

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

**Seventy-Ninth Session
May 25, 2017**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 5:42 p.m. on Thursday, May 25, 2017, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 121 of the High Tech Center, Great Basin College, 1500 College Parkway, Elko, 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 at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Lesley E. Cohen, Vice Chair
Assemblyman Chris Brooks
Assemblywoman Maggie Carlton
Assemblyman John Ellison
Assemblywoman Lisa Krasner
Assemblywoman Robin L. Titus
Assemblyman Justin Watkins
Assemblyman Jim Wheeler
Assemblyman Steve Yeager

COMMITTEE MEMBERS ABSENT:

Assemblywoman Sandra Jauregui (excused)

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senate District No. 2

STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Nancy Davis, Committee Secretary
Cheryl Williams, Committee Assistant

Minutes ID: 1242



OTHERS PRESENT:

Charlie Donohue, Administrator and State Land Registrar, Division of State Lands,
State Department of Conservation and Natural Resources
Jason King, P.E., State Engineer and Administrator, Office of the State Engineer,
Division of Water Resources, State Department of Conservation and Natural
Resources
Larry Johnson, President, Coalition for Nevada's Wildlife, Incorporated
Kyle J. Davis, representing Coalition for Nevada's Wildlife, Incorporated
Rex Flowers, Director, Coalition for Nevada's Wildlife, Incorporated
Willie Molini, President, Nevada Waterfowl Association; and Director, Coalition for
Nevada's Wildlife, Incorporated
Jeremy Drew, Commissioner, Board of Wildlife Commissioners, Nevada Department
of Wildlife
John Sande, IV, representing Nevada Bighorns Unlimited
Tony Wasley, Director, Nevada Department of Wildlife

Chair Swank:

[Roll was called and standard rules of the Committee were reviewed.] We are going to start with Senate Bill 512 (2nd Reprint).

Senate Bill 512 (2nd Reprint): Revises provisions relating to fees for the use of certain state lands. (BDR 26-906)

**Charlie Donohue, Administrator and State Land Registrar, Division of State Lands,
State Department of Conservation and Natural Resources:**

Senate Bill 512 (2nd Reprint) is an agency-generated bill that is focused on establishing the State Lands' fee structure through regulation. The current statutory fee structure for the use of state land was put in place in 1993 and has not been reviewed since 1995. The bill provides for current fees to remain in place until the regulation development process, including approval by the Legislative Commission, has been completed.

Moving specific fees from statute and developing them through the regulation works well when changes or a review of regulation is needed. The regulation process is very transparent, provides for public input, and as mentioned, includes legislative evaluation and approval.

Section 4 of the bill is unique in that it directs the State Land Registrar to use the revenue generated from the collection of navigable water permit fees, in excess of the current annual average revenue of \$65,000, to carry out programs to preserve, protect, restore, and enhance the natural environment of the Lake Tahoe Basin. [Written testimony was also provided ([Exhibit C](#)).]

Assemblywoman Titus:

Do any of these fees revert back to the General Fund?

Charlie Donahue:

By statute, all of these fees go to the General Fund or the Permanent School Fund if the fees are collected on school trust properties. The \$65,000 that is in the bill is currently revenue that was collected and deposited into the General Fund in fiscal year 2016. This bill would maintain and keep the General Fund whole, as of today.

Assemblywoman Krasner:

Why does the bill have a two-thirds majority vote notation?

Charlie Donahue:

That is the way the bill came out. I would refer to staff counsel as to why they determined it needed two-thirds majority vote.

Randy Stephenson, Committee Counsel:

In this bill, the fees set in statute are being repealed, and the authority to set those fees is being conferred upon the State Land Registrar. The idea is that the fees can exceed the current amount or can be less than the current amount. The assumption would be that if they exceed the current amount, which would be generating public revenue, that would require a majority vote.

Chair Swank:

Is there anyone here to speak in support of S.B. 512 (R2)? [There was no one.] Is there anyone here to speak in opposition? [There was no one.] Is there anyone in neutral? [There was no one.] I will close the hearing on S.B. 512 (R2). I will entertain a motion to do pass.

ASSEMBLYMAN YEAGER MADE A MOTION TO DO PASS
SENATE BILL 512 (2ND REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION FAILED. (ASSEMBLYMEN ELLISON, KRASNER,
TITUS, AND WHEELER VOTED NO. ASSEMBLYMEN JAUREGUI
AND WATKINS WERE ABSENT FOR THE VOTE.)

We will now move to Senate Bill 514 (1st Reprint).

