

## MINUTES OF HEARING - FISH AND GAME COMMITTEE - 56TH ASSEMBLY SESSION

MARCH 9, 1971

GJ 15

PRESENT: Ronzone, Dreyer, May, Homer and Smith and Fry

ABSENT: Olsen

OTHERS: Glen Griffith, Bill Parsons and Fred Wright all from the Nevada Department of Fish and Game.

Chairman Ronzone called the hearing to order at 10:30 A.M. for the purpose of discussing A.B. 396, 397 and 399. These bills are all general housekeeping bills. The Fish and Game Department is proposing some changes in these bills. (Please see attached).

A.B. 396 "Extensively amends fish and game license, tag, and permit provisions, and hunting, fishing, and trapping laws."

Dr. Homer commented that people are unaware of the Fish and Game laws and restrictions as to what animals can be hunted. In reply, Mr. Griffith said it is difficult to post these restrictions. He suggested that perhaps it could be done over television or radio.

Dr. Homer questioned the \$7.50 charge for lost licenses. How is this \$7.50 charge justified? Mr. Parson stated that there are three reasons for loss of license: 1. It is legitimately lost. 2. The hunter forgets his license, and 3. The hunter never actually having a license but claims it is lost and therefore obtains a license at a reduced fee. Dr. Homer felt that it didn't seem fair to penalize all the good guys to punish a few bad guys. Chairman Ronzone personally did not like to see the lost fee.

Mr. Smith questioned how the licenses are filed. Mr. Griffith told the Committee that they are filed numerically which makes them almost impossible to track down. Fred Wright also from the Department of Fish and Game said the Department is working toward a more frequent cycle of processing licenses. Mr. Smith asked why the licenses were not filed alphabetically. Mr. Wright replied that they were trying to get this under way after July. The problem of sorting these alphabetically is quite a task.

Mr. May suggested issuing a warning at the time of sale of a license that perhaps with the license number and \$1 you could obtain a replacement for the lost license. Mr. Parsons felt that possibly the data processing will be the answer to this whole problem. Mr. Smith also suggested using the social security number on licenses. Mr. Wright said that this would probably be the next step. He also said that perhaps a yearly renewal would be an answer.

In regard to this bill, Chairman Ronzone questioned why "during the open season" was being deleted. Mr. Griffith said this would mean you would have to have a license to hunt—period. He went on to say that where they run into problems is when people go onto private lands and hunt. Nothing can be done because it is not known if they are hunting a game animal. When you hunt, it is an act. It doesn't refer to any particular species or season. It is not intended to be a revenue operation. We assume that people who shoot out of season will hunt in season and will need a license anyway. Dr. Homer felt this bill would bring about much difficulty.

Mr. Smith commented that it is getting more and more difficult for a boy to grow up all the time. These things restrict any ability of parents to take their children out shooting. Mr. Griffith replied that it isn't intended to change the age class. For children under 12, a license is not required. The only thing that is changed is that rather than having a license to hunt game animals, a license will be required to hunt any animal. Chairman Ronzone thought there may be difficulty in getting this bill passed as it is.

Dr. Homer asked if they would rather the bill be killed or if they would still want the bill if the two parts, i.e. requiring everybody to have a license and the loss of license fee, were deleted. Mr. Griffith said the Department would still like to see this bill passed even with those two deletions. Chairman Ronzone then asked Mr. Griffith to have the bill properly amended and bring it back to the Committee.

A.B. 397 "Clarifies regulation of guide services by state board of fish and game commissioners." The Fish and Game Department also had proposed changes for this bill (please see attached). As was discussed and recorded in the minutes of the March 2 committee meeting, lines 23-25 of page 2 of A.B. 397 reading: "The Commission may establish regulations covering the establishment, conduct and operation of a guide service, including the limitation of guides in any area." should be added to amend A.B. 514. This would be more valid than just limiting the number of guides as A.B. 397 presently does. This is what will be done.

A.B. 399 "Extensively amends administration and enforcement provisions of fish and game laws." Mr. Griffith stated that this is supported by the peace officer organizations. This bill would include personnel of the Nevada Department of Fish and Game as peace officers. It also allows for the sale of heads and hides. Chairman Ronzone questioned why the Department of Fish and Game was putting their people in this bill. Mr. Parsons stated that it gives them the protection and the authority of a peace officer. It clarifies the point as to whether they are acting as private citizens or as peace officers. After inquiring, Chairman Ronzone discovered this dealt with retirement benefits also. Mr. Dreyer questioned the type of training these people receive in respect to their qualifications to be classed as peace officers. Mr. Parsons stated that they are all required to take a peace officer training course. Chairman Ronzone asked if game officials in other states were regarded as peace officers. Mr. Parsons said in some states they were but the rest had a similar policy as in Nevada.

