

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

**Seventy-Eighth Session
February 12, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1 p.m. on Thursday, February 12, 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. 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; 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:

Assemblyman Michael C. Sprinkle, Assembly District No. 30



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:

Tony Wasley, Director, Department of Wildlife
Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of Wildlife
Donnie Perry, Administrator, Division of Compliance Enforcement, Department of Motor Vehicles
Ted Imfeld, Program Officer, Division of Management Services and Programs, Department of Motor Vehicles
Glenn Smith, Supervising Emission Control Officer, Division of Compliance Enforcement, Department of Motor Vehicles
Dan Musgrove, representing Barrett-Jackson Auction Company, LLC
George Ross, representing Copart, Incorporated
Robert Ostrovsky, representing Manheim Nevada
Scott Leedom, Senior Management Analyst, Las Vegas Valley Water District and Southern Nevada Water Authority
Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department
John Fudenberg, Assistant Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County, Nevada

Chair Titus:

[Roll was taken. Committee policies and procedures were explained.] We are now going to hear a presentation from the Department of Wildlife and the Board of Wildlife Commissioners.

Tony Wasley, Director, Department of Wildlife:

Thank you very much for the opportunity to come in and provide this overview of our agency and our functions ([Exhibit C](#)). This will be a joint presentation from the Department of Wildlife (NDOW) and the Board of Wildlife Commissioners. We have present with us today commissioners who will be speaking to some aspects of our presentation. We also have a full contingent of representation from the seven unique divisions within our agency. Should there be any specific questions, we are hopeful that we can answer those with the expertise that we have here.

I would like to start by bringing your attention to wildlife as a public trust resource. There have been several key landmark Supreme Court rulings that have made it clear that the wildlife belong to no one but are held in trust by government for the benefit of present and future generations. This public doctrine has become the legal bedrock for government to establish regulatory authority over wildlife. Federal agencies recognize that states possess broad trustee and police powers over fish and wildlife within their borders. This includes fish and wildlife held on federal lands within a state. Through federally levied excise taxes on fishing and hunting equipment, states are able to leverage non-federal funds at a ratio of 3 to 1: three federal dollars for every one state dollar in the name of fish and wildlife management. The NDOW statutory authorities and responsibilities are outlined in *Nevada Revised Statutes* (NRS) Chapters 501 through 506 pertaining to wildlife and Chapter 488 on boating.

We rely on the North American model of wildlife conservation. There are seven basic principles: wildlife is held in public trust; there is regulated commerce in wildlife; hunting and fishing laws are created through a very transparent public process; hunting and fishing opportunities for all; non-frivolous use of wildlife; wildlife is recognized as an international resource; and that there be scientific management of wildlife.

When we look at the importance of wildlife- and boating-related recreation to Nevada's economy, it is quite significant. What this graph represents is the four pieces that boating, hunting, wildlife watching, and sport fishing bring to Nevada's economy [page 4, ([Exhibit C](#))]. We believe that this is a conservative estimate because it does not include sports shooting. Sports shooting makes up approximately half of all the federal excise tax associated with the sale of guns and ammunition. Even absent that piece, we are looking at a total estimated value of wildlife and boating to Nevada's economy at just over \$1.6 billion each year. It is a significant economic value to the state and, as such, it is important that it be a very transparent public process. This graphic represents the various pieces of wildlife management and how it occurs in the state. We can see that the role of the Board of Wildlife Commissioners is significant in taking input and recommendations from the Department and public input through county advisory boards. I would like to turn this over to the current Chair of the Board of Wildlife Commissioners, Jeremy Drew, to speak to some of the aspects of the Commission.

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

I want to talk briefly about the process and relationship between the Department and the Commission, as well as the county advisory boards. The Commission itself is really in place to set policy and regulation. Those policies and regulations are implemented and enforced on a daily basis by

the Department of Wildlife. The Department provides us with staffing, recommendations, and inputs to the issues we address. Each county has an advisory board to manage wildlife. They are welcome to attend our meetings. They hold public open meetings to solicit input from the members of their county. We take their input seriously within our meeting structure; the general public is allowed to address the Commission. We do not just take public comment at the beginning and the end of every meeting; we actually take public comment on every action item. We greatly encourage public comment. It helps us do our jobs, both through the county advisory board process as well as our meeting process. For contentious or in-depth issues, we have the ability to set up committees that can take additional time and resources to really delve into some of the items. It becomes really easy when the input we get is aligned with the Department, the county advisory boards, and the public. There are often differences of opinion when it comes to wildlife management. We have to do the best that we can and sometimes make decisions on the fly, as I am sure you folks are accustomed to doing.

We have nine members, and I am proud to serve as the chair of such a great group of folks. We have a broad representation and we have three new members since last session. One of those members, Mr. Johnston, is here with us today. We also have some good regional representation in our group. We have a very passionate group of wildlife folks who are willing to listen to the public and make good decisions.

As far as our Commission duties go, we establish broad policies for wildlife management and boating safety. We provide guidance to Nevada Department of Wildlife and adopt regulations for wildlife management and boating safety. We also adopt regulations specific to hunting, trapping, and fishing. In those processes we consider the recommendations from the Department, input from the county advisory boards, and the views of the public. We discuss a lot of issues at our board meetings.

