocate for the addition of the advisory council. I think it does broaden that and gives different perspectives, as Assemblywoman Swank pointed out earlier. Based on the workloads that we have and the Department has, I think it provides real value.

**Chair Titus:**

Originally, there was going to be an increased fee on my hunting license application without my input, but that has been taken out. Is that correct? The money that is now going to be used is existing money that has been placed where you have not been able to touch the principal. Is that correct?

**Jeremy Drew:**

That is correct.

**Assemblyman Hansen:**

What is the current budget for NDOW?

**Patrick O. Cates, Deputy Director, Administrative Services, Department of Wildlife:**

Our total annual operating budget is approximately \$34 million per year.

**Assemblyman Hansen:**

How much do you actually spend in your public information unit? You have a whole division that is working exclusively on that. I am wondering why we need to spend more money when you already have that capability. I have seen their job descriptions, and they fit entirely with what you guys are trying to do. Why do we need to create an entirely new council when you already have this capability in your agency and it is completely funded to do these exact same things?

**Patrick Cates:**

I believe the Conservation Education Division's budget is about \$1.8 million annually. They do have a wide range of duties; it is not advertising. They do a lot of educational programs, including hunter education and Trout in

the Classroom. They manage our volunteer program, and they have a whole host of duties they perform. We do have a few public information officers who write press releases and do some of that work, but everything they do is different than what this council will do. We do not have an advertising budget or anything of that nature. I think there is real value in getting input from sportsmen and a diverse group of people to help us develop a message.

**Assemblyman Hansen:**

I assume you do not have a budget because public service announcements are free. The Department of Wildlife has forever been using all sorts of things, such as the "Wild Side of Life," virtually every day on radio stations. There is no cost to you. You have had "Operation Game Thief" billboards, which have often been donated. I am wondering why this substantial expansion of sportsmen's dollars that were designed for things like predator control programs are now getting redirected back into a brand new agency, with a new bureaucracy, when you already have in place a staff to handle these basic core functions of trying to get this advertising information out there. I have a real problem with the idea that sportsmen are already giving you \$2 million to do a lot of this and you are going to take another \$250,000 a year to do basically the same function.

**Assemblyman Carrillo:**

Could you explain the vetting process you have for qualifying the candidates for this Commission?

**Jeremy Drew:**

I think what you are referring to is some of the qualifications to serve on the Board of Wildlife Commissioners. I think we have similar language in terms of the licensure, but I think it also says the candidate cannot have a previous wildlife violation. I will not speak for NDOW, but in vetting candidates for this proposed advisory council, I imagine that that is something they would definitely be interested in reviewing and they would have the means to do that.

I just want to make it clear that this was not something that was brought by the Commission or, to my knowledge, by the Department. It was actually brought forward by sportsmen's groups that have advocated for and have been very active in the heritage program in the past. There was work done in the Senate to address some issues. I want to make it clear that we are not necessarily developing a whole new department; it is an advisory council housed within the Department. It was something that was requested by the sportsmen's groups. It has been a collaborative effort to make sure that all the nuts and bolts work properly through the different funding avenues and mechanisms that are in place.

**Assemblyman Hansen:**

Are you testifying in the neutral position or is NDOW and the Commission here to testify in favor of this bill?

**Jeremy Drew:**

I will not speak for NDOW, but the Wildlife Commission has adopted a platform in support of this bill as presented.

**Assemblyman Hansen:**

Are you here as an advocate?

**Jeremy Drew:**

This bill was brought to this body through Senator Hammond by a group of sportsmen. Through our process, we reviewed the bill. We had some early concerns and expressed those. The concerns were resolved, and we support S.B. 163 (R2).

**Patrick Cates:**

The Department is in support of the current version of this bill. We were originally neutral. After working with Senator Hammond and the sportsmen's coalition and vetting it through the Commission and public processes, we are now in full support of S.B. 163 (R2).

**Assemblyman Carrillo:**

I do not think my question was answered regarding the vetting process, so I am asking it again.