Senate Bill 514 (1st Reprint): Revises provisions governing the Division of Water Resources of the State Department of Conservation and Natural Resources. (BDR 48-903)

**Jason King, P.E., State Engineer and Administrator, Office of the State Engineer,
Division of Water Resources, State Department of Conservation and Natural
Resources:**

Senate Bill 514 (1st Reprint) is a bill our office introduced, and we thank you for the opportunity to provide testimony in support as amended.

Senate Bill 514 (1st Reprint) addresses two administrative areas within the Division of Water Resources. Those two are simple and straightforward and include a revenue-neutral refinement of funding methodology for the agency and recognition in statute of the agency's ongoing needs related to the operation and maintenance of the South Fork Reservoir and Dam.

Section 2, subsection 3, and section 3, subsection 3, are simple changes being made in regard to the disposition of fees collected by the agency. Historically, the fees collected by the agency were deposited directly into the State General Fund. Then three biennia ago, a methodology was introduced that had the Division retain the fees and receive a lower General Fund appropriation. Since that time, it has been determined that the new methodology is not the most efficient and effective way to handle funding for the Division. My office, the Department of Conservation and Natural Resources Director's Office, and both Legislative Counsel Bureau fiscal staff and the Governor's Finance Office concur on this. What is before you is a cleanup in statute to return our agency to a method that worked for decades—that is, the deposit of any fees collected into the State General Fund.

As to sections 3.3 and 3.7, I would note for the record that during consideration of the original bill in the Senate Finance Committee, the fiscal analyst determined there was a better way to handle recognition in statute of the ongoing needs our agency has related to maintenance of the high-hazard South Fork Dam. By way of background, the Division of Water Resources, Department of Conservation and Natural Resources, is responsible for the operation and maintenance of the South Fork Reservoir located about 20 miles south of Elko. South Fork was completed in 1988 and turned over to the Division to maintain and operate beginning in 1989. The reservoir is operated as an inflow/outflow facility in order to serve downstream decreed water rights and also serves as a recreation area.

The Division receives a General Fund appropriation for the ongoing maintenance and operation of the facility and leverages these funds with a grant from the U.S. Fish and Wildlife Service through the Department of Wildlife to complete major projects, such as replacing the hydraulic cylinders that open and close the outlet valves, relining the 320 feet of discharge conduits, repairs to the spillway gate, and more.

The problem sections 3.3 and 3.7 of this bill address is, as with most aging facilities such as South Fork Dam, which is nearly 30 years old, the need increases for completion of large projects that can take multiple years to plan for and complete.

With the size and complexity of the current list of projects, it takes longer to develop a scope of work, gather qualification statements, evaluate and select a contractor. In addition, projects at South Fork are a challenge because of the dam's geographic location, winter weather conditions, and the potential impacts to recreation activities. All of these factors impact when work can be done. Additionally, if a planned project calls for underwater work, which many projects do, the best time to perform such projects is in late summer or early fall when the water level is at its lowest and danger of extreme runoff has passed. Many times this calls for planning and construction to overlap fiscal years. Having the ability to use funds approved as part of the Division's executive budget past a single fiscal year is essential to proper maintenance of this dam and mitigation of safety risks.

Section 3.3 of the bill allows fiscal year 2017 funding appropriated for South Fork Dam to be carried forward until June 30, 2019 without reversion.

Section 3.7 of the bill provides for an appropriation of funds to cover estimated costs for operation and maintenance of the South Fork Dam over the next biennium with the balance of any funds reverting after September 17, 2021. [Written testimony was also provided ([Exhibit D](#)).]

Assemblyman Ellison:

When the South Fork Reservoir was built, it used room tax and state money. I was always under the impression that the money from the Department of Wildlife for the permits and parking fees was being used to pay for maintenance of the dam. From what I am seeing here, that does not appear to be the case.

Jason King:

I cannot remember a time that those fees actually went to the operation and maintenance. I could be wrong. I just know that our agency has always received an operation and maintenance appropriation for the dam. I do not know if those fees are going to the state park area and uses there.

Assemblyman Ellison:

I could be wrong. What repairs are being proposed?

Jason King:

There are some very major projects being contemplated. In fact, late this fall, we are hoping to plug the intake to the outlets. That means we need to put a crane out into the water on top of a big concrete tower. Two concrete plugs have to be lifted up, turned 45 degrees or 90 degrees, and then dropped into the top of the intake tower, which completely shuts off the outlets and any water to it, so we can get inside the outlets and intake structure where the hydraulic cylinders are to do a full inspection. This is the first time it has ever been done since it was built. As you can imagine, if you are going to plug the intake to the outlets, you do not want to do that at a time when there is a lot of water coming in because you might

need those outlets to release water so the reservoir does not go over the top. That is why we like to do this type of work in the fall. That is an example of one project that we have; we will probably start it in September of this year.