There are two items of follow-up from last session. The black bear hunt was a big issue. Senate Bill No. 82 of the 77th Session urged us to complete a three-year comprehensive review of the bear hunt. We have completed that report, and I am glad to say that our committee was able to come to a consensus on all the sections. Our committee did include a member of No Bear Hunt NV. I believe that report has been submitted to each of the chairs of the resource committees. I would be glad to go into that in-depth at another time. Please feel free to contact me with any questions.

We also had Senate Bill No. 213 of the 77th Session specifically directing us to look at some regulations on trapping. We had trap registration regulations that

we completed. It was deferred by the Legislative Commission because there were some concerns with not having a private property exemption. A new bill regarding this has actually already been heard in the Senate Committee on Natural Resources this session. We also had a bill on visitation requirements which set that regulation to us. We put a 96-hour regulation in place immediately to avoid having a lapse in visitation times. We embarked on a long committee process to consider heavily used and congested areas. We did come up with a two-day visitation time for the Las Vegas Valley, Reno, Carson City, and the Sierra front. It was developed by the Committee, passed by the Commission, and again that was deferred by the Legislative Commission until after this session. That is where we sit on those two issues. With that I will hand it back to Mr. Wasley.

Chair Titus:

Thank you for that bear hunt information; I will be contacting you regarding that.

Assemblywoman Carlton:

If we received it and I missed it, I apologize; but if you could share that with the Committee, I would appreciate it.

Tony Wasley:

The mission of the Department of Wildlife is to protect, preserve, manage, and restore wildlife and its habitat for its esthetic, scientific, educational, recreational, and economic benefit to the citizens of Nevada and the United States. Our mission also promotes the safety of persons using vessels on the waters of this state. There are about 892 different species that regularly occur in the state; 456 of those are birds, 173 species of fish, 161 species of mammals, 78 species of reptiles, and 24 amphibian species. We layer on top of that the Endangered Species Act of 1973. We have 3 candidate species, 10 species are threatened, and 22 are endangered. It is a significant undertaking, and it requires a broad range of expertise to accomplish. Our funding by source is also very important to recognize. You will see from this graph [page 14, ([Exhibit C](#))] that the biggest piece is wildlife fees and grants. Those wildlife fees and grants are tag and license fees and federal aid grants. That is 86 percent of NDOW operations. The next largest piece is 11 percent, which is boat fees and grants. There are two small slivers in this pie: other state funds, transfers from the Department of Motor Vehicles on a motorboat fuel tax, and then State Department of Conservation and Natural Resources for implementation of Question 1. The purple sliver represents a significant contribution towards our non-game management. We are able to leverage that 1 percent to get federal dollars towards the management of non-game species.

We have seven unique divisions: operations, conservation education, law enforcement, game, fisheries, wildlife diversity, and habitat. The Department has 247 full-time employees, 120 buildings, 32 radio towers, 11 wildlife management areas encompassing 120,000 acres, 8 major facilities, 7 unique divisions, and 4 fish hatcheries spread across 3 regions. I would like to cover each of those divisions and their responsibilities and provide a quick overview.

The Director's office has 18 positions and is responsible for agency administration, support for the Wildlife Commission, agenda development, support material, organizing and coordinating meetings, meeting minutes, and adherence with the open meeting law. The Director's office also coordinates with the county advisory boards. Fiscal services is housed within the Director's office, as is human resources centralized costs.

Assemblywoman Swank:

Could you talk about the history of the NDOW as an independent department as opposed to when it was a division of the State Department of Conservation and Natural Resources?

Tony Wasley:

The Department of Fish and Game was founded in 1947 and existed as a department until the mid-1990s. There was a 10-year period from the mid-1990s until 2003 when it was the Division of Wildlife under the State Department of Conservation and Natural Resources. Since that time it has existed as a department.

The Operations Division has 35 full-time positions and is responsible for all of our licensing programs, including hunting, fishing, guide, trapping, and business services. Business services is our face with the public as they come into our offices. We provide services to train all of our license vendors on our processes. Customer support registers boats at the counters. In engineering and facilities we have a limited engineering staff in order to maintain our facilities, dams, and waterways. We also have boating access and air operations. Our air operations are critical to the completion of our mission. We have two Bell Jet Rangers and one Cessna 206 to assist in fulfilling our mission.

Our Conservation Education Division has 18 full-time positions. Their primary responsibilities include hunter safety and hunter and angler education. I would like to point out that is largely a volunteer-driven effort. We have 221 hunter education volunteers and 63 angler education volunteers who generate over 4,000 hours of volunteer efforts. That can then be used as an in-kind match to

garner federal aid dollars, again at a ratio of 3 to 1. General wildlife education is a program that works with younger school children. Conservation education also handles our media and public relations. Our Law Enforcement Division is the largest division with 52 full-time employees. Their primary responsibilities include wildlife enforcement, boating enforcement, public safety, boating education, all of our dispatch services, and radio technology. The 32 radio towers scattered around the state on various mountain tops are managed, operated, and maintained through our law enforcement's budget and program. The Game Management Division has 31 full-time positions.