**Patrick Cates:**

According to section 9, the Wildlife Commission is to maintain a list of persons. The Director of NDOW is the one who will appoint those persons. There is not a specific provision in the bill that would prevent someone who has a violation, but as a practical matter, we are going to vet those candidates very carefully. The Director will be making the appointments and I cannot concede that we would appoint someone who had wildlife violations, but there is not a provision for that in the bill.

**Assemblyman Carrillo:**

I just want to ensure we have quality candidates should we go through this process.

**Assemblyman Wheeler:**

Everyone has been saying that sportsmen's groups want this and they have brought it forward. I am wondering which sportsmen's groups? It is the director of some sportsmen's group who wants it, or the board? Have they actually spoken to their members?

**Michael Bertoldi:**

Most sportsmen's groups are 501(c)(3)s, so they cannot directly lobby for legislation. That was basically the reason for creating the coalitions in southern Nevada and northern Nevada. The Northern Nevada Coalition represents approximately 8,000 sportsmen, with Nevada Bighorns Unlimited being the biggest with 4,000 members. This all started after viewing the Colorado model, which is a video. We brought the people from Colorado and Michigan to Nevada for a meeting. Michigan also has a version of this bill, and we discussed their program and thought it would be a good fit. I drove it forward from there. Senator Hammond presented the bill. We have gone through several iterations of the bill to avoid the Pittman-Robertson issue. Right now, we are following the Colorado model. In Colorado, all the members of the council are appointed by the director of their department of wildlife. They have more members, but they have geographical diversification. We have taken it to the county advisory boards, the Board of Wildlife Commissioners, and NDOW. We worked very closely with them to get full agreement.

**Assemblyman Wheeler:**

Have the members from these sportsmen's groups weighed in on this, or is this coming from a director of a sportsmen's group or board of a sportsmen's group? What do the members think about spending more money on a new board?

**Larry Johnson:**

We have a very public process in developing these bills with input. When we have a proposal, we use a statewide email list. An email goes to every county game board, which holds meetings where these proposals are discussed. The sportsmen's organizations are then responsible for distributing it to their membership. That is our system of distribution of information. I think Nevada Bighorns Unlimited is on its tenth field project of the year where we had 50 to 90 volunteers at each project. Following each of those, I give a talk and we have a steak barbecue. I have not heard from anyone in any of our projects who was opposed to this.

**Assemblyman Wheeler:**

I am a member of Ducks Unlimited, the Rocky Mountain Elk Foundation, and Nevada Bighorns Unlimited. I have never heard of this. As a member, I would like to provide my input before someone comes up with something like this and then represents me at that table saying their members want this. I have not heard one thing about this.

**Chair Titus:**

Actually, I am also a member of Nevada Bighorns Unlimited, Rocky Mountain Elk Foundation, and Ducks Unlimited. I, too, have not heard anything other than this bill. I was at the Nevada Bighorns Unlimited dinner. I do not remember it being in the newsletter or the wonderful magazine we get. How would folks know how to apply for the position? Is it going to be word of mouth about this opening? Are you anticipating who would apply for this?

**Assemblyman Hansen:**

I am a lifetime member of Nevada Bighorns Unlimited, a founding member of the Coalition for Nevada's Wildlife, and a member of the Nevada Trappers Association and I, too, have not seen a thing about this. The idea that everyone here is representing my views on this is not true. That is not to say I am against it or for it, but the idea that we are all being represented here as rank and file members of those organizations and we have had input just does not ring true.

**Michael Bertoldi:**

Nonprofit groups cannot directly lobby. Nevada Bighorns Unlimited is represented on the Coalition for Nevada's Wildlife. We have a representative of those wildlife groups on the Coalition. They go back to their board of directors. As you know, it is impossible to have an annual meeting of 5,000 members at the Nevada Bighorn Unlimited banquet. It would be hard to bring up business and vote on it. That is the way the process works, and it has worked very well.

**Assemblyman Hansen:**

I also say when you have 4,000 members on an email list, it is not hard to request an email vote.

**Michael Bertoldi:**

I think we have asked for input.