In the last two years, we did a lot of maintenance on the spillway gate—a 13-foot high steel gate. Over time, the seals start to leak, and there is leakage through the spillway. It is not like you can go to Elko and ask a contractor to do this work. We have to bring in divers from the Bay Area to do this type of work.

Assemblyman Ellison:

Before they built this dam, we had to cross the creek to get over to where we were moving cows. It was quite interesting to see how they built the dam and the spillway to get over to the other side.

Assemblywoman Titus:

I certainly appreciate your breadth of knowledge of water issues. I need some clarification on the bill. All the different fees that are listed are not changing, correct? You are not lowering or increasing fees, you are just putting them into a different fund, the State General Fund, is that correct?

Jason King:

That is correct.

Chair Swank:

I will move to hear those in support of S.B. 514 (R1). [There was no one.] Is there any opposition? [There was no one.] Is there anyone neutral? [There was no one.] I will close the hearing. I will take a motion to do pass.

ASSEMBLYWOMAN TITUS MADE A MOTION TO DO PASS
SENATE BILL 514 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMAN JAUREGUI WAS
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Ellison. I will now open the hearing on Senate Bill 221 (2nd Reprint).

Senate Bill 221 (2nd Reprint): Revises provisions governing wildlife. (BDR 45-814)

Senator Moises (Mo) Denis, Senate District No. 2:

Nevada has an incredible story to tell about our wildlife. As the driest state in the nation, quality wildlife habitat is hard to come by. In fact, many of the popular big game species of today would have been on the endangered species list 100 years ago. It is through the efforts

of sportsmen and sportswomen working in conservation organizations in partnership with the Department of Wildlife (NDOW) that we have brought many of our native species back from the brink of extinction. This is the cornerstone of the North American Model of Wildlife Conservation, where the wildlife of our country belong to all of the people and are managed to ensure healthy populations.

Today, I bring you Senate Bill 221 (2nd Reprint), which will create the Nevada Wildlife Public Education Committee of the Board of Wildlife Commissioners. We worked extensively with the Senate Committee on Natural Resources to address issues that came up during the initial hearing, and as a result, I think you have a stronger bill in front of you today.

As amended, the bill creates a committee of the State Board of Wildlife Commissioners, which will develop a media-based education program to educate, promote, and engage the residents of the state concerning the responsible stewardship of wildlife in the state. The membership of this committee was the subject of a lot of discussion in the Senate, and as a result, we have made changes to create a position for the "wildlife watcher," which is defined in the bill. The committee now consists of three members who have held a hunting or fishing license in at least three of the last five years, one member of the Wildlife Commission, one member to represent businesses affected by wildlife recreational activities, one member with media expertise, and one wildlife watcher.

Parameters for the content of this educational program are outlined in section 5, the most significant being the focus on the North American Model for Wildlife Conservation, which is defined in subsection 4 of section 5.

The funding for this program comes from the existing Wildlife Heritage Account, which is largely funded by the sale of a small amount of specialty big game tags in partnership with wildlife conservation organizations. Details on the funding of the program are outlined in section 9, and this funding will not exceed \$2 million over the four-year life of the program. If the program is successful, alternative funding methods will have to be devised.

Essentially, this bill is necessary to help more Nevadans gain a deeper understanding of how our wildlife species are managed; how we pay for it; and the importance of these activities to ensure healthy wildlife populations for future generations.

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

While we authored the original version of this bill, we met with sportsmen groups statewide. We have a wide-based support. I have been involved in negotiating amendments to this bill, as Senator Denis mentioned. The need is what I would like to address. We strongly feel that a knowledgeable, educated, and informed public is one that will develop appreciation for our wildlife resources. Nevada has such an incredible story to tell in the history of our wildlife. Many of our species have been brought back from the brink of extinction. In fact, the California bighorn sheep, the Rocky Mountain bighorn sheep, the black bear, and the Rocky Mountain elk were completely extirpated from the state during settlement. It has

only been the past approximately 40 years that the Department of Wildlife, following the North American Model of Wildlife Conservation management, in partnership with sportsmen and quite frankly, in partnership with ranching and agriculture, have been able to make the tremendous strides that we have.

We now have more bighorn sheep than any state other than Alaska. We have more elk and antelope than any time in recorded history. We have black bear expanding in populations and spreading across the state. We think that an educated and informed public not only appreciates the beauty of nature and wildlife, but is also able to make informed decisions, land use decisions, on issues regarding wildlife management when confronted with claims that, for example, black bears and mountain lions are facing extinction. In actuality, black bears are doing just fine and expanding. We probably have more mountain lions in this state than any time in recorded history. Again, it comes back to our love for our wildlife resources and the efforts we have put into it, and the fact that an informed public, we believe, will support these efforts.