Chairman Ronzone asked about the wildlife journals. Mr. Parsons said this bill would allow the Department to charge a fee for them. This does not include the seasonal pamphlets, etc.

Chairman Ronzone asked Mr. Griffith to make the necessary changes and bring them back for further discussion on Tuesday, March 16.

Chairman Ronzone concluded by saying that A.B. 383 which "protects coyotes and all species of wildcats" which received a "do kill" in committee on March 4 will be discussed again because the sponsor, Mrs. Frazzini, and Mr. Hilbrecht wish to be heard.

Hearing adjourned at 11:45 A.M.

*Housekeeping bills*

Assembly Bill No. 396 -

Extensively amends fish and game license, tag and permit provisions and hunting, fishing and trapping laws.

1. Clarification of terminology

Add a section defining "game amphibian"; substitution of the term management area in lieu of district where applicable. Management area used in commission regulations; term district obsolete.

2. Licness, Tags and Permits

- to increase the fee*  
*(to) increase the fee*  
*to increase the fee*  
*original*
- a. Increase the fee for the issuance of a duplicate fishing, hunting license from \$1 to a fee in an amount equal to that charged for the original license. 1,753 duplicate licenses issued last year, significantly increased during the past four years.
  - b. Require a resident alien 16 years of age and older to purchase nonresident licenses; presently such alien can purchase a resident license;
  - c. Include falconry license at \$10 as now established by Commission action.
  - d. Permit a maximum fee of \$1 for wildlife tags for ~~fur-bearing~~ <sup>wildlife</sup> animals, birds and other species requiring tags by Commission regulation.
  - e. Increase the resident mountain lion tag fee from \$1 to \$5 similar to the deer tag. 22 NR tags issued last year; 414 resident
  - f. Require a hunting license for all species of wildlife rather than limited to game species. Similar to the pre ent ~~fishing~~ ~~possessions~~ requirement for the issuance of fishing licenses;
3. Amends the wanton waste law to provide that it is unlawful to allow an edible portion of game species to go to waste needlessly.
  4. Amends falconry regulations to permit nonresidents to practice falconry; permits to the commission to establish regulations covering the hunting, trapping and possession of birds of prey; all birds of prey to be banded to control illegal taking, shipping and possession.

The Directors Committee on Rare and Endangered Wildlife has recommended ~~two~~ changes to A. B. 396 as it pertains to falconry - members of the committee would retain the requirement for a certificate of competency for persons making application to brain birds of prey. and would amend section 17 stating that it is unlawful for