**Jeremy Drew:**

From the Commission's standpoint, the input we have gained has been through our open public process. Anyone who wishes to come to one of our public meetings is welcome. I think this item has now been discussed three different

times at our meetings. What we are getting in terms of public input is coming through our process, and I clearly understand that you folks would not have had time in the last few months to attend Commission meetings. On our end, this is the input we have garnered so far.

**Assemblyman Wheeler:**

I understand that. What I am saying is when someone comes before one of our committees and says the hunters want this, the sportsmen want this, I want to know who the hunters and the sportsmen are. If it is a group, great, but is it the director, the board, or five people at a public meeting? I just do not like it represented that way.

**Chair Titus:**

Are there any further questions? [There were none.] Is there anyone else in support of S.B. 163 (R2)?

**Doug Martin, Private Citizen, Carson City, Nevada:**

I am also the Chairman of the Carson City Advisory Board to manage wildlife. I am a long time hunter education instructor. I, too, am a member of Ducks Unlimited, and this came to me through reviewing the Colorado model. The Colorado model was looking at trying to have nonhunting, nonfishing, and nontrapping people understand the importance of wildlife and the role that hunters, fishermen, and trappers have in supporting that through their partnerships with the Department of Wildlife. In our wildlife advisory board, we have taken it as an action item and we have supported that through a vote of our board. Personally, I think this is one of the most important things that I am seeing going through the Legislature this year. It is a voice for sportsmen to get a message across of the importance of their role in the continuation of not only our sport, but in the continuation of our wildlife resources, whether it is fur-bearing, fisheries, or wildlife. Based on that, I encourage you to support this without amendment because it is getting late in the session. I understand the questions that arose today, but I do say that this sportsman and hunter supports this.

**Chair Titus:**

Is there any further testimony in support of S.B. 163 (R2)? [There was none.] Is there any neutral testimony? [There was none.] Is there any testimony in opposition?

**Margaret Flint, representing Nevadans for Responsible Wildlife Management:**

We, too, have had the same concerns about whether a council is needed for this. Just as a kind of simplified example, let me talk about a couple of the nonprofit agencies that I represent and that I volunteer for, such as the

Nevada Humane Society and Canine Rehabilitation Center and Sanctuary. When we feel we have a need to educate the general public about certain things, such as the trap-neuter-release program, we have to do our own fundraising events. We do not come to the Legislature and ask for the grace and favor looking for avenues and ways to promote and make money. We get out and do that ourselves. I think these sportsmen and their organizations are perfectly capable of doing the same thing. I do not think they need to ask the Legislature to create these funds or help them create these funds. Sportsmen's organizations are perfectly capable of putting together these types of events themselves to try to persuade or educate the general public on what they would like us to think we should know about what they are doing.

With that said, let me talk a little bit about the bill, about the residents of the state, and the nonexistent statute. We would still like some clarification on that nonexistent statute. Before you approve this, there should be an actual statute that we can look at to see what it says. We are also concerned about the way the members are designated. Since this is something to educate the general public, we would want to see a member of the general public on that council. We do not think this is something that actually needs to be legislated. We think it is something they can pretty much do on their own.

**Chair Titus:**

With all due respect, this is money that has come from the hunters themselves into this fund. It is already part of that fund. Your initial assessment about why they have to come to the Legislature, this is in statute. They have to come to us to do anything else with that money. It is appropriate. Whether or not we decide to go forward with this, I think it is appropriate they come to us.

**Margaret Flint:**

I appreciate that clarification.

**Assemblyman Hansen:**

The Wildlife Heritage Fund Trust Account was set up with very specific goals and designations on to how that money was to be utilized. Her point is actually extremely valid. There are literally millions of dollars in those sportsmen's organizations. The idea that we have to tap into that particular fund to basically create another level of bureaucracy is a very legitimate question to raise. If there were no money and they had to go to the government to tap into that original fund, there may be some legitimacy to that. When we fought for that Wildlife Heritage Trust Account a long time ago, it was quite a fight to get it going, and it was very specific about how it was supposed to be utilized. That was with tremendous input from sportsmen. Now, to basically use a big chunk

of that money for public relations work, there is something about it that causes me concern.