Kyle J. Davis, representing Coalition for Nevada's Wildlife, Incorporated:

I want to thank Senator Denis for sponsoring this bill. Many of the points that were made about what the bill does and the need for the bill have certainly been made by Senator Denis and Mr. Johnson. The only point I would like to put on the record is the process in terms of working with this bill. We have had a lot of time to work with a number of the Senators as part of the Senate Committee on Natural Resources as well as a number of the stakeholders, the Department of Wildlife, various organizations, and people who had concerns with the bill when we first brought it forward. I am proud to say we have been able to address many of those concerns and have put together a fairly comprehensive program that is envisioned in this bill. This bill would do an effective job of telling the story of Nevada's wildlife to the general public.

Speaking for myself, as someone who has been doing this kind of work and has been involved in these types of issues, I did not have a ton of experience before diving into this. Even though I grew up in a rural area of Nevada, I did not know the history of our wildlife resources. It has taken a lot of effort and work by the Department of Wildlife in partnership with nonprofit organizations to get us to where we are today, and the importance of maintaining partnership cannot be understated so that we can continue to have healthy wildlife populations. That is not something that I was aware of when I started getting involved in these issues. I think that it would be beneficial for all Nevadans to understand the wildlife resources that we have in our state, the benefit of the management programs that we have with the Department of Wildlife, and the experience they can have by getting out in Nevada.

Assemblywoman Cohen:

Section 3 discusses the appointment of the members by the chair. How are you going to keep those appointments equal and fair with the chair doing all of the appointing?

Kyle Davis:

The original version of this bill would have created a separate council. This is now a committee within the Board of Wildlife Commissioners. To that point, it is envisioned to operate similarly to the way the Board of Wildlife Commissioners sets up other committees. They currently have committees having to do with tag allocation, predator management, and ad hoc committees dealing with other issues. It is envisioned to work the same way, where the chair would make these appointments. One of the members would be a member of the Board of Wildlife Commissioners. The governing guidance in terms of who would make up the committee is outlined in section 3: there would be the three residents, appointed pursuant to subsection 10 of *Nevada Revised Statutes* (NRS) 501.181; a resident who represents small businesses; a media or marketing expert; and a wildlife watcher. In terms of who is appointed to fill those seats, that is done at the preference of the Chair of the Board of Wildlife Commissioners.

Assemblywoman Cohen:

Is that why you would not need those positions to be staggered because they are already existing members? It seems that everyone is appointed at the same time, so there might be an issue of everyone coming off the committee at the same time.

Randy Stephenson, Committee Counsel:

The staggering provisions are in section 11. It is set up for staggering for two-, three-, and four-year terms for members of the committee that is created by the bill.

Assemblywoman Cohen:

Section 8, subsection 10 refers to a list of candidates. Will you talk about who the candidates are going to be and what their qualifications need to be?

Kyle Davis:

The main point to keep in mind in section 8, subsection 10, is that these qualifications only apply to the three residents that are specified in section 3, subsection 1, paragraph (b). Those three residents are selected from the list of candidates in section 8, subsection 10. The idea there is that these would be individuals who have held a hunting, fishing, or trapping license for at least three of the immediately preceding five years and have been a resident of the state for the preceding five years. The commission would maintain a list of candidates that would be qualified under those criteria. That applies only to those three positions of the seven-member board.

Assemblywoman Titus:

In section 5, it seems that the purpose of this committee would be to "Develop and carry out, in collaboration with a marketing or advertising agency, an effective and comprehensive media-based public information program to educate" I was under the impression that we have given a significant amount of money to NDOW for marketing and advertising. I am wondering if this is a duplication of the monies that we have given NDOW for this very purpose. Do we need a committee to do this? Can NDOW not do what we have already given them the money to do?

Larry Johnson:

I spoke to the need for the program. Quite frankly, it comes back to the point that approximately 5 percent of the population of Nevada hunts and fishes. We probably have 1 or 2 percent of the population of Nevada that is opposed to hunting, in particular. That leaves us with 93 percent of the population of Nevada that does not care or is not involved in wildlife programs. The need for this program is to reach that 93 percent of the population of Nevada. That is not being done and has never been done.

In states where this program has been initiated, we have an informed and educated public that has, therefore, supported outdoor sports and has repeatedly refused to pass voter referendums that are supposedly well-intended, but pass poor wildlife management concepts. The need for this is actually nationwide. The Department and their education programs simply do not have this amount of money. They do not have outside professional public relations people doing polling to determine what message would connect with Nevada voters. They do not have the expertise to develop public relations programs that resound with the public.