5. Amendment to law making it unlawful to hunt, trap or possess the desert tortoise.



MIKE O'CALLAGHAN  
GOVERNOR

STATE OF NEVADA

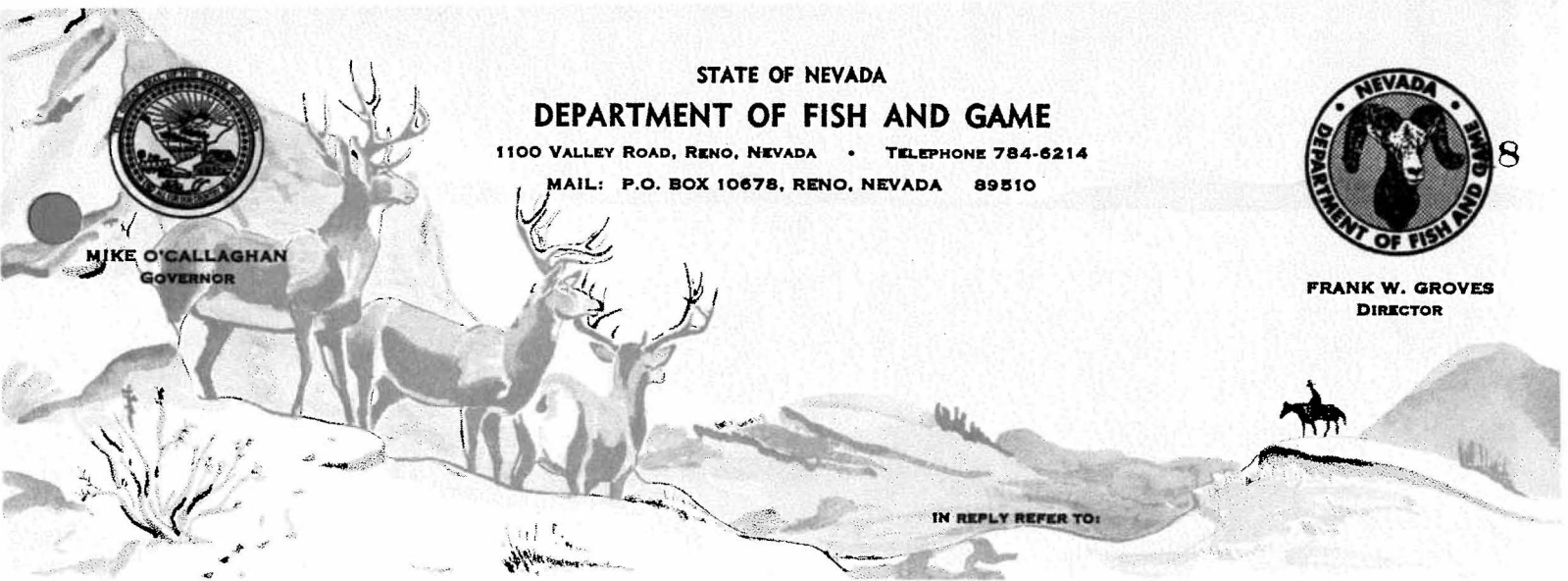
DEPARTMENT OF FISH AND GAME

1100 VALLEY ROAD, RENO, NEVADA • TELEPHONE 784-6214

MAIL: P.O. BOX 10678, RENO, NEVADA 89510



FRANK W. GROVES  
DIRECTOR



IN REPLY REFER TO:

March 10, 1971

Mr. Richard Ronzone, Chairman  
Assembly Fish and Game Committee  
New Legislative Building  
Carson City, Nevada

Dear Mr. Ronzone:

I am sending a copy of Assembly Bills Numbers 396 and 399 which have been amended as discussed by your Committee on March 9. Amendments to A.B. 396 will (1) partially rescind the requirement for a license to hunt any species of wildlife by deleting sections 2,3,4,14 and 15 from the bill and (2) set a fee of \$2.00 in lieu of \$1.00 for the issuance of a duplicate license by amending section 5 of the bill. Deletion of section 2 and 3 from A.B. 399 will complete the process of rescinding the requirement for a license to hunt any species of wildlife.

Section 17 and 18 of A.B. 396 relative to the falconry laws have been amended based on the recommendations of the Director's Committee on Rare and Endangered Wildlife.

In further response to your question of March 9 whether wardens of other fish and game departments are peace officers (Reference Section 1 and 8 of A.B. 399), the following information has been obtained from these departments or from their fish and game codes:

<u>State</u>	<u>Authority and/or Designation of Warden</u>	<u>Eligible for Early Retirement</u>
Arizona	Exercise powers of peace officers	--
California	Peace Officers	Pending Legislation
Colorado	Full Power of Arrest	--
Idaho	Peace Officers	No
Illinois	Peace Officers	--
Montana	May exercise peace officer powers	--
Utah	Pending legislation for peace officer status	Pending Legislation
Washington	May serve and execute all warrants	--

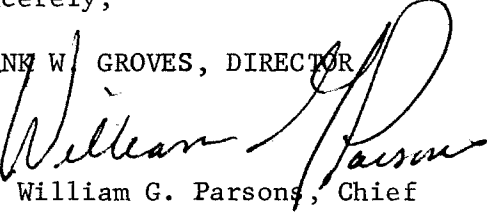
Richard Ronzone  
Page 2  
March 10, 1971

Provisions of A.B. 399, if enacted, would provide peace officer designation for Nevada's wardens. At present thirteen such wardens could then qualify under the laws governing retirement at 55 years of age.

Sincerely,

FRANK W. GROVES, DIRECTOR

By:

  
William G. Parsons, Chief  
Division of Enforcement

WGP/tr  
Enclosures

ASSEMBLY BILL NO. 396—MR. RONZONE

FEBRUARY 19, 1971

Referred to Committee on Fish and Game

SUMMARY—Extensively amends fish and game license, tag and permit provisions and hunting, fishing and trapping laws. Fiscal Note: No. (BDR 45-461)



EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to fish and game; defining a term; making technical changes to achieve consistency with the requirement that all persons have a license to hunt; making the fee for purchase of a license replacing one lost or destroyed the same as the fee for initial purchase; correcting terminology; eliminating an inconsistency concerning licensing of aliens; adjusting license fees for consistency and providing new fees; clarifying raptor regulation provisions; allowing the Nevada department of fish and game further to control wildlife depredations; prohibiting hunting, trapping or possession of desert tortoises; limiting the species of wildlife which may be taken; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

1 SECTION 1. Chapter 501 of NRS is hereby amended by adding  
 2 thereto a new section which shall read as follows:  
 3 *As used in this Title, "game amphibian" means any amphibian so clas-*  
 4 *sified by commission regulation.*  
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SEC. 5. NRS 502.110 is hereby amended to read as follows:  
502.110 Not more than one license of each class shall be issued to any one person during each license period, except upon an affidavit by the applicant that the license issued has been lost or destroyed and upon payment of a fee of \$2.