**Chair Titus:**

We are here to discuss the policy, but in order to use that money in some other direction, they had to come here.

**Margaret Flint:**

In section 3, subsection 6(b) of the bill, it says, "While engaged in the business of the Council, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally." It is my understanding that this is also supposed to come from this account, but that is not clarified. We would like to see some clarification as to whether it comes from that account or the State General Fund.

**Chair Titus:**

I would like to know where this advertising is going, the purpose, and the end result. If this is approved, do you have a plan to do surveys for public opinion or have some accountability for these funds before it is launched? What are we gaining from this public relations program?

**Larry Johnson:**

Again, this is modeled after both the Colorado and Michigan state programs. We want to learn by their programs that have already been in place for several years now. They retained polling companies to measure the success of the message. Colorado changed their direction based upon that polling and subsequent polls, and that change of direction steered them in the direction they are going now. We have to do the same thing. For example, Colorado mistakenly started on a program for hunter recruitment with this program and it was totally unsuccessful. Their success revolved around showing and educating the public about the beauty of wildlife resources and what has been restored in the last 50 years using the North American model of wildlife management. They explained it had been done by scientific management by their department of wildlife at no cost to the taxpayers because sportsmen's fees funded it all. That was their ultimate message, but they took a circuitous route in developing that message. We need to understand that yes, we need to do the same polls; yes, we need to monitor success; and yes, there needs to be accountability and reporting of what the successes are to guide this program.

**Michael Bertoldi:**

One thing the Michigan and Colorado models have taught us is that this is best done with a private sector company, not a public sector company. The council



would seek bids to conduct polling to determine what message is the most effective message. It may be television advertising in the evening, it may be billboards, it may be social media, it may be a combination of all three, and even more. That is basically how the Colorado model was established.

**Assemblyman Hansen:**

There has been unfortunate friction between the ranching, livestock, and agricultural community, and some elements of the Department of Wildlife. For example, when the state was working very aggressively to come up with a solution for grazing, sage grouse, and so forth, there was a letter released by NDOW that totally threw agriculture under the bus. When I look at the makeup of this, my concern is a complete absence of anyone from agriculture or ranching. If you look at the Board of Wildlife Commissioners makeup, they always have someone from agriculture or ranching. Is there some reason no one on this council is from the agricultural or ranching community?

**Bob Brunner:**

Yes, because the message is not from agriculture and not from the Department. The message is to the people who are not in those areas. The message the public will be getting, as has been heard, it is about how wildlife is doing fine, they do not have to pay for it, it helps our economy, and it is all taken care of. We do not need agriculture to say that. It is not about how great agriculture, the NDOW, or hunting is; it is about what things are out there and how they are taken care of.

**Assemblyman Hansen:**

The reality is, you have exclusively a sportsmen's group doing this extensive public relations campaign. Judging from what has happened in the past from NDOW that, in fact, they did throw agriculture under the bus, and while I am not here to promote agriculture, I am definitely not interested in getting those guys blamed for things such as the decline of the sage grouse when I do not think the relationship is there. I simply want to make sure that someone from agriculture is represented to make sure this public relations campaign that is being funded does not go against the best interests of the people who live in my district.

**Bob Brunner:**

This started separate from the NDOW; it was forced back in so the state did not lose its public relations monies.

**Chair Titus:**

Seeing no further questions, I will close the hearing on S.B. 163 (R2). I will open the meeting to public comment. [There was none.] The meeting is adjourned [at 5:09 p.m.].

[[Exhibit C](#) was submitted but not discussed and is included as an exhibit.]

RESPECTFULLY SUBMITTED:

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Donna J. Ruiz  
Committee Secretary

APPROVED BY:

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Assemblywoman Robin L. Titus, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Assembly Committee on Natural Resources, Agriculture, and Mining

**Date:** May 28, 2015

**Time of Meeting:** 4:14 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 163 (R2)	C	Michael J. Bertoldi, Coalition for Nevada's Wildlife	Presentation in Support