Chair Titus:

Are your radio dispatch and towers jointly used by other local emergency management services? Is there some shared management there?

Tony Wasley:

There is a great deal of shared management. We also provide dispatch services to federal law enforcement. We coordinate with rangers from the U.S. Forest Service of the U.S. Department of Agriculture, and the Bureau of Land Management (BLM) of the U.S. Department of the Interior. It is an area where we have expanded our capabilities significantly over the past 10 years. It is relied on heavily from a warden safety standpoint.

Chair Titus:

Did you get any U.S. Department of Homeland Security funding for that?

Tony Wasley:

I do not believe so.

The Game Management Division's primary responsibilities include wildlife survey and inventory. The primary and key functions of that division are to establish seasons and harvest quotas, land owner conflict resolution, wildlife health monitoring, and research collaboration. Our second largest division in the agency is our Fisheries Management Division. Their primary responsibilities include sport fish production, fisheries management, and native aquatics. We spend a significant amount of effort and resources to reestablish the Lahontan cutthroat trout, which is federally listed as a threatened species. In regard to aquatic health monitoring and aquatic invasive species, we are talking about the quagga mussels, New Zealand mud snails, and others. The big one is quagga mussels. I am sure you are familiar with some of our decontamination efforts within Lake Mead, Lake Mohave, and other areas around the state.

There are 17 full-time positions within the Wildlife Diversity Division. We have a State Wildlife Action Plan, which is essential in the state qualifying for federal funds. Nevada was one of the first states to complete the State Wildlife Action Plan. It has since been used as a template for other states. In non-game species management, as I indicated earlier, we have 892 species. Even though we have only 1 percent of our budget coming from the state General Fund, that 1 percent is critical in allowing us to garner more federal dollars. We also administer our threatened and endangered species programs through our Wildlife Diversity Division, which houses our geographic information systems and the Lake Tahoe Environmental Improvement Program.

Our Habitat Division has 35 full-time employees. Their primary responsibilities include development project review, which includes energy development, mines, and anything that is occurring on the federal lands that require a National Environmental Policy Act (NEPA) review. This review requires those projects to consider the best available science, which is typically considered to be housed within state fish and wildlife agencies. We also administer industrial pond permitting through our Habitat Division. Habitat conservation and restoration is an area where we have a lot of coordination and collaboration with our non-governmental organization partners and private land owners. We run our Nevada Partners for Conservation Development program through our Habitat Division. This program is modeled after a similar program in Utah. It creates a more cooperative, collaborative effort to bring private citizens, local government, state government, and federal government together to pool their resources to maximize the benefit to the landscape. We also have our water development program housed in our Habitat Division. Our water development program is an excellent example of coordination and cooperation with our non-governmental organization partners. We have approximately 1,700 guzzlers around the state. Construction and maintenance on guzzlers is a cooperative effort with our non-governmental partners. Just in the north we have garnered over 7,000 volunteer hours from our non-governmental partners. Combined with what we see in the south, we are in excess of 10,000 volunteer hours that can be used as an in-kind match towards federal aid.

Chair Titus:

For those members of this Committee who may not know what a guzzler is or have not had the pleasure of chasing chuckar off of them as I have, please explain what those are.

Tony Wasley:

A guzzler is an artificial water development device that catches rainwater on a metal apron that is constructed above the ground with a gentle slope. It slopes into a collection system and then it is piped into a drinker. Those

drinkers are typically protected from wild horses, but wildlife can come and go from those drinkers. Some of the guzzlers are constructed for the sole purpose of upland game species like chukar or sage grouse, while others have been designed to provide water for big game, such as elk, bighorn sheep, or deer. They collect rain water, store it in a large-capacity tank, and feed a drinker system that can be used by a variety of wildlife in water-limited areas.

Chair Titus:

These were really produced by the sportsmen emphasizing not only the habitat but viability of species.

Tony Wasley:

It can also minimize conflict. We can pull wildlife into areas if we have conflicts with livestock, for example, or on certain lands by opening habitats that were previously unsuitable by developing water. We can expand populations that are limited by water and also minimize the conflicts in some areas where there may be competition for forage. Senate Bill No. 134 of the 77th Session required the Department to visit all 1,700 guzzlers before this past October. We had to inspect the conditions, look at the fencing, and provide signage. The signage was to have a unique name for each of the 1,700 guzzlers and provide a hotline for individuals to call and report any maintenance needs. The Department visited all those guzzlers, provided signage, handled minor maintenance while onsite, and if there was more measured maintenance, it was added to a to-do list. We are currently developing a maintenance schedule and program for all 1,700 of those water developments. We also house our wildlife management area in our Habitat Division.

As we look forward to this next biennium, I would like to quickly run through some of our major priorities. Those priorities include sage grouse conservation, habitat restoration, and wildfire rehabilitation. We have some very good partnerships with private landowners as well as our federal land management agencies. Game management will always be a top priority. The aquatic invasive species program, although relatively new, is a significant priority in limiting the spread of aquatic invasive species. Regarding energy and other development reviews, we continue to provide distribution data and scientific data on animal distribution. Urban wildlife conflicts are a growing priority for us. We are seeing more and more demands on the state. We see nuisance bears in the Tahoe Basin and coyotes in the Las Vegas Valley and Washoe County. Public safety in the water and on the land is another priority. We would also like to be able to provide equipment, support, and training for personnel success.