SEC. 6. NRS 502.140 is hereby amended to read as follows:  
502.140 1. Tags shall be used as a method of enforcing a limit of the number of any species which may be taken by any one person in any one season or year, and may be issued in such a manner that only a certain number may be used in any one [district] management area as designated by the commission.  
2. The commission shall designate the number of tags for any species which may be obtained by any one person, and it shall be unlawful for any person to obtain tags for his use in excess of this number, or to use or possess tags issued to any other person, or to transfer or give tags issued to him to any other person.

SEC. 7. NRS 502.160 is hereby amended to read as follows:  
502.160 1. The department shall designate the form of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom issued. Each tag shall show the game for which it may be used, the year, and whenever necessary, the [district or] management area in which it may be used.  
2. The commission may make any regulation necessary relative to the manner of using, attaching, filling out, punching, inspecting, validating or reporting such tags. It is unlawful for any person to fail to abide by any such regulation.

SEC. 8. NRS 502.180 is hereby amended to read as follows:  
502.180 Tags for hunting deer in regular season shall be issued to residents of the State of Nevada and may be used in any area in the state during such regular season, and may not be limited in number or to any area, unless any [district] management area is designated a special season, in which instance the number of tags to be used in that [district] management area, may be limited by the commission.

SEC. 9. NRS 502.190 is hereby amended to read as follows:  
502.190 1. Tags for hunting deer in regular season by nonresident or alien hunters may be limited to a certain number in any [district] management area, which [district] management area may include all of any

1 county, any portion of any county, or any continuous area in adjacent  
2 counties.

3 2. Whenever a limit is placed upon the number of tags available to  
4 nonresident or alien hunters in any [district] *management area* the com-  
5 mission shall determine the manner in which such licenses shall be issued,  
6 whether by lot or by sale to first applicants, the manner of application, the  
7 manner of delivery of tags and other necessary matters.

8 3. Whenever applications, money or tags and licenses are entrusted  
9 to the mails the commission shall not be responsible for loss or delay in  
10 the mails.

11 SEC. 10. NRS 502.200 is hereby amended to read as follows:

12 502.200 It shall be unlawful for any nonresident or alien hunter:

13 1. To obtain tags for more than one [district] *management area* in  
14 regular season.

15 2. To use tags in any [district] *management area* or at any time  
16 other than at the time and place intended.

17 SEC. 11. NRS 502.240 is hereby amended to read as follows:

18 502.240 Annual licenses for the term of 1 year from July 1 to June  
19 30 and limited permits shall be issued at the following prices:

20 1. To any citizen of the United States who has attained his 12th  
21 birthday but who has not attained his 16th birthday and who has been a  
22 bona fide resident of the State of Nevada for 6 months, upon the payment  
23 of \$2 for an annual fishing and hunting license.

24 2. To any citizen of the United States who has attained his 65th  
25 birthday and who has been a bona fide resident of the State of Nevada for  
26 ~~20~~ years, upon the payment of \$2 for an annual hunting and fishing  
27 license. Any such person shall be exempt from the payment of the fee for  
28 a resident deer tag for a regular season as required by the provisions of  
29 NRS 502.250.

30 3. Except as provided in subsection 2, [to any alien or] to any citi-  
31 zen of the United States who has attained his 16th birthday and who has  
32 been a resident of the State of Nevada for 6 months, upon the payment  
33 of:

34	For a fishing license.....	\$7.50
35	For a five-day permit to fish.....	5.00
36	For a hunting license.....	5.00
37	For a combination <i>hunting and fishing</i> license.....	12.50
38	For a trapping license.....	5.00
39	For a fur dealer's license.....	1.00
40	For an annual master guide's license.....	50.00
41	For an annual subguide's license.....	10.00

42 4. To any alien or to any citizen of the United States who has  
43 attained his 12th birthday but who has not attained his 16th birthday, not  
44 a bona fide resident of the State of Nevada, upon the payment of \$5 for  
45 an annual fishing license (except for a fishing license to fish in the recip-  
46 rocal waters of the Colorado River and Lake Mead, which annual license  
47 shall cost a sum agreed upon by the commission and the Arizona Game  
48 and Fish Commission, but not to exceed \$10).

