

Draft Letter to NSHE Board of Regents

The Nevada Association of Counties (NACO) is the statewide organization representing all of Nevada's 17 counties. NACO is submitting this letter to voice the counties' concerns regarding issues surrounding the University of Nevada's Cooperative Extension Program (UNCE), including the proposed consolidation of Cooperative Extension with the College of Agriculture, Biotechnology and Natural Resources, which you will be hearing at your September 8-9 meeting (Item #25 on your main agenda and Item #6 on your Academic, Research and Student Affairs Committee's Agenda). NACO has followed the consolidation issue since it was first proposed last Fall (and in prior discussions dating back to 2013) and we believe that the proposal is lacking both justification and analysis - we have not seen evidence that consolidation of UNCE with CABNR will better serve either the counties or the citizens of Nevada, or even create significant beneficial synergies within the University. A larger concern, and one that we fear the consolidation is a symptom of, is what Nevada's counties see as a clear lack of advocacy and support by the University's Administration for the Cooperative Extension Program overall. This lack of support has occurred despite the fact that UNCE is not only a central part of UNR's land grant mission but is also a vital connection between our State's citizens and the University.

Counties provide the largest single funding source for UNCE. Though State Extension funding was cut by 70% in 2009, resulting in a 57% reduction in positions, counties chose to fund their portion of Extension at essentially the same levels, and all but one county continue to do so to this day. That counties maintained their UNCE funding during a time when many were forced to reduce and eliminate vital services as well as positions is evidence of the importance of Extension to local communities. And as the largest funders, counties are not only stakeholders in Cooperative Extension but are truly full partners, as well as one of the conduits through which cooperative extension works in local communities. Counties are specifically worried about the lack of support for UNCE in regards to the funding. We understand that there has been significant restoration to the other University programs that were cut in 2009 and yet UNCE has received only a \$500k increase, the smallest of any existing program. Even the \$500,000 increase was not requested by the University but instead was initiated and supported by various stakeholders including counties over the objections of the University. Looking forward, counties are also worried about the absence of any future plan for funding and support of UNCE, including the failure of the consolidation plan to meaningfully address funding and budget issues. One additional concern for counties is the lack of any effort prior to the announcement of this consolidation proposal to include county partners in the discussion or include county input; county stakeholders have also not been included in a general advisory role regarding Cooperative Extension for some time. One example of this is the abolishment of the Cooperative Extension Advisory Board in 2013.

To say that the Extension program in Nevada is vital and yet has been underfunded doesn't do this situation justice - for truly, Cooperative Extension is at the heart of UNR's mission and has for some time lacked the stewardship to assure that this program will effectively continue to help

carry out the land grant mission of the University, a mission that other Extension programs are able to successfully carry out in land grant universities across our country. Also, UNCE is an award winning program of which you should be proud. UNCE is the only extension program in the country whose faculty, within the past ten years, received the National Excellence in Extension Award twice. UNCE has received numerous other awards including awards for programs that simultaneously support, and provide research on, Nevada's kids and families. We ask that you take into serious consideration the decrease in financial support for this program, the affect that it is having, and begin to look at ways to restore funding immediately and into future biennia. Counties have been told numerous times that it is too late now to include additional funding for UNCE in the current budget proposal - this is despite the fact that counties brought their concerns regarding funding to the Administration prior to the beginning of the current budget process. We were even more dismayed to see in the budget that your body approved last month for submission to the Governor, that the University actually recommended a reduction in Extension's budget for the next biennium while requesting an overall increase to the UNR budget. We would also add that, as counties are the largest funders of this program and have continued to fund their share of the program without cuts, our members have made it clear that they find it increasingly difficult to explain to their residents the contribution of their tax dollars to programs that they see first-hand being diminished without equal investment from the institution in which the program has its home.

Additionally, we would request that, if consolidation does go forward, the Administration meet those assurances requested by counties that were agreed upon in the two correspondences and meetings that occurred between a NACO working group and UNR leadership earlier this year. These discussions have been helpful in beginning to restore trust and assuring that, from an administrative perspective, UNCE will not be further compromised if consolidation does go forward.

Finally, we are aware that you are embarking on a process of self-assessment regarding the needs of NSHE and Nevadans, and that there also may be a strategic planning exercise in the works. We see no better time than now to refocus attention to the Cooperative Extension Program and the issues that we have outlined above. We urge you to make the University's land grant and outreach mission and goals a part of both NSHE's self-assessment and any future strategic planning exercises.