I would like to go through a couple of those top priorities, including a status update on sage grouse. The Sagebrush Ecosystem Council, the Sagebrush Ecosystem Technical Team, and NDOW are an integral part of developing and implementing the Bi-State Action Plan. We are an ex officio member of the council. We have a representative on the technical team, and we coordinate with our partners at the State Department of Conservation and Natural Resources and our federal partners daily. We are continuing with local, state, and federal partners in coordination with greater sage grouse conservation efforts. We are providing leadership and habitat improvement and protection while providing the best science for those informed decisions. I would like to provide a quick update on the Bi-State Action Plan. The bi-state grouse is a distinct population of sage grouse that spans California and Nevada. The Department of Wildlife has provided key leadership in the implementation of that action plan. The action plan contains specific actions towards conservation of that species. We have secured funding commitments from our federal partners that have led to all indications by the U.S. Fish and Wildlife Service of the Department of the Interior that they are reconsidering their listing decision. It is presently recommended to be listed as threatened, but they are currently reconsidering that. We are hopeful that we have met the bar to change their minds on that endeavor.

Assembly Bill No. 167 of the 76th Session authorized the aquatic invasive species program. There was an aquatic invasive species decal fee for every boat on Nevada waterways in fiscal year 2014 that generated \$445,000. That can be matched for federal aquatic invasive species grants. There was \$689,000 spent in fiscal year 2014. We have a state parks partnership with inspection, decontamination, and education stations around the state at Lahontan, Rye Patch, and Wild Horse reservoirs. These are in addition to our efforts with the National Park Service at Lake Mead and Lake Mohave. Department resources include three statewide roving inspection and decontamination stations and three Lake Mead inspection and decontamination stations. There is significant game warden outreach and enforcement. We have public information campaigns focusing on the clean, drain and dry, and early detection monitoring for quagga and zebra mussels statewide.

Assemblyman Edwards:

Can you quickly go through the process of how NDOW determines a road or trail should be closed?

Tony Wasley:

We do not have authority to shut down roads or trails.

Assemblyman Edwards:

Who does?

Tony Wasley:

It depends upon the ownership of that land. If it is federal land, the U.S. Forest Service or the BLM makes the determination.

Assemblyman Edwards:

If a road or a trail in a state park was to be closed, what is the process, and who makes the final determination?

Tony Wasley:

That would probably be administered through the Division of State Parks under the State Department of Conservation and Natural Resources. It falls outside the realm of our statutory responsibilities and authorities.

Another major budget initiative is urban wildlife management. Presently we are operating at a bare minimum to address this as a safety issue. We are using sportsmen revenue to the tune of \$174,000 over this current biennium. We are seeking a General Fund appropriation at a level of \$450,000. The emphasis is on urban bear and urban coyote issues. The U.S. Fish and Wildlife Service grants do not allow for funding of urban wildlife or human/wildlife conflict issues. Those are not considered traditional wildlife management activities, but are considered a nuisance wildlife issue. We see this as an urban development issue, not a hunting or wildlife management issue. Our current activity is limited to response to public safety threats. Certainly if there is a bear or coyote in a residence or garage, that is where our response is directed.

Assemblywoman Carlton:

You mentioned crisis management-type situations. It may have fallen through the cracks and is no one's fault, but I have had constituents call and ask for help regarding coyotes. We have coyotes jumping fences, taking pets, and going through pet doors into people's homes. I understand that these are sportsmen's dollars, but they get those dollars from the federal government, and my constituents pay their taxes. I think they should get the same protection anyone else gets. In my district there are coyotes running up the street. It is very scary. My constituents live in the city for a reason. It is nothing against the rural areas, but we do not live there because we do not want to have to fight coyotes in our backyards.

This is a serious issue for my constituents. Small children watch coyotes take their cats and dogs from their backyards. My constituents would like to know what we can do about this. I am not sure what you can do right now. If you

need authority in order to help us, I would love to give it to you. They just want help. I am sorry to be so passionate, but this is serious for us.

Tony Wasley:

There is not a simple fix because there are many parts to it, including an education component. Certainly working with some of the homeowners' associations, as we have done, to educate citizens in those areas is a big part of it. We have full-time staff in Las Vegas who take these calls and try to direct appropriate resources. We are asking for some assistance in developing tools and outreach materials. It will not go away quickly, there is not a quick fix, there is not a cheap fix, but this will help all of us in addressing it.

Assemblywoman Carlton:

From what I have learned, once coyotes become urbanized and have a couple of litters, they then call that neighborhood home. We are going to have a bigger problem. If the state had had the money, I would have given it to you two years ago. I do not want to wait another 18 months. There are six or seven litters living in those neighborhoods. Time is against us on this one, so I would like to know what we can do in the near future to address this.