Assemblywoman Titus:

So this committee would select the appropriate marketing firm that would get your message across.

Senator Denis:

In addition, one of the members of the subcommittee also has marketing experience.

Assemblywoman Titus:

In section 5, subsection 4(b), you are using the North American Model of Wildlife Conservation. Am I reading that part of that model is the elimination of markets for game mammals?

Larry Johnson:

That is correct in that one of the early tenets of the North American Model of Wildlife Conservation was to eliminate market hunting. Market hunting resulted in the extinction of the passenger pigeon, the American bison, and a number of other game animals throughout history. It is the intent, and that is one of their tenets, to eliminate market hunting.

Assemblywoman Titus:

We heard this bill last session, and you are quite aware that I have big concerns of moving funds. The Wildlife Heritage Fund was not intended for this reason. We heard the bill and there was some significant opposition. I had committed to you that if we had statewide support for this, that I would support it. I received a letter of opposition today, once again, from the folks from southern Nevada. The letter is from the attorney for the Fraternity of the Desert Bighorn. I have grave concerns that, again, they are opposed to this bill. Are you aware of that?

Larry Johnson:

We have made every attempt to not only reach out to sportsmen groups statewide, and have received, I thought, unanimous support for this bill. One of our directors, who actually authored the original concept, Mike Bertoldi, and Director Wasley of NDOW flew to Las Vegas and made a personal presentation to the Board of the Fraternity of Desert Bighorn. Following that, Mr. Bertoldi and I met personally with one of their senior directors, who had several points of concern to the original bill, before it was submitted to Legislative Counsel Bureau. Every one of their concerns was placed and addressed firmly in our language and they are still in place in this bill. We were promised at that time that they would not oppose the bill if those concerns were addressed. We have not been contacted, nor have we been copied with any letter of opposition. We feel we have fulfilled our responsibilities and diligence in this manner.

Furthermore, I would like to point out that the Fraternity of the Desert Bighorn takes money from this fund every year. They apply for funding from this fund every year. I am a 30-year director and twice-past president of Nevada Bighorns Unlimited. We are and have been the largest funders of this program. We have never asked for a dime of it. We have put millions of dollars into this fund. We have actually put more money into this fund than is being asked for.

Kyle Davis:

I would point out, section 9, subsection 6, is the language that Mr. Johnson is referring to that was requested by the Fraternity of the Desert Bighorn that allows for the use of some of these funds for catastrophic events. That was in response to concerns that we heard.

Chair Swank:

I am going to take issue with the idea that 93 percent of the population of this state does not care about wildlife or is not involved because we are not hunters. I think that excluding people who are nonconsumptive users is an ongoing problem in this state. We also have a lot invested. I do appreciate that there is inclusion of someone who watches wildlife. I am a little concerned that there is no requirement for someone who is also a sportsman or sportswoman who also watches wildlife. I would like some kind of requirement in there that states this is a nonconsumptive user. Mr. Johnson, I do take exception with you saying that. We are all concerned about Nevada's wildlife in this Committee.

Assemblyman Wheeler:

What is one resident of this state who actively engages in watching or observing the wildlife? Is that a bird watcher or someone who goes out on his back porch and watches bunnies? Is that a professional watcher?

Kyle Davis:

The reason we went with that language in terms of the wildlife watcher, and certainly, Madam Chair, we would be happy to add further clarification to that, but that is a definition that comes out of the U.S. Fish and Wildlife survey. We tried to use an existing definition that was already used in a number of different places. If there needs to be further clarification, we would be open to that.

Chair Swank:

I feel that what this bill is trying to accomplish is to do greater public outreach for the opportunity to hunt and fish in Nevada. I think that is a beneficial project and a great idea. I am just wondering: we are spending a lot of money to create this committee, which allows for per diem and travel expenses. I appreciate that there is very limited reimbursement for the members, but it seems to me that it would be a lot less expensive to add to the 19 positions that are currently in NDOW's Conservation Education Division and add a public relations person to that. We are reallocating how this Wildlife Heritage Account is being spent, and this changes what this account has done in the past. Is it a better use of our dollars to simply hire a public relations person who can work within NDOW and do better promotion and round out that Conservation Education Division?