49 5. Except as provided in subsection 4, to any alien or to any citizen



1	of the United States, not a bona fide resident of the State of Nevada, upon	
2	the payment of:	
3	For a fishing license (except for a fishing license to fish in	
4	the reciprocal waters of the Colorado River and Lake	
5	Mead, which license shall cost a sum agreed upon by	
6	the commission and the Arizona Game and Fish	
7	Commission, but not to exceed \$10).....	\$15.00
8	For a 5-day permit to fish.....	5.00
9	For a special hunting license to hunt deer by bow and	
10	arrow (and no other license shall be required).....	10.00
11	For a special license to hunt upland game birds (and no	
12	other license or permit shall be required) a fee not	
13	to exceed.....	25.00
14	For a permit to hunt upland game birds in conjunction	
15	with a regular hunting license, a fee not to exceed.....	10.00
16	For a hunting license.....	50.00
17	For an annual trapper's license.....	10.00
18	For a special nonresident, 3-day, migratory waterfowl	
19	hunting license (which shall be in lieu of all other	
20	licenses or permits, except for the migratory bird	
21	hunting stamp).....	10.00
22	For a fur dealer's license.....	25.00
23	For an annual master guide's license.....	100.00
24	For an annual subguide's license.....	20.00
25	6. To any person, without regard to residence, upon the payment of:	
26	For a noncommercial breeding ground.....	\$2.00
27	For a commercial or private shooting preserve.....	25.00
28	For a commercial breeding ground.....	25.00
29	For a commercial fish hatchery.....	10.00
30	For a private noncommercial fish hatchery.....	5.00
31	For a trained animal act license.....	10.00
32	For a fur dealer's agent's license.....	10.00
33	For a live bait dealer's permit.....	25.00
34	For a competitive field trials permit.....	1.00
35	For a falconry license.....	10.00
36	SEC. 12. 502.250 is hereby amended to read as follows:	
37	502.250 1. The following fees shall be in effect:	
38	Resident deer tag for regular season.....	\$5.00
39	Nonresident and alien deer tag for regular season.....	30.00
40	Resident deer tag for hunting deer by bow and arrow.....	5.00
41	Nonresident and alien deer tag for hunting deer by bow	
42	and arrow.....	30.00
43	Resident antelope tag.....	15.00
44	Resident elk tag.....	15.00
45	Resident bighorn tag.....	25.00
46	Resident mountain lion tag.....	5.00
47	Nonresident bighorn tag.....	125.00
48	Nonresident mountain lion tag.....	50.00
49	2. Other resident big game tags for special seasons shall not exceed	

1 \$25. Other nonresident big game tags for special seasons shall not exceed  
2 \$125.

3 3. Tags for [game birds or small game animals,] any species of  
4 wildlife except big game animals, for special seasons, shall not exceed  
5 [25 cents per bird or animal, but shall not exceed \$1 for the tags for one  
6 species in a year.] \$1 per tag.

7 SEC. 13. NRS 503.050 is hereby amended to read as follows:

8 503.050 1. It is unlawful for any person to cause through carelessness,  
9 neglect or otherwise any edible portion of any game bird, game  
10 animal, [or] game fish or [an edible portion thereof] game amphibian  
11 to go to waste needlessly.

12 2. It is unlawful for any person to capture or destroy any game  
13 animal, except a carnivore, and detach or remove from the carcass the  
14 head, hide, antlers, horns or tusks only and leave the carcass to waste.

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27 SEC. 16. NRS 503.165 is hereby amended to read as follows:

28 503.165 1. It is unlawful to carry a loaded rifle or loaded shotgun  
29 in or on any vehicle which is standing on or along, or is being driven  
30 on or along, any public highway or any other way open to the public.

31 2. A rifle or shotgun is loaded, for the purposes of this section, when  
32 there is an unexpended cartridge or shell in the firing chamber, but not  
33 when the only cartridges or shells are in the magazine.

34 3. The provisions of this section shall not apply to peace officers,  
35 game wardens or members of the armed forces of this state or the United  
36 States while on duty or going to or returning from duty.

37 SEC. 17. NRS 503.582 is hereby amended to read as follows:

38 503.582 [The director may issue permits for the capture, sale,  
39 transporting or possession of any species, native or otherwise, of owl,  
40 hawk or other birds of prey, including all raptors, or of the skin, plumage  
41 or other parts thereof if such species has been declared by the

42 director to be abundant or harvestable.] It is unlawful for any person to hunt,

43 trap, possess or sell any species, native or otherwise, of owl, hawk or other birds of prey,

44 including all raptors or the parts thereof, without first obtaining a permit

45 from the department. The commission may establish regulations covering

46 the hunting, trapping, possession or sale thereof.