Assemblyman Ellison:

In our area we have coyotes everywhere. We start worrying when the mountain lions are coming in. The question we have is about the wolf population. We are seeing them in Jarbidge, over by Jackpot, and by Winecup Gamble Ranch. We are starting to see these wolves migrate down into northern Nevada. Do you have a track on that, or can you tell us anything about them?

Tony Wasley:

We have had incident reports of wolves in northern Elko County for at least the last dozen years or so. We have been unable to substantiate whether it is a track or whether it is scat. We have not had any confirmed sightings, reports, or occurrences of wolves. Certainly it is logical that there are small numbers of juvenile males wandering in and out of the state. We believe we have the management tools at our disposal to address this issue effectively in the event we see populations becoming established.

Assemblyman Wheeler:

I would like to follow up on Assemblywoman Carlton's question. I live in a very rural area, so it is a little different than where the Assemblywoman is coming from. Would that be more of an animal control issue rather than an NDOW issue? If we are going to provide the resources, I would like to see them placed appropriately in her area.

Tony Wasley:

I think there is shared responsibility, as we talked about initially, with wildlife being held in public trust. It is one of those things that we want to be careful in just giving away wildlife management authority when it is a nuisance to the federal government and wanting to keep it when it provides a source of revenue. I think in order for us to have the most effective solution and productive relationship, we all have a piece to own. We work well with wildlife services and with the State Department of Agriculture. We pool resources, and we have some folks that are funded by state dollars and federal dollars. I think the solution is all of us working together and sharing that responsibility.

Assemblyman Carrillo:

This did not happen in my district but in an adjoining district. They had a situation with coyotes, and they went through the process of calling animal control. Animal control said they could not do anything and suggested that the people call the Department of Wildlife. The Department of Wildlife said there was nothing they could do. They called me and I went through the same process. I went one step further and called the U.S. Department of Agriculture. They came out and found where the coyotes were burrowing and extricated them. This took about three days and the guy went through the whole process of telling us where the coyotes were. These coyotes were coming into people's yards, taking cats out of their yards, and scaring people. From that point on I have told them to contact the U.S. Department of Agriculture.

Chair Titus:

I think it is good to know that there are some success stories out there too.

Assemblyman Oscarson:

I have a success story as well. I think some of you may have heard it. We had a coyote problem in my district in Pahrump. I had heard about it but had not witnessed it personally. Small animals were disappearing and coyotes were actually trying to go in dog doors into people's homes. Then my granddaughter had her little dog taken from her backyard, eviscerated, and left in the middle of the street. My granddaughter said to me in her little six-year-old-voice, "You can help me, Grandpa, you help everybody else." With the help of Senator Goicoechea, we had some folks come down and the coyotes were eradicated. They were very efficient at doing their job. They indicated to us that one of the largest coyotes that they had ever seen was taken from that area, and they ended up taking several. I am grateful but I have a suggestion. Would there be an opportunity on your website to put a hotline number for people to easily access so they could report these sightings and incidents? This would make it a little easier for people to get to the appropriate people to obtain help.

Chair Titus:

As a rancher, I have personally had my sheep killed, eviscerated, and taken down by coyotes. I have personally shot coyotes on my property, so I do not take lightly what a coyote can do.

Tony Wasley:

There are two answers to that question. We presently provide information about all nuisance species and ways that people can remedy them. Whether it is skunks under the house or badgers, there are a series of information packets to help people understand. We do have a full-time staff member in our southern region to take those calls. We could certainly display that person's number more prominently on our web page. One of the things we are seeking with this funding is to create similar positions in the other two regions. There would be a point person to direct those resources. If somebody did call, there would be someone there who could take that call and direct them to resources.

Assemblyman Hansen:

This is one of those issues that I have watched for over 30 years, and there has been an evolution. The people that you call from the U.S. Department of Agriculture are the predator control people. Today they are called wildlife services; they were called animal damage control. They were also the people that the urban folks have been trying to put out of business for about 20 years, until they started having these problems in their own backyards. The same goes for the trapping situation. Trapping was the weak link in the wildlife management area, and now that you have these situations occurring in urban areas, suddenly trappers are in high demand. It is kind of interesting to see that evolution over time, because the fact is that as was mentioned earlier, there have been efforts to try to restrict trapping in Clark County. At the same time you are trying to restrict the very people that help reduce the coyote populations, you are having these urban populations of coyotes growing. There is a definite clear relationship between the two. When you have people in the private sector that remove these animals for free and then sell them into the fur markets, you actually save the taxpayers substantial dollars. There are a lot of interesting correlations and relationships, but the very fact that you can call the Department of Agriculture and get a trained professional predator control person speaks for itself. Those skills on how to remove those populations of coyotes come from the rural ranchers and the people who have been paying those fees for years, to train them. As we discuss these issues like trapping, fur markets, and wildlife management, there is often a very interesting interrelationship that folks in Clark County and urban Las Vegas do not realize. You do not just call someone out of the blue to deal with these situations.

There are hundreds of trappers across Nevada who provide those services for free. I get those phone calls myself.

Chair Titus:

That is a very interesting conversation that a coyote in a sink will create [page 27, ([Exhibit C](#))].