We would leave you with the following regarding the importance of Extension not only to UNR but to NSHE as a whole: it is imperative for you to know that UNCE also functions as your outreach arm. Cooperative Extension is for many Nevadans their first and only interaction with the University system – it is in effect your ambassador to Nevada's communities as well as to future students and their families. Throughout the State just some of what UNCE does includes programming for families and children at risk and support for economic development and natural resources related issues. UNCE is the face of the University system in Nevada's communities and brings University knowledge and research to the people as well as Nevada specific data and local research opportunities back to the University. As the attached *UNCE Centennial Program Highlights* shows, in 2013 alone Extension had over 550,000 contacts with youths and adults throughout the State, over 1.3 million hits to their website, procured over \$4.5 million in grants, and produced 63 new educational publications. In just one example of the negative impact of

cuts, the number of publications produced by UNCE is down by half since 2013....

We urge you to make this program and its mission the priority that it should be, as well as to engage counties as the true partners that they are.

Thank you for your service and your attention to this matter,

Sincerely,

DRAFT

TO: Nevada System of Higher Education Board of Regents

FROM: _____ County/ _____ County Commissioner

Dear Chairman Trachok & NSHE Regents

On behalf of the _____ County Commission / I am writing to voice my/our concerns regarding issues surrounding the University of Nevada's Cooperative Extension Program (UNCE), including the proposed consolidation of Cooperative Extension with the College of Agriculture, Biotechnology and Natural Resources, which you will be hearing at your September 8-9 meeting (Item #25 on your main agenda and Item #6 on your Academic, Research and Student Affairs Committee's Agenda). _____ County/I am/is concerned about the consolidation and believe that the proposal is lacking in both justification and analysis. We have followed this issue since it was first proposed last Fall (and in prior discussions dating back to 2013) and have not seen evidence that consolidation of UNCE with CABNR will better serve either the counties or the citizens of Nevada. We have a larger concern as well though regarding what I/our county sees as a lack of advocacy and support for the Cooperative Extension Program overall.

As we hope you are aware, UNCE is the University's outreach and engagement arm, connecting University research with communities and programming and providing researchers access to data and an opportunity to work on Nevada specific issues. In _____ County for example, Extension _____ (provide an example of a program or service Extension provides that is important to your residents or an Extension study or project that has benefitted your community)

Because of the importance of this program and others, our County maintained our UNCE funding during the recession, a time when we were forced to reduce and eliminate other services and positions including _____. During this same time however, the State made profound cuts to its portion of UNCE including a 70% cut to funding and a resulting 57% reduction in positions in 2009. This now makes counties the **largest single funding source** for UNCE. The cuts that the State made to Cooperative Extension resulted in the loss of _____ (describe how the cuts to UNCE specifically affected your county, ie, loss of staff or programs such as 4-h? Master gardener? Educational programs?) in _____ County. We/I are/am aware that the Nevada Association of Counties has outlined many concerns regarding UNCE and the consolidation proposal in materials and comments previously provided to the UNR Administration, the UNR Faculty Senate, and also to your body. We/I share these concerns and, like NACO, are especially worried about the above outlined low funding and support for UNCE. It is because of this situation that _____ county/I finds it increasingly difficult to explain and justify to our residents the contribution of their tax dollars to programs that they see first hand being diminished without equal investment from the State.

To say that Cooperative Extension is a vital program that has been underfunded is not really doing this situation justice - for truly, UNCE is at the heart of UNR's mission yet has for some time lacked the stewardship to assure that this program will effectively continue to help carry out the land grant mission of the University, a mission that other Extension programs are able to

successfully carry out in land grant universities across our country. We believe that you should be proud of this program and take to heart the very important outreach and engagement mission that Extension is intended to carry out. With that in mind we request that you look critically at the proposed consolidation, but, in addition work to address the decrease in financial support for this program, the affect that this decrease is having, and begin to look at ways to restore funding immediately and into future biennia. This program is not only very important to counties, as we hope we have illustrated, but also to the entire State and the University.

We urge you to make this program and its mission the priority that it should be, as well as to engage counties as the true partners that they are.

Thank you and please do not hesitate to contact me if there is additional information I can provide or to answer any questions you may have.

Sincerely,

DRAFT

Draft NACO Legislative Proposals

- 1) Make the following two fixes to the formula that governs the “secondary cap” on property taxes (NRS 361):
 - Revise the threshold below which the amount of the cap cannot drop.
 - CPI is used to calculate the secondary cap – add a rolling average for CPI to the formula.

- 2) Make one or both of the following changes to NRS 176 regarding pre-sentence investigation reports.
 - Reduce the percentage cost allowance allocated to counties for preparation of presentence investigation reports by the Department of Public Safety (DPS) from 70% to 30%. This would be similar to what NACO proposed in their bill from the 2015 Session (SB16)
 - Enable counties to choose to produce PSIs themselves, thereby taking all of the responsibility from DPS.

