

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

**Seventy-ninth Session
February 21, 2017**

The Senate Committee on Natural Resources was called to order by Chair Yvanna D. Cancela at 1:30 p.m. on Tuesday, February 21, 2017, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Yvanna D. Cancela, Chair
Senator Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator James A. Settelmeyer
Senator Pete Goicoechea

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Roohan, Counsel
Maria Vega, Committee Secretary

OTHERS PRESENT:

Jeffrey M. Kintop, Administrator, Division of State Library, Archives and Public Records, Department of Administration
Tony Wasley, Director, Department of Wildlife
Barry Smith, Executive Director, Nevada Press Association
Lesley Pittman, Nevada Wildlife Alliance
Tyler Turnipseed, Chief Game Warden, Division of Law Enforcement, Department of Wildlife

CHAIR CANCELA:

We will begin the hearing on Senate Bill (S.B.) 43.

SENATE BILL 43: Revises the membership of the Nevada State Board on Geographic Names. (BDR 26-127)

JEFFREY M. KINTOP (Administrator, Division of State Library, Archives and Public Records, Department of Administration):

Senate Bill 43 revises provisions regarding membership of the Nevada State Board on Geographic Names (NSBGN). During the Interim in 2012, the Sunset Subcommittee of the Legislative Commission recommended that a representative of the National Park Service (NPS) be added to the NSBGN. Officials in the NPS have expressed their willingness to delegate someone to serve as a member on the Board ([Exhibit C](#)).

SENATOR SETTELMAYER:

Section 1, subsection 1, paragraph (k), of the bill states, "... or its successor organization." Are there any plans to change the name?

MR. KINTOP:

This is how it came back from the bill drafters.

SENATOR GOICOECHEA:

I hope there will be some deference to the local communities as you work through this process. Many of these areas have been known by the local communities for many years. The names are changed; the maps are different; and people get lost. I think the Committee needs to take the local input very seriously.

MR. KINTOP:

The Committee considers local names and looks at the popular usage as well.

CHAIR CANCELA:

Chair Cancela closed the hearing on S.B. 43.

CHAIR CANCELA:

We will now open the hearing on S.B. 75.

SENATE BILL 75: Makes various changes relating to the Department of Wildlife (BDR 45-139)

TONY WASLEY (Director, Department of Wildlife):
I will now refer to my written testimony ([Exhibit D](#)).

The requirements of the Nevada Administrative Procedure Act are much more stringent than what is currently required by *Nevada Revised Statutes* (NRS). In compliance with the Nevada Administrative Procedure Act, the Department of Wildlife posts at 17 county libraries and the State Library. We maintain an email list, and we have a hard copy snail mail list. We post at four Nevada Department of Wildlife (NDOW) offices, each of the meeting locations and the NDOW Website. Each of those notices provides the time, date and the full meeting agenda. The Open Meeting Law requires that we send the information to the 17 county advisory boards, individuals on an email list and that we post on a public notice Website, our agency Website and at the 8 NDOW offices. The Department is able to meet the more stringent requirements of the Nevada Administrative Procedure Act and the Open Meeting Law with no additional costs, simply some administrative costs associated with maintaining the website and emailing. The Department feels the outdated requirement of NRS to post in the newspapers is redundant. In 2015, we spent over \$8,600 posting in three newspapers, the *Las Vegas Review-Journal*, the *Reno Gazette-Journal* and the *Elko Daily Free Press*. It is our desire to have some cost savings, reduce some redundancies and adhere to the more stringent requirement of the Nevada Administrative Procedure Act and the Open Meeting Law.

CHAIR CANCELA:
Where will the money saved be spent?

MR. WASLEY:
I do not know right now, perhaps wildlife management.

SENATOR GOICOECHEA:
There is a bill in the Senate Committee on Government Affairs, which might change this up, a little bit. It will have to be reconciled. The bill says you are going to have to post a notice of public hearing for regulation adoption; you may have to post the regulation as well. I do not know if your Website posting is going to meet that requirement.

SENATOR SETTELMAYER:
How much money do you usually spend for publishing?