Senator Denis:

We had a bigger presentation with multimedia when we presented this on the Senate side. We are trying to save time today. However, I will tell you that in that presentation, we noted that this is being modelled after campaigns that have been done in Colorado and other places. The campaign, called "Hug a Hunter," is a marketing campaign that says hunters do not just go out there and hunt and not take care of things. The purpose is to say that hunters want to work with everyone, including those who hike. I do not go hunting, but I do go hiking and do other outdoor things. I think one of the things that drew me to this particular bill was that they want to try to work together with everyone that is using the outdoors. It is not so much about advertising that everyone needs to hunt, but that hunters really do care and want to help the different species to survive and thrive.

In the Senate presentation, we also included that the species are not just those that are hunted, but other species that also need to be protected. All of that would be part of this promotion. Also, this is a one-time usage of that money over a period of four years. This is a campaign that is basically going to run for four years; then if there is a need to further it, they will have to raise some funds to continue.

Chair Swank:

I am always very concerned about the composition of boards and commissions in this state. I have worked very hard over the last three sessions to try to ensure that these are fair and that there is a big push to make sure that people have to work together. I would say, one of my concerns here is that we have one member who is a member of the Board of Wildlife Commissioners, then three residents of the state who are appointed by the Commission. I would feel more comfortable if that was two residents of the state, so there was not a majority. I think making everyone work together is a better idea than having a majority.

Senator Denis:

We had these discussions on the Senate side also. I do wish to point out, however, that the committee itself, while it does have the three residents with specific requirements, the other members, which include the marketing person and others, are not required to be someone who is licensed to hunt. We are definitely open to having that discussion, but the marketing and business owners can be persons who are nonconsumptive individuals.

Chair Swank:

I appreciate that; I am concerned with section 3, subsection 1, paragraphs (a) and (b). For (b), NRS 501.181, subsection 10, which states recommendations of the Department, "... the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission," I think we are going to end up with a bit of a voting bloc, and I want to make sure these people will work together.

Assemblywoman Krasner:

Looking through this bill, it says that the money and the committee shall carry out this media-based public information program to educate, promote, and engage the residents of this state. Mr. Johnson said this is nationwide. Is this just to the residents of the state, or is it nationwide, trying to attract people from other states to come to Nevada?

Larry Johnson:

This is a Nevada program. It is modelled after Colorado and Michigan, which are also state-specific programs. Our wildlife resources are, quite frankly, envied throughout not only the nation, but across the world because of the accomplishments that have been made. While the program will be Nevada-specific and will air in television spots in Nevada, the social media is available internationally.

Chair Swank:

We will now hear those in support of S.B. 221 (R2).

Rex Flowers, Director, Coalition for Nevada's Wildlife, Incorporated:

I hope you would support this bill. It is important that everyone has the knowledge of what has gone on with Nevada's wildlife. It is a great story that needs to be shared. I do not feel that it is going to support hunting as a program, but it will engage the public in outdoor recreation.

Willie Molini, President, Nevada Waterfowl Association; and Director, Coalition for Nevada's Wildlife, Incorporated:

We certainly support this bill. I believe the future of wildlife management in this state is predicated on the knowledge of the citizens of Nevada of what the wildlife management program is. While I agree with your comments, Madam Chair, certainly in my 50 years of working with wildlife, most people like wildlife, and they are supportive of wildlife, but I think very few people understand the mechanisms that got us to where we are today with our wildlife. That is where hunters and fishermen, but especially hunters, stood up in the past and provided the funding to get wildlife management where it is today. Although I may

be biased because I worked for NDOW for 30 years, I think Nevada has one of the most exemplary programs of implementation of the North American Model for Wildlife in this country.

I would add, with only slight reluctance, that I am also president of the Great Basin Bird Observatory. We had a three-day conference in Reno last week, of primarily bird watchers; it is a group that I care about. I care about all wildlife, and I think most sportsmen do. This money was derived by hunters putting in extra fees and buying tags. I think it is appropriate, and I do believe that this program, with the amendments, would be very cost effective at really enhancing the knowledge of the residents of Nevada about wildlife management as a whole.

Jeremy Drew, Commissioner, Nevada Board of Wildlife Commissioners, Nevada Department of Wildlife:

The Commission is supportive of the concepts contained in S.B. 221 (R2) and extends our thanks to the sponsors. In regards to the Nevada Wildlife Public Education Committee, the Commission certainly sees the value in expanding wildlife awareness in a state that is now the third most urbanized in the country. Simply stated, we believe a large segment of Nevada's public does not know our state's wildlife conservation history or the value that it provides. Our hope is that, by increasing awareness, this will lead to increased engagement and advocacy for all wildlife, which dovetails well to state and national priorities such as the Blue Ribbon Panel that was discussed during the presentation of Senate Joint Resolution 13.