- 3) Make the following changes to NRS 549 regarding the University of Nevada Cooperative Extension (UNCE) program:
 - Require that State funding for Cooperative Extension match the amount, total, that that counties provide in resources for UNCE programming. In determining the county contribution, salaries, as well as buildings that house UNCE programs and materials used in those programs shall count towards the calculation of the contribution. This change should take effect during the second year of the next biennium (18/19).
 - Require that NSHE report to the Legislature’s Interim Finance Committee annually and prior to April 15th of each year regarding UNCE. The report should include updates regarding the progress of creating a funding plan for UNCE, as well as the progress of creating and keeping Memorandums of Understanding with each county participating in UNCE up to date.

- 4) Changes regarding Public Administrators (NRS 244.1507)
 - Enable counties, by ordinance, to abolish the office of the public administrator in that county. (If the office was abolished counties could then administratively perform the duties of the administration of public estates through either a county office or the sheriff’s office.)

- 5) Changes regarding District Attorneys (NRS 252):
 - Changes to the office and duties of district attorneys.

Legislative Committee on Public Lands

(Nevada Revised Statutes 218E.510)

With Markup of Results from Meeting

WORK SESSION DOCUMENT



August 19, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Legislative Committee on Public Lands
(*Nevada Revised Statutes* 218E.510)

August 19, 2016

This “Work Session Document” (WSD) has been prepared by the Chair and staff of the Legislative Committee on Public Lands and is designed to assist the Committee in determining which legislative measures it will request for the 2017 Session of the Nevada Legislature and what other actions the Committee will endorse.

The members of the Committee may vote to send as many Committee statements or letters as they choose. However, pursuant to *Nevada Revised Statutes* (NRS) 218D.160, the Committee is limited to ten legislative measures, including both bill draft requests (BDRs) and requests for the drafting of resolutions.

The inclusion of proposed actions in this WSD does not imply the support of the Committee. The members will review them and decide whether they should be adopted, changed, rejected, or further considered. Each item in this document may be the subject of further discussion, refinement, or action. The proposals have been grouped by topic but are not preferentially ordered.

Although possible actions are identified for each recommendation, the Committee may modify the possible action and select one of the following actions: (1) draft a bill or resolution; (2) send a letter; or (3) include a statement in the Committee’s final report. To the extent the Committee urges or suggests action by public officials, it is understood that any such actions would be subject to the limits of those officials’ existing authority and all applicable laws.

As set forth in NRS 218E.515, five members of the Committee constitute a quorum, and a quorum may exercise all the powers of the Committee.

The source of each proposed action is noted. A proposed action may have been modified during the preparation of this document for a variety of reasons, such as: (1) to combine it with similar proposals; (2) to propose a different type of action; or (3) to add details needed for drafting.

To the extent that a proposed action may contain unquantified or unknown fiscal impacts, Legislative Counsel Bureau staff will coordinate with the interested parties to obtain fiscal estimates, if needed, for inclusion in the final report. Also, some proposals may include references to specific chapters or statutes in NRS, but as part of the legislative process, amendments to other related chapters or sections of NRS may be added to fully implement the requested legislation.

Finally, please note that in the fall of 2016, during the legislative drafting process, specific details of Committee-requested legislation or other Committee action may be further clarified in consultation with the Chair of the Committee or others, as directed or as appropriate.

PROPOSED ACTIONS CONCERNING PUBLIC LANDS, GENERALLY

Passed 1. **Draft a legislative resolution** reaffirming Senate Joint Resolution No. 1 (File No. 30, *Statutes of Nevada 2015*) urging Congress to enact legislation transferring title and ownership of certain federally administered land to the State of Nevada pursuant to the plan laid out in the Nevada Land Management Task Force Report (Assembly Bill 227, [Chapter 299, *Statutes of Nevada 2013*]). *(Recommended by Mike L. Baughman, Ph.D., CEcD, President, Intertech Services Corporation, April 15, 2016, Winnemucca meeting.)*

Add a letter to Congressional delegation with support for SJ-1. No action.

No Action 2. **Request the drafting of a bill** to distribute a portion or percentage of the Live Entertainment Tax (LET) to the county or counties where an event takes place. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

Legal question: Whether a County (Pershing) can currently impose a tax on an event (Burning Man)

Concern about apportionment among counties.