Mr. Wasley, I have heard a real interest from this Committee to have the bear information that you mentioned given to all of us. Are there any questions? [There were none.] I am now going to open up the hearing on Assembly Bill 37.

Assembly Bill 37: Revises provisions governing consignment auctions of motor vehicles. (BDR 40-379)

Donnie Perry, Administrator, Division of Compliance Enforcement, Department of Motor Vehicles:

With me today are Ted Imfeld, our Program Officer, and Glenn Smith, our Supervisory Emission Control Officer. Assembly Bill 37 is presented before the Committee as a department cleanup bill. [Mr. Perry continued to read from written text ([Exhibit D](#)).]

I would be happy to answer any questions you may have.

Assemblywoman Carlton:

When I read this bill, I have to admit I was confused. What is the problem that we are trying to fix?

Ted Imfeld, Program Officer, Division of Management Services and Programs, Department of Motor Vehicles:

The problem that we are trying to alleviate is a licensee, mainly a car dealer, selling a vehicle via the consignee auction avenue and not having to pass emissions. If I am a person who buys that vehicle through that consignee auction, I am not aware that this vehicle does not pass emissions. Now I have a vehicle that I cannot register until I pay the money to get it smog checked. It is more about consumer protection for the end user.

Assemblywoman Carlton:

Are there licensed auto dealers who take a select group of cars and put them on a lot someplace?

Ted Imfeld:

Through an auction usually.

Assemblywoman Carlton:

Usually it is through an auction. I have had people complain about cars being on vacant lots, usually four or five at a time. They show up for the weekend and then they are gone again. Is that part of the problem too, or is that a separate problem?

Ted Imfeld:

Probably a separate problem.

Assemblywoman Carlton:

Are they sending them to the auction to get rid of them rather than disclosing that they will not pass emissions?

Ted Imfeld:

The way the law is currently written, as a licensed dealer they cannot sell a vehicle to the public, unless it is through a consignment auction, without passing emissions. This will make it so that they cannot take that group of vehicles and sell them to the public without passing an emissions test.

Assemblyman Ellison:

Not everyone lives in areas where they do emissions testing. How are you going to control that? Reno and Las Vegas do emissions testing, but there are places in rural areas that do not do emissions testing. What about private sales?

Glenn Smith, Supervising Emission Control Officer, Division of Compliance Enforcement, Department of Motor Vehicles:

In rural areas other than Washoe County and Clark County, the point is moot because the emissions test is not required.

Assemblyman Ellison:

That is right, but it does not say that.

Glenn Smith:

Not specifically in this statute but other statutes that this refers to do indicate in Washoe County and Clark County. This only pertains to counties that have an emissions program.

Assemblyman Wheeler:

Why is this before Natural Resources?

Donnie Perry:

I believe because of the emissions portion.

Assemblyman Wheeler:

The last two emissions bills I did were before Transportation.

Assemblyman Carrillo:

Regarding the consignee, if these vehicles go out of state, are they required to have a smog test before they leave the state? If that is the case, what would be the point? If they are going out of state, does it really matter if they have a smog test?

Glenn Smith:

If they go out of state, it is not required on our end. We cannot regulate vehicles that are sold out of state.

Assemblyman Carrillo:

If you do not know if they are going to go out of state or not, are you going to make sure all of them get a smog test, no matter what vehicle gets sold through a consignee?

Glenn Smith:

I believe this regulation came about two years ago from Barrett-Jackson Auction Company, LLC. They introduced it in reference to their auctions specifically for Hot August Nights. The purpose was to not hold the auctioneer liable for providing emissions tests for those vehicles that are auctioned. This takes away the burden to the auction company of having to provide an emissions test or assuring that the vehicle will pass an emissions test.

Ted Imfeld:

I think I understand what your question is. If a dealer is not sure who you are going to sell the vehicle to, would you smog every vehicle?

Assemblyman Carrillo:

Yes. If there is an auction and the vehicles end up leaving the state of Nevada, what would be the point of having those vehicles smog checked?

Ted Imfeld:

If you were doing an auction and you wanted to be able to sell to everyone present, I would say you would have to smog every one of those vehicles. If you were limiting who could purchase that vehicle to someone who was out of state because it does not pass smog, that would probably be a business decision for whoever is doing the auction.

Assemblyman Carrillo:

The amendment on section 14, section 2(a)(2)(b)(1) ([Exhibit E](#)) states, "Has a body manufactured after..." and you changed it from 1968 to 1967. What is the point?

Glenn Smith:

Currently model year 1968 and newer requires an emissions test. If a vehicle is a replica vehicle, it can obtain a smog exemption. In the original regulation it excluded 1968 and began at 1969 and newer. If you have a replica vehicle that is 1968, it falls into a slot where it is still required to be smog checked. The intent of this law, which originated in the 2007 Session, was to exempt any replica vehicles that would have normally been required to have been smog checked as a replica vehicle. The way the language was originally written, 1968 fell through the cracks. Let me add that 1967 and older vehicles are already exempt.

Assemblyman Carrillo:

I understood anything 1968 and newer required a smog check. Is it now 1967 and newer? Is that what is going to be changed?