We also believe the committee's charge and the membership mix represents a good combination between traditional constituencies and an expanded target audience. In regard to the Wildlife Heritage Account, this account has been extremely successful and continues to grow with revenue increasing across all primary revenue sources. Those revenue sources include the sale of Wildlife Heritage tags, the sale of Partnership in Wildlife draw opportunities, and revenue from the relatively new Silver State tag program.

With the challenges we face in a time of low to nearly no interest, we support expanding the use of the account for expanding conservation education, more on-the-ground projects, and emergency use, particularly given the current wildlife outlook that we have coming up this summer. We believe the expanded ability to utilize these funds is well-balanced with the appropriate safeguards for the account included in this bill.

Assemblywoman Titus:

Have you reached out to any members of the public, specifically sportsmen who have paid these fees? Are they supportive of using these fees not just for the rehabilitation, water guzzlers, and some of the costs of putting the wildlife back out there?

Jeremy Drew:

We had multiple legislative committee meetings where we have discussed S.B. 221 (R2). We have had at least two separate Wildlife Commission meetings that have been publicly noticed. Our information goes out to the county advisory boards and the interested public. The folks who have come to our meetings have expressed support for this. Our Commission, I believe, was unanimous in their support the last time we reviewed this bill. There has not been much opposition coming forward in terms of diversifying how we use these funds. We have not gone out and done a survey or advocated for marketing.

Assemblywoman Titus:

Is there no component of the Commission itself that has any marketing or public relations? Has that ever been an arm of the Wildlife Commission?

Jeremy Drew:

No. I think that was the concept in terms of the folks who developed this bill. That is not necessarily a bailiwick of the Commission. It was originally envisioned as a separate council, and it morphed into a committee under the Commission. I think what you see before you is consistent with how our committees run in terms of the chairman designating the members of the committee.

John Sande, IV, representing Nevada Bighorns Unlimited:

As a lifelong Nevadan, I have experienced firsthand the beauty of our state. I think this is a wonderful concept to expose those who may not otherwise have the opportunities to experience and learn about the wonders of our wildlife and the opportunities that they have before them. On behalf of Nevada Bighorns Unlimited, to Assemblywoman Titus' question, I believe our organization is one of the larger contributors to the Wildlife Heritage Fund. We would like to voice our support for this measure.

Chair Swank:

Is there anyone else in support? [There was no one.] Is there anyone here in opposition? [There was no one.] Is there anyone in neutral?

Tony Wasley, Director, Nevada Department of Wildlife:

I would like to do two things. I would like to expound on the notion of the national challenge that you heard earlier and Assemblywoman Krasner questioned. I would like to speak to the national crisis of relevancy that exists in the conservation community and to underscore the need for education and outreach. I apologize to Committee members who have heard these numbers before; we have the statutory responsibility of managing 895 different species. We do that by generating revenue from less than 2 percent of our citizenry and approximately 8 percent of our species to fulfill that statutory charge.

As conservation becomes less relevant to people in society, the challenges to fulfill that statutory mission of managing 895 species becomes more and more difficult. I would not suggest that there are approximately 95 percent that do not care or do not know, but there certainly is a similar percent that do not pay. Part of the reason they do not pay is because they do not connect with wildlife in that way. This is an effort to establish that connection. I just wanted to expound a little bit on that need and the broader national urgency of the crisis of relevancy in conservation.

The second thing I would like to share is, in section 6, subsection 1, there is a reference to the State General Fund. I am not sure that is consistent with how the Department used the movement of money and the funding. If it is, my apologies to Legislative Counsel Bureau and the bill's sponsor. It is my understanding that the Department would be allowed to use up to 20 percent of money transferred, but that money would need to be in an executive account, preferably in our Conservation Education Division. I do not know if the State General Fund is inclusive of those executive accounts or if it would be a separate account. I did want to bring that to the Committee's attention.

Also, section 6, subsection 4(a), says, "... must not exceed 20 percent of the annual expenditures It was the Department's hope that if there was a reference to 20 percent, it would be to not exceed 20 percent of the total amount expended. One of the challenges is if the Department were to use this money to staff the committee and the committee's determination was that in year one it was more about polling, and year two was more about outreach and education, there could be large annual fluctuations in the amount of money spent as it is written here. The Department would see large rises and falls of what that 20 percent represents.

Aside from those two concerns from the Department, I do not see any other problems.

Chair Swank:

I am thinking about the interest in conservation in Nevada. As I understand it, ecotourism in Nevada is a \$1 billion industry. Do you know those numbers?

Tony Wasley:

I do not know those numbers off the top of my head. Some earlier testimony made reference to the source of the definition for a wildlife watcher that came from the National Participation Survey, which is a survey conducted every five years by the U.S. Fish and Wildlife Service. I believe the report is from 2016, and the numbers in that report certainly show that ecotourism is a sizeable contributor to the state's economy.