47 SEC. 18. NRS 503.583 is hereby amended to read as follows:

48 503.583 1. Any person who practices falconry or trains birds of  
49 prey shall obtain a license for such purpose from the department [The  
50 fees for such licenses shall be set by the commission.]

upon payment of a license fee as provided in NRS 502.240.

1 2. License applications shall be accompanied by [evidence of the  
2 applicant's legal residence in Nevada and by] affidavits from two licensed  
3 or recognized falconers certifying as to the competency of the applicant  
4 properly to care for birds of prey and to engage in falconry.

5 [3. The holder of a license issued pursuant to this section shall file  
6 with the director an annual report enumerating and describing the cap-  
7 tures and losses of birds of prey during the year and showing a record  
8 of the prey captured. The licensee may obtain from the wild or by pur-  
9 chase only two birds per year and may have no more than two birds  
10 in possession or under license.]

11  
12 *The licensee, under permit, may obtain from the wild only two*  
13 *birds per year. All such birds of prey shall be banded in accordance with*  
14 *commission regulation.*

15 3. Birds of prey shall not be taken, captured or disturbed during  
16 the months in which they breed.

17 [5.] 4. This section does not prohibit the capture or killing of a  
18 hawk or an owl by holders of scientific collecting permits, except that  
19 rare and endangered species cannot be killed by holders of scientific  
20 collecting permits or holders of licenses issued pursuant to this section.

21 SEC. 19. NRS 503.595 is hereby amended to read as follows:

22 503.595 After the owner or tenant of any land or property has [filed  
23 a written report with] *made a report to the department indicating that*  
24 *such land or property is being damaged or destroyed, or is in danger of*  
25 *being damaged or destroyed, by game animals, game birds, [or] fur-*  
26 *bearing animals [,] or protected species of wildlife, the department may,*  
27 *after thorough investigation and pursuant to such regulations as the com-*  
28 *mission may promulgate, cause such action to be taken as it may deem*  
29 *necessary, desirable and practical to prevent or alleviate such damage*  
30 *or threatened damage to such land or property.*

31 SEC. 20. NRS 503.600 is hereby amended to read as follows:

32 503.600 [It shall be unlawful to catch or kill the desert tortoise or  
33 terrestrial turtle in the State of Nevada.] *It is unlawful for any person*  
34 *to hunt, trap or possess, except as otherwise provided in this Title, the*  
35 *desert tortoise or terrestrial turtle in the State of Nevada.*

36 SEC. 21. NRS 503.650 is hereby amended to read as follows:

37 503.650 Nothing in this Title shall:

38 1. Be so construed as to prohibit any person, upon the written permit  
39 of the department, from taking, [or] killing or possessing any species  
40 of wildlife, or collecting the nest or eggs thereof, for strictly scientific  
41 purposes, [or for propagation,] the number and species of wildlife to be  
42 limited by the department.

43 2. Prevent shipping into any other county or state, under a written  
44 permit issued by the department, any wildlife for scientific purposes. [or  
45 for propagation.]

46 SEC. 22. NRS 503.581 is hereby repealed.

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Assembly Bill No. 397--Mr. Ronzone

Summary--Clarifies regulation of guide services by state board of fish and game commissioners

This year, the License Section of the Department of Fish and Game has issued 26 Master Guide Licenses (Hunting) to residents of Nevada and 4 Master Guide Licenses to non-residents.

Eighteen Master Guides provided services to persons hunting deer, 4 to persons hunting bighorn sheep, and 12 to persons hunting mountain lion. Under license, the guides have operated in parts of management areas and also on a statewide basis.

For proper management of the resource, the ability is needed to impose a reasonable limitation on the number of guides operating in a particular area thereby minimizing the possibility of over-harvest. This provision is important in the management of the mountain lion. Also, there is a need to develop additional criteria for the establishment of a guide service including an evaluation of past performance.

Assembly Bill No. 397 would provide the Commission with the necessary regulator authority to accomplish these objectives.

## Assembly Bill No. 399--Mr. Ronzone

SUMMARY--Extensively amends administration and enforcement provisions of fish and game laws.