Background: Pershing County testified that the Burning Man festival cost the county roughly \$40,000 in additional costs not covered under existing agreements. Under this recommendation, a percentage of the LET collected from certain events would divert to the local county government to offset the cost of services provided.

Passed 3. **Draft a legislative resolution** calling on the President of the United States to seek public involvement from interested parties, including State and local government officials, prior to the designation of any future national monuments. Under the Antiquities Act of 1906 (16 U.S.C. § 431-433), the President may designate federally owned land a national monument if the land contains significant natural, cultural, or scientific features. *(Recommended by Assemblyman John C. Ellison, May 20, 2016, Caliente meeting.)*

Seek Wyoming Exclusion.

- No Action 4. **Send a letter** to the Nevada Congressional Delegation seeking federal legislation to fast-track federal land sales and transfer ownership of federal lands to local governments and nonprofit agencies where they have constructed and operate public and not-for-profit facilities. *(Recommended by Scott Higginson, Government Affairs Consultant, FourSquare Group, May 20, 2016, Caliente meeting.)*
- Discussed whether land should be transferred directly to nonprofits (private entities)
- Passed 5. **Send a letter** to the Bureau of Land Management (BLM), U.S. Department of the Interior (DOI), and the U.S. Forest Service (USFS) encouraging the incorporation of annual grasses into grazing level calculations and to ensure flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise. *(Discussed at the April 15, 2016, Winnemucca meeting.)*
- Passed 6. **Include a statement** in the final report expressing the Committee’s support of the lawsuit (*Western Exploration LLC et. al. v. U.S. Department of the Interior et. al.*) challenging the BLM’s and USFS’s land management plans regarding sage-grouse management in Nevada. *(Recommended by Jim French, Commissioner, Board of Commissioners, Humboldt County, April 15, 2016, Winnemucca meeting.)*
- Passed 7. **Request the drafting of a bill** to create a staff position within the State Department of Conservation and Natural Resources (SDCNR) to assist counties in preparing land use plans and studies that analyze the economic and environmental impacts of various federal land management agency actions. The proposed position would provide the resources needed for the State and counties to fully exercise their role in the management of public lands and natural resources as directed by the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act (NEPA). *(Recommended by the Nevada Association of Counties.)*
- Changed to Letter to Governor
- Passed 8. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking additional funds to implement Senate Bill 456 (Chapter 452, *Statues of Nevada 2015*), which urges the Attorney General (AG) to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads. The bill further authorizes the AG to participate as a party in a quiet title action regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which the road lies. *(Recommended by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, July 28, 2016, Elko meeting.)*
- Also send to the AG, Governor and Finance Committee.

Background: Based on testimony, additional funding is needed to meet the requirements of S.B. 456. The funding is needed by the AG for capacity and/or the SDCNR to hire outside counsel.

- Passed 9. **Send a letter** to the President of the Real Estate Commission, Real Estate Division, Department of Business and Industry, urging the Commission to investigate and take appropriate action to ensure that purchasers of land are aware of the consequences and responsibilities of signing an Open Range Disclosure as required by NRS 113.065. *(Recommended by Don Alt, Commissioner, Board of Commissioners, Lyon County, July 28, Elko meeting.)*

Background: Pursuant to NRS 113.065, the seller of property adjacent to an open range must provide a disclosure statement before the purchaser signs the sales agreement. Compliance with the disclosure requirements constitutes an affirmative defense in any action brought against the seller for any damages suffered as a result of livestock entering the property.

- Passed 10. **Request the drafting of a bill** to amend the statute to allow for the discharge of a firearm from a vehicle on certain roads for the purpose of rodent control. *(Recommended by James L. Moser, James L. Moser Farm, April 15, 2016, Winnemucca meeting).*

To amend NRS so that the relevant County's Board of Commissioners can grant an exception.

Additional information: For the purposes of this proposal, a varmint is defined as an animal considered a pest and is unprotected by State game laws.

- No Action 11. **Request the drafting of a bill** to create a tax on the transfer of water rights purchased from farmers diverted for the purposes of conservation. *(Recommended by Don Alt, Commissioner, Board of Commissioners, Lyon County, April 15, 2016, Winnemucca meeting.)*

- Passed 12. **Request the drafting of a bill** to change the legal definition of a fence in NRS 207.200 to include cultivated or agricultural land adjacent to a barbwire fence. In NRS 207.200, barbwire fences are specifically excluded from the definition of a fence. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

Not sure this is the right statute. Want to keep posting requirements.