Chair Swank:

So it could be that there are a lot of folks who already know quite a bit about Nevada's wonderful resources.

Assemblywoman Titus:

You mentioned that NDOW already has a Conservation Education Division. What does that Division do?

Tony Wasley:

The Conservation Education Division is one of seven divisions in the Department. It has either the smallest or second-smallest budget in the Department: just over \$2.1 million annually. The primary responsibility of the Conservation Education Division is to conduct hunter education courses. They also perform the wildlife education programs: Trout in the Classroom is one. They interact with school-age children. They perform all of the hunter education certification that is a requirement for licensure. They also do angler education. We do have some engagement opportunities. We have taught some classes on wild game processing and cooking. We coordinate volunteers. The Division funds much of its activity through volunteers. The Department of Wildlife actually receives a greater financial contribution from the in-kind contribution of volunteers than we receive from the State General Fund. We have almost \$1 million annually from that. Much of that is done through the Conservation Education Division with volunteer educators and volunteer hunter education instructors.

Assemblywoman Titus:

With the concerns that were expressed and the reason for the bill, I share the concern and understand the importance of sharing the wealth of wonderful wildlife experiences that you can have in the state of Nevada. My favorite part of hunting is not shooting; it is observing. I think all people can enjoy that. Have you ever thought of using that Division instead of creating this whole other committee?

Tony Wasley:

Absolutely, that is where that program would exist, and we have a similar program that we are currently pursuing called Wild Harvest Initiative. What social science and human dimensions tell us is that when you are talking to someone about hunting, there are things that resonate with people better than other things. One of the things is that people hunt for food. Many of us have heard people say, Well at least you eat it. Second is the conservation dollars that are generated from those activities. It is ironic to some to think that it is the opportunity to pursue the killing that funds the conservation. Third is that it is regulated. We are pursuing a Wild Harvest Initiative campaign through that Conservation Education Division. However, we use volunteer hours and federal funds, which are very restrictive in how they can be used. The federal government is not providing funding to states to spend money on those kinds of education programs. We simply do not have those kinds of dollars. There are some efforts underway in Congress to modernize Pittman-Robertson Federal Aid in Wildlife Restoration Act that would allow us to spend those monies consistent with this type of program. It was introduced last Congress but did not have any progress. We will watch it again this Congress, and it might change the way we do things in the future.

Randy Stephenson, Committee Counsel:

Mr. Wasley, earlier you had discussed language about how the money is currently going to be accounted for separately in the General Fund and that there should have been an executive account. All I think I can add to that is when this bill was in Senate Finance, we did make the amendments that we thought addressed that concern. Senate Finance seemed to be okay with it. We can certainly look into it further if you have concerns, but how the money is accounted for now, in the second reprint, is significantly different than what was originally envisioned in the bill.

Chair Swank:

I also learned that ecotourism in Nevada generates \$14.9 billion. We have lots of people coming here and spending money. They love our natural resources. Does the sponsor have any closing remarks?

Senator Denis:

I appreciate the opportunity to present the bill. We are willing to work with you; we did that on the Senate side and will do that over here. Once again, I want to clarify, this is not about tourism; this is not about getting people here. The real gist of this is for people to understand that hunters and others are concerned about the environment. We are talking about money that has been raised by them, and they would like to be able to get that message out there.

Chair Swank:

With that, I will close the hearing on S.B. 221 (R2). Before we adjourn, since the motion on Senate Bill 512 (R2) failed, I will entertain a motion to reconsider the action taken pursuant to Standing Rule 57-6.

ASSEMBLYWOMAN CARLTON MADE A MOTION TO RECONSIDER
SENATE BILL 512 (2ND REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, KRASNER,
TITUS, AND WHEELER VOTED NO. ASSEMBLYWOMAN JAUREGUI
WAS ABSENT FOR THE VOTE.)

I will now entertain a motion to do pass S.B. 512 (R2).

ASSEMBLYMAN YEAGER MADE A MOTION TO DO PASS
SENATE BILL 512 (2ND REPRINT).

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, KRASNER,
TITUS, AND WHEELER VOTED NO. ASSEMBLYWOMAN JAUREGUI
WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Yeager. Seeing no public comment, we are
adjourned [at 6:54 p.m.]

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony dated May 25, 2017, introducing Senate Bill 512 (2nd Reprint) presented by Charlie Donohue, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources.

[Exhibit D](#) is written testimony dated May 25, 2017, introducing Senate Bill 514 (1st Reprint) presented by Jason King, P.E., State Engineer and Administrator, Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.