1. Designates fish and game wardens as peace officers for the enforcement of the Fish, Game and Watercraft Laws. Presently, there are 13 positions classified as full-time enforcement. The Nevada Peace Officers Association has endorsed the proposal.
2. The Commission presently has the responsibility for adopting regulations necessary for the protection, preservation and management of the wildlife in the state; ~~it is also recommended that they be provided with similar responsibilities pertaining to the wildlife habitat.~~ it is also recommended that they be provided with similar responsibilities pertaining to the wildlife habitat.
3. Permits the department to obtain harvest data from trappers in addition to hunters and fishermen. Such data to be submitted within the period specified by the Commission.
4. Amends the provision of the Fish and Game Fund to permit the periodic transfer of

Amends the provisions of the Fish and Game Fund to "the principal so deposited shall be transferred periodically, commencing July 1 of each ~~year~~ fiscal year, to the fish and game fund for use of the department during that fiscal year. This amendment was recommended by the Legislative Counsel Bureau to enable the Department to accrue the maximum amount of interest moneys.

5. Amends the ~~game~~ law to permit the sale of hide, head, antlers or horns, or other nonedible parts of game animals. Further makes it unlawful to sell protected species of wildlife except as provided in the Title.

6. The Department may publish journals and other official publications and charge a fee as determined by the Commission. These would include pamphlets relating to Quail Life History, Quail Population and would not include publications such as season pamphlets.

As proposed  
by Fish & Game

A. B. 399

ASSEMBLY BILL NO. 399—MR. RONZONE

FEBRUARY 19, 1971

Referred to Committee on Fish and Game

SUMMARY—Extensively amends administration and enforcement provisions of fish and game laws. Fiscal Note: No. (BDR 45-460)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to administration and enforcement of fish and game laws; classifying personnel of the Nevada department of fish and game as peace officers under certain circumstances; clarifying definitions; providing for adoption of regulations governing wildlife habitats; eliminating redundancies; expanding the department's powers in gathering data from hunters, trappers and fishermen; allowing the charging of a fee for certain official publications of the department; adjusting transfer dates of moneys into the fish and game fund; prohibiting the sale of protected species of wildlife and permitting the sale of certain inedible animal parts; eliminating railroad transportation privileges for game wardens and the requirement that wardens cooperate in instruction in fish and game laws; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 169.125 is hereby amended to read as follows:  
2 169.125 "Peace officer" includes:  
3 1. The bailiff of the supreme court;  
4 2. Sheriffs of counties and their deputies;  
5 3. Constables;  
6 4. Personnel of the Nevada highway patrol when exercising the police  
7 powers specified in NRS 481.150 and 481.180;  
8 5. The inspector or field agents of the motor carrier division of the  
9 department of motor vehicles when exercising the police powers specified  
10 in NRS 481.049;  
11 6. Members of and all inspectors employed by the public service  
12 commission of Nevada when exercising those enforcement powers con-  
13 ferred by chapters 704 to 706, inclusive, of NRS;  
14 7. Marshals and policemen of cities and towns;  
15 8. Parole and probation officers;  
16 9. Special investigators employed by the office of any district attorney  
17 or the attorney general;  
18 10. Arson investigators for fire departments specially designated by  
19 the appointing authority;



- 1 11. Members of the University of Nevada System police department;
- 2 **[and]**
- 3 12. The state fire marshal and his deputies **[.]**; and
- 4 13. *The personnel of the Nevada department of fish and game when*
- 5 *exercising those enforcement powers conferred by Title 45 and chapter*
- 6 *488 of NRS.*

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20 **SEC. 4.** NRS 501.105 is hereby amended to read as follows:  
 21 501.105 The commission shall establish policies and adopt regula-  
 22 tions necessary to the preservation, protection, management and restora-  
 23 tion of wildlife **[.]** and its habitat.

24 **SEC. 5.** NRS 501.110 is hereby amended to read as follows:  
 25 501.110 1. For the purposes of this Title, wildlife shall be classified  
 26 as follows:

- 27 (a) Wild animals, which shall be further classified as either game
- 28 animals, fur-bearing animals, protected or unprotected animals.
- 29 (b) Wild birds, which shall be further classified as either game birds,
- 30 protected birds or unprotected birds. Game birds shall be further classi-
- 31 fied as upland game birds or migratory game birds.
- 32 (c) Fish, which shall be further classified as either game fish or pro-
- 33 tected fish or unprotected fish.
- 34 (d) Reptiles, which shall be further classified as either protected
- 35 reptiles or unprotected reptiles.

36 (e) Amphibians, which shall be further classified as either game  
 37 amphibians, protected amphibians or unprotected amphibians.

- 38 2. Protected wildlife may be further classified as rare or endangered.
- 39 3. Each species of wildlife shall be placed in a classification by com-
- 40 mission regulation and, when it is in the public interest to do so, species
- 41 may be moved from one classification to another, in accordance with the
- 42 procedure set by chapter 233B of NRS.