Glenn Smith:

Currently the way the law reads it includes 1969 and newer. We want it to read 1968 and newer.

Assemblywoman Carlton:

This bill is meant to be a consumer protection bill, so people will get a car that can actually pass the emissions test. I think the unintended consequence may be that it may undo the provisions that were put in place for Barrett-Jackson and other auctions. The auctions are a great economic driver for southern Nevada; they save us the week they are there because there are a lot of people who come to town for it. I do not think you intended to impact those auctions, but we may need to ask the Legal Division exactly how those two will play together. The last thing I want to do is lose that auction up here and in southern Nevada because we are trying to protect the consumers on the other side. There has got to be a balancing act here; we want to do both but we just do not know how. Madam Chair, if Mr. Penrose is prepared, that is fine; if not, he can get back to me.

Jim Penrose, Committee Counsel:

I would like to ask a question of the witnesses. For a company like Barrett-Jackson, is it licensed by the Department? Does it fall into any of the categories that are identified in the bill?

Dan Musgrove, representing Barrett-Jackson Auction Company, LLC:

The unintended consequence of our original legislation last session was that dealers who actually own their inventories were trying to use the consignment auction to avoid getting smog checks for their vehicles. The Department of Motor Vehicles (DMV) is trying to make sure the consumer is protected. If a used car dealer is selling a vehicle, no matter where buyers live, they should have the opportunity to know that the vehicle they are purchasing at least passed the Nevada emissions test. This cleanup legislation does not affect us negatively whatsoever. We are still operating as the go-between. We do not own the vehicles. We are just simply acting as the consignment auctioneer. I hope that clarifies things for you.

Assemblyman Hansen:

Why the limitation of only two per year at auctions? Is there some reason for that in the bill?

Donnie Perry:

The amendment fixes that.

Chair Titus:

Are there any further questions? Is there anyone in the audience that would like to testify in favor of this bill?

Dan Musgrove:

Barrett-Jackson loves being in Nevada. Barrett-Jackson does two auctions a year in Nevada. We had 70,000 people come to our Las Vegas auction and 40,000 people come to our Reno auction. We sold over \$10 million worth of cars in those two auctions last year. That was a net benefit to the state in terms of sales tax of over \$300,000. In addition, Dodge donated a unique Dodge Challenger Hellcat to the auction. It was serial number 1 and it sold for \$800,000. All of those proceeds were given to Opportunity Village and then a private donor matched the amount. They got \$1.6 million from the sale of that car. That is the kind of commitment Barrett-Jackson has to the state of Nevada, and we thank the Department of Motor Vehicles for working with us.

Assemblyman Oscarson:

I think my colleague Assemblyman Ellison might have bought that car, but I am not sure. I know Ritchie Brothers in my district has a big auction yard. Will they be affected by this legislation because they have quarterly auctions? Will there be any unintended consequences for them?

Donnie Perry:

It is my understanding there is no change or consequences to that based upon this amendment.

Chair Titus:

Is there any further testimony in favor of this bill? [There was none.] Is there any testimony in opposition to this bill? [There was none.] Are there any neutral comments?

George Ross, representing Copart, Incorporated:

I may have originally signed in as opposed, but that was a result of the way things had to be last year, and I apologize. We are actually neutral on the bill, especially now with the amendment from the DMV to remove the requirement for only two auctions a year. We thank the DMV very much for working with us last session to amend the bill that Barrett-Jackson brought.

Copart, Inc. runs a worldwide, 24-hour-a-day, thousands-of-cars auto auction that sells almost entirely salvaged vehicles. It is big business, and it is fascinating to visit and watch. I went there and looked at a screen, and they had a guy from Columbia bidding against a guy from Italy for a car somewhere in the United States. It was pretty fascinating and amazing to watch it progress. That particular amendment and this bill keeps us in business; otherwise, we could not operate in Nevada.

Robert Ostrovsky, representing Manheim Nevada:

When you take Interstate 15 north from Las Vegas and you see the speedway on the right, those thousands of cars you see parked on the left is Manheim Auto Auctions, the nationwide and worldwide auction company. We move over 50,000 vehicles a year just in the Las Vegas location. We run a consignment auction every day just as Copart, Inc. does. We have a live auctioneer and an online auction going on simultaneously for the same vehicles. We were concerned about the limitations of two consignment auctions a year. It is our understanding that with the amendment proposed by the DMV, we could now continue our business. We do dealer-to-dealer sales. They are either dealers leasing company cars or manufacturer-owned cars. We do not sell any retail vehicles. A person cannot come and buy a car and drive it off. We only sell dealer-to-dealer, and the dealer who buys it retails that car either on a used car lot or it gets shipped overseas. Wherever the car goes, that is the point at which any smog rules would apply for the jurisdiction in which the vehicle was being sold. As long as a smog check is required at the point of sale as a retail sale, we are fine with the bill. We are neutral and we understand what the DMV is trying to do. We are not opposed to their objective; we do not want to be swept in.