- Passed 13. **Send a letter** to the State Engineer requesting that the office review all claims for water by the BLM and other federal agencies and immediately dispose of those claims that clearly do not meet the criteria of a Public Water Reserve under Executive Order 107 or a vested right. *(Recommended by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, July 28, 2016, Elko meeting.)*

Also want a BDR that shows the BLM and USFS cannot show wildlife as a beneficial use to obtain water rights since wildlife are owned by the State and are already ensured access to springs.

Background: According to testimony, NRS 533.503 prohibits entities from obtaining stock water rights that do not hold a “legal or proprietary interest” in livestock; however, the BLM is asserting unadjudicated claims as “rights” and requiring certain projects to develop mitigation outside the involvement of the State Engineer and asserting seniority over other vested claims or permits on federally administered lands precluding maintenance efforts and access.

PROPOSED ACTIONS CONCERNING ESTRAY HORSES, WILD HORSES, AND BURROS

- Passed 14. **Draft a legislative resolution** calling on Congress to manage wild horses and burros in accordance with the provisions of the Wild Free-Roaming Horses and Burro (WH&B) Act of 1971. The Act authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of public lands. *(Recommended by Jim French, Commissioner, Board of Commissioners, Humboldt County, April 15, 2016, Winnemucca meeting.)*

Changed to a letter

Background: As of March 1, 2016, the current estimated on-range wild horse and burro population located on BLM land is 34,531. The Appropriate Management Level (AML) is 12,811, meaning the current population exceeds AML by more than 20,000.

- Passed 15. **Send a letter** to the Office of the AG requesting the AG to take any legal action deemed appropriate to compel the BLM and the USFS to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments. *(Recommended by Chair Donald G. Gustavson, July 28, 2016, Elko meeting.)*

Include the Governor and Congressional Delegation

- Passed 16. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking appropriate funding to effectively **manage horses on State-owned land through removal or sterilization manage ferile and estray horses** *(Recommended by Senator Pete Goicoechea, May 20, 2016, Caliente meeting.)*

Change text, no need to specify practices

- No Action 17. **Request the drafting of a bill** to provide management options for the control of estray horses by requiring property owners to fence in or fence out estray horses located on private property. Currently, the State Department of Agriculture cannot enter private property to remove horses. *(Recommended by Assemblywoman Robin L. Titus, M.D.)*

Landowners should accept liability

- Passed 18. **Send a letter** to the BLM seeking shared revenue from the sale of horses trained in the prison industry wild horse program and to expand the program to train more wild horses. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

Background: According to Silver State Industries, the Northern Nevada Correctional Center/Stewart Conservation Camp Saddle Horse Training Program is a cooperative partnership between the BLM and the Department of Corrections. The program gentles and trains wild horses for adoption. About 40 to 70 wild horses are trained and adopted at the facility each year. The average sale price is about \$800 to \$1,200 per animal.

PROPOSED ACTIONS RELATED TO OFF-HIGHWAY VEHICLES

No Action 19. **Send a letter** to the Secretary of the Interior, U.S. DOI, and the Secretary of Agriculture, U.S. Department of Agriculture, seeking increased support for the enforcement of federal off-highway vehicle (OHV) laws in restricted areas. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

No Action 20. **Request the drafting of a bill** to increase the penalties for failure to register an OHV, including larger fines up to and including confiscation. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Additional information: The fine for failing to register an OHV is \$100. The Committee may want to consider higher fines for multiple offenses up to and including confiscation.

Passed 21. **Send a letter** to the **DMV requesting an estimation of costs** **Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking funds** for an internet-based OHV registration system. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
Changed to DMV for cost estimation

Passed 22. **Send a letter** to the Director of the Department of Tourism and Cultural Affairs requesting that any OHV promotional information created by the Department relating to public lands also contain educational information regarding the legal use of OHVs. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

No Action 23. **Send a letter** to the Commission on OHVs and the SDCNR requesting the creation of a hotline (similar to "Operation Game Thief") for citizen reports of OHV trespass. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
Don't want to recreate wheel

Consider joint effort with "Operation Game Thief"

No Action 24. **Request the drafting of a bill** to amend the statute to allow the BLM and USFS to apply for OHV Commission funds for grants to conduct enforcement, wilderness boundary surveys, signage, public education, and NEPA facilitation for projects funded by OHV grants. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

No Action 25. **Send a letter** to the Commission on OHVs and the SDCNR encouraging the creation of an educational OHV website. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

No Action 26. **Request the drafting of a bill** to create a nonresident OHV registration program. Registration requirements would apply to nonresidents, unregistered in any state, who operate OHVs on public lands in Nevada. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Background: Registration of an OHV is not required if the vehicle is registered or certified in another state and is located in this State for not more than 15 days.

The Committee also discussed adding a resolution on Predation