MR. WASLEY:

In 2015, we spent \$8,645 in posting. These revenues are not considered wildlife management monies under the U.S. Fish and Wildlife Service or the Pittman-Robertson Federal Aid in Wildlife Restoration Act or under the Dingell-Johnson Act. The federal excise tax must be sportsmen's tag and license revenues. If those monies could be spent in wildlife management, they could be leveraged three-to-one, giving us the opportunity to turn \$8,600 into \$25,000 with federal dollars.

BARRY SMITH (Executive Director, Nevada Press Association):

I would like to address the public notice portion of this bill. I am in favor of more postings, not less. This bill would reduce the notice requirements and would create fewer postings.

I am always concerned about removing those notices out of statute. There are four reasons notices are published and required in statute and why we have these throughout statute. Notices have to be verifiable, that they were published on the date that is required by law and in the form required and cannot be altered in any way. A third party is used since they are independent so the notices are posted by newspaper publishers. They are not just published by the government agency that is responsible. They are secure; they cannot be altered and changed in any way. Notices published online are convenient and useful, but they are not necessarily secure. Notices could have a wrong time listed, or they list the wrong location, or they may contain a typo. They are then posted and may be changed after the posting. That cannot happen with public notices that have been published. They have to be verified and stand up in court. Newspapers provide affidavits of publication they were in fact true and correct and published on the date and in the form they were required by law. These notices need to be archived. Public notices are distinct from public records. Public records are everything that is not declared confidential. You can look up public records. Public notices are in statute because the information in them needs to be disseminated to the public. We are talking about 24 notices a year among the 3 papers, 8 apiece for \$8,600. It is important that we establish that these notices were enacted in statute for a good reason. The Nevada Department of Wildlife Website has the two notices that have been published so far in 2017 but not any of the previous notices. On the Website published by the Nevada Press Association, I can look up about 110 notices going back to 2011. I can go to the State Library and Archives and look up thousands of them

over decades. These notices are established and are distinct from anything else in statute.

As I have counted, there are some 350 boards, commissions, government agencies, school districts, special districts, etc., in Nevada. To go to the Websites to see if there is a public notice that I am interested in is nearly impossible. This is why we have the system we have: that these notices, required by statute, are in newspapers county by county.

The language regarding confidentiality is very broad.

SENATOR RATTI:

What is the current status of the State regarding postings? Have we picked away at these different boards and commissions, where they are in different statutes or is this the first one?

MR. SMITH:

These notices are one by one in statute. They cover a wide range of topics from water rights, ballot initiatives, foreclosures, parental rights and many more, not all governmental.

SENATOR RATTI:

Speaking specifically to public meeting notices, have we eroded this in any other instance?

MR. SMITH:

Not to my knowledge. We have taken away a couple of published notices where the entire text was required to be published and, instead, made a requirement that there be a notice in the newspaper of where you can find that notice on a Website.

SENATOR RATTI:

I would like to hear from our Legal Counsel. Regardless of what board or commission we are talking about, this should be consistent in the statutes.

CHAIR CANCELA:

We will have Legal Counsel follow up. Would you like to speak about the second part of your opposition?

MR. SMITH:

A police report is a public record; and I understand the problem, and what they are trying to do with this bill. We have statutes that cover personal identifying information, and if you would like to add a specific exemption in here, it should be limited to personal identifying information and not just any information regarding wildlife.

SENATOR RATTI:

Do these exemptions exist? This bill could be applied to the situation in Lake Tahoe. If this bill were to pass, if you were to report a bear incident, you would want to keep your information confidential. If you were to report a murder, would your information be kept confidential?

MR. SMITH:

No, particularly as an investigation moved along, and certainly, if the issue got to court, the witnesses would not be confidential.

LESLEY PITTMAN (Nevada Wildlife Alliance):

I would like to draw your attention to S.B. 75, section 5, subsection 6, of the proposed legislation. We have a proposed friendly amendment ([Exhibit E](#)). We would like to return the language that was struck that says information shall not be discussed unless required by law or court order. This is in the commercial trapping section of the statute. There have been instances where traps have been laid on private land and the landowners have wanted to access information that the Department may have. The private landowner should have access to the information in case there are medical damages associated with an injury that may have occurred to a family member or veterinary bills associated with a domestic animal that may have been injured in the trap. My understanding was this was inadvertently struck to be consistent with the new language in section 1 of the bill. We respectfully request that the language be put back into existing statute.