Scott Leedom, Senior Management Analyst, Las Vegas Valley Water District and Southern Nevada Water Authority:

The Las Vegas Valley Water District maintains a large fleet that depends upon these consignment auctions to get rid of the vehicles that have reached the end of their life cycle. We were concerned about the provisions limiting the auctions to twice a year. We wanted to get on the record in support of the amendment. We support the bill as long as the amendment is included that takes out the provision limiting the auctions to twice a year.

Brian O'Callaghan, Government Liaison, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

We are also a large fleet operator. This would have put us in a bind for up to \$250,000, and I want to thank Mr. Perry for helping us work on this amendment.

John Fudenberg, Assistant Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County, Nevada:

I agree with the last two testimonies.

Chair Titus:

Are there any further comments? [There were none.] We will now close the hearing on Assembly Bill 37 with the amendment. We are now going to open up a work session on Assembly Joint Resolution 3.

Assembly Joint Resolution 3: Urges Congress to facilitate the payment of contractors who completed hazardous fuels treatment projects in the Lake Tahoe Basin pursuant to contracts with the Nevada Fire Safe Council. (BDR R-431)

Susan E. Scholley, Committee Policy Analyst:

You have before you a work session document for Assembly Joint Resolution 3 heard in this Committee on February 10 ([Exhibit F](#)). It is also posted on the Nevada Electronic Legislative Information System (NELIS). This bill was submitted on behalf of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System. This resolution urges the United States Congress to facilitate the payment of contractors who completed work on fuel treatment projects in the Lake Tahoe Basin in connection with contracts with the Nevada Fire Safe Council. No amendments were proposed at the hearing, and there was no testimony in opposition.

Chair Titus:

I will entertain a motion to do pass Assembly Joint Resolution 3.

ASSEMBLYMAN OSCARSON MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 3.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Chair Titus:

Any discussion?

Assemblyman Ellison:

Assemblywoman Carlton brought up an idea about putting this into the Assembly Committee on Ways and Means and perhaps getting this money sooner.

Assemblywoman Carlton:

I hate to see these contractors have to wait and fight with the federal government. Municipalities have ways of absorbing some of these costs, but I hate to see the contractors who did the work in good faith left holding the bag. I mentioned to Assemblyman Ellison that perhaps someone should speak to the Governor regarding this situation. I support the bill but hate to see these guys have to wait for the federal government.

Assemblyman Oscarson:

I would like to say I agree with that, and I know the burden it is putting on some of these other entities. I support it as it is but just wish the wording could be stronger.

Assemblyman Edwards:

How much money is involved in the contracts that are not paid?

Assemblyman Michael C. Sprinkle, Assembly District No. 30:

As you heard in the testimony, it is roughly \$2.7 to \$3 million. There is over \$1 million still owed to these specific contractors.

Chair Titus:

Have you approached the state about the suggestion presented by Assemblywoman Carlton?

Assemblyman Sprinkle:

The intent of the Interim Committee was more along the lines of trying to free up the money that had been allocated. One of the things that I did not get on the record during initial testimony is that it has been confirmed for me through some of our congressional delegation that the money that is owed still exists down to the penny; it is just tied up. The intent of this resolution is to apply more pressure from the entire state of Nevada to get those monies released through the bankruptcy court. The short answer to your question is that we have not approached the state. We would not be opposed to that; I would certainly love to see these guys get the money that is owed to them. The intent of the committee was to put pressure on our congressional delegation.

Chair Titus:

Does this resolution limit us from approaching the state? My feeling is that we can get this rolling through the federal level and still approach the state.

Assemblyman Sprinkle:

I would probably encourage that.

Chair Titus:

I just wanted to make that clear that our passing this does not limit alternatives.

Assemblyman Edwards:

You said that the money has already been appropriated but has not been disbursed. Do you know exactly where this is still sitting? Is there a particular agency or division of the agency?

Assemblyman Sprinkle:

Yes, without going into great detail there were three different grants that were involved both through the U.S. Forest Service, U.S. Department of Agriculture, and the Bureau of Land Management (BLM), U.S. Department of the Interior. Some of those monies got mixed up, and then they got tied up in the bankruptcy court. The holdup is because of the bankruptcy court and where the U.S. Department of Justice sits with all of this in trying to get some of that money back. This is a very, very, short answer to your question. The money itself down to the penny is still accounted for, and if we could get those funds released, the contractors who have done that work will get paid.

Chair Titus:

Are there any other comments? [There were none.] With that I will take a vote.

THE MOTION PASSED UNANIMOUSLY.

Are there any public comments at this time? [There were none.] This meeting is adjourned [at 2:20 p.m.].

[[Exhibit G](#) was presented but not discussed, and it is included as an exhibit for the meeting.]

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Committee Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

EXHIBITS

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

Date: February 12, 2015

Time of Meeting: 1 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Tony Wasley, Department of Wildlife	Overview
A.B. 37	D	Donnie Perry, Department of Motor Vehicles	Testimony
A.B. 37	E	Donnie Perry, Department of Motor Vehicles	Amendment
AJR. 3	F	Susan E. Scholley, Committee Policy Analyst	Work Session Document
	G	Tony Wasley, Department of Wildlife	2013-2014 Biennial Report