SENATOR RATTI:

Walk me through the process. How does this happen right now? They cannot just walk in and ask for a public records request.

MS. PITTMAN:

You have to go through the public records request or get a court order. You have to request information from NDOW. If this language is struck, it just remains confidential, and we would not have that as an option.

SENATOR RATTI:

Are there other laws that say the information is public somewhere else?

MS. PITTMAN:

I do not know what the legal process is that is referenced to by law. Maybe Legal can answer that question.

TYLER TURNIPSEED (Chief Game Warden, Division of Law Enforcement):

We have no issue with the language that was in the statute. It has not been a problem for us the last two years. We have no problem with the court order section, [Exhibit F](#). We were not sure what it means to "do so by law." I want to be clear that the Freedom of Information Act or Public Records Act did not meet that standard of "do so by law." It would take a court order to get the information, rather than just a regular public records request.

SENATOR GOICOECHEA:

If someone snares a calf on my property, the way I read this, you are telling me I have to do either a Freedom of Information Act (FOIA) request or go to court to find out who is responsible for that damage. Is that correct?

Mr. TURNIPSEED:

In my ten years as chief, we have never had one of these. It does seem counterintuitive that you would need a court order to get information about something that happened on your own private property.

SENATOR GOICOECHEA:

We are working on this. Let us get it right. I would not want to have to get a FOIA or court order to find out who caused the damage on my private property.

SENATOR SETTELMAYER:

I appreciate the discussion in relation to court orders or required to or compelled to by law. There may be a reason for that language.

SENATOR GOICOECHEA:

I would like to see an exemption for the property owner.

SENATOR MANENDO:

A question to Senator Goicoechea, did you say you had traps on your property that were not placed by you?

SENATOR GOICOECHEA:

Yes, it happens all the time.

SENATOR MANENDO:

Who does that?

SENATOR GOICOECHEA:

My property line has a four-wire fence, and there are a lot traps set at the posts.

Ms. PITTMAN:

Senator Goicoechea, maybe we can work on something that might work here.

SENATOR GOICOECHEA:

All I want is maybe an exemption for the private property owner. At some point, you should be able to do it without a FOIA or a court order.

SENATOR RATTI:

Is it currently illegal to place a trap on somebody else's property?

Mr. TURNIPSEED:

Yes, it is illegal to place a trap on private property without permission if the property is properly posted. There are many issues on whether a piece of private property is posted properly or not.

SENATOR MANENDO:

If it is not posted, then, it is okay? My property is not posted private property, because I have a wall or sidewalk. If someone comes and puts a trap on my property, are they allowed to do that?

Mr. TURNIPSEED:

If you read the trespassing statute, NRS 207.200, I believe it mentions a wall as a means of posting or a fence made of wire mesh. Those kinds of things are a means of posting.

SENATOR MANENDO:

Does that mean in my front yard where there is no fence someone could lay a trap?

Mr. TURNIPSEED:

We have areas that are closed to trapping. In the Las Vegas Valley, it would not be allowed.

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CHAIR CANCELA:

We will close the hearing on Senate Bill 75. Is there any public comment? With no further business before the Committee, this meeting is adjourned at 2:12 p.m.

RESPECTFULLY SUBMITTED:

Maria Vega,
Committee Secretary

APPROVED BY:

Senator Yvanna D. Cancela, Chair

DATE: _____

Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	2		Attendance Roster
S.B. 43	C	3	Jeffrey Kintop / Division of State Library, Archives and Public Records, Department of Administration	Written Testimony
S.B. 75	D	1	Tony Wasley / Department of Wildlife	Written Testimony
S.B. 75	E	1	Lesley Pittman / Nevada Wildlife Alliance	Proposed Amendment
S.B. 75	F	1	Tyler Turnipseed / Department of Wildlife	Written Testimony