43 **[4.** Whenever it is in the public interest to do so, and upon reason-  
 44 able public notice, the commission may add to or take from any of the  
 45 appropriate classifications any animal, bird or fish.]

46 **SEC. 6.** NRS 501.119 is hereby amended to read as follows:  
 47 501.119 1. The department is authorized to determine methods of  
 48 obtaining necessary data from hunters, trappers and fishermen relative to  
 49 their activities and success.

1 2. Such methods may include return of report forms attached to  
2 licenses and tags or questionnaires addressed to license holders.

3 3. It is unlawful to fail to return any report form or questionnaire  
4 or to falsify any information requested. Failure to return such form or  
5 questionnaire *within the period specified by commission regulation* or  
6 the submission of any false statement thereon may be cause to deny the  
7 person the right to acquire any license provided under this Title for a  
8 period of 2 years.

9 4. Any statement made on such report forms or questionnaires shall  
10 not be the basis for prosecution for any indicated violations of other sec-  
11 tions of this Title.

12 SEC. 7. NRS 501.343 is hereby amended to read as follows:

13 501.343 The department may:

14 1. Collect and disseminate, throughout the state, information calcu-  
15 lated to educate and benefit the people of the state regarding wildlife and  
16 boating, and information pertaining to any program administered by the  
17 department.

18 2. Publish wildlife journals **[.]** and other official publications, for  
19 which a specific charge may be made **[or an annual subscription rate of**  
20 **not more than \$5 may be charged.]** *such charge to be determined by the*  
21 *commission*, with the proceeds to be deposited in the fish and game fund.  
22 *No charge shall be made for publications required by commission regula-*  
23 *tion.*

24 SEC. 8. NRS 501.349 is hereby amended to read as follows:

25 501.349 1. Those regular employees and others designated by the  
26 director as fish and game wardens shall have full power and authority to  
27 enforce all provisions of this Title and of chapter 488 of NRS.

28 2. Such wardens **[may act as]** *are* peace officers for the service of  
29 such legal process, including warrants and subpoenas, as may be required  
30 in the performance of their duties in the enforcement of this Title and of  
31 chapter 488 of NRS.

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32 3. Nothing in subsection 2 shall be construed to include employees  
33 designated as wardens within the provisions of subsections 1 or 3 of NRS  
34 286.510, but their retirement from service under the provisions of chapter  
35 286 of NRS at the age of 60 years shall be governed by the provisions of  
36 subsection 2 of NRS 286.510.

37 SEC. 9. NRS 501.356 is hereby amended to read as follows:

38 501.356 1. There is hereby created a fund to be known as and  
39 called the fish and game fund, which fund shall be kept in the state  
40 treasury, and, subject to the provisions of subsection 2, shall consist of  
41 all moneys received from the sale of licenses, fees received pursuant to  
42 the provisions of NRS 488.075, remittances from the state treasurer  
43 received pursuant to the provisions of NRS 365.535, and moneys from  
44 all other sources as provided by law, including appropriations made by  
45 the legislature.

46 2. The moneys received from the sale of licenses, fees received pur-  
47 suant to the provisions of NRS 488.075, remittances from the state treas-  
48 urer received pursuant to the provisions of NRS 365.535 and moneys  
49 received from all other sources except appropriations, gifts and federal  
50 funds obtained under NRS 501.115 and 501.117, shall, upon receipt, be

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1 deposited at interest, with the written approval of the state board of  
2 finance, in any state or national bank or banks or savings associations in  
3 the State of Nevada. The principal so deposited shall be transferred  
4 ~~annually~~ *periodically, commencing July 1 of each fiscal year*, to the  
5 fish and game fund ~~between June 1 and July 31~~ for use of the depart-  
6 ment during ~~the next succeeding~~ *that* fiscal year.

7 3. The department may use so much of any such available moneys as  
8 may be necessary for:

9 (a) The payment of the expenses of protecting, propagating, restoring,  
10 introducing, transplanting and managing of wildlife in or into this state.

11 (b) The payment of the expenses incurred in the administration and  
12 enforcement of the provisions of this Title.

13 (c) The acquisition of lands, water rights, easements and other prop-  
14 erty for the protection, management and propagation of wildlife in this  
15 state.

16 (d) The payment of the expenses incurred in the development, main-  
17 tenance, operation and repair of wildlife installations and facilities.

18 (e) All other necessary expenses to effect and aid in the enforcement  
19 and administration of this Title, including such other acts of expenditure  
20 as may be found to be urgent and necessary to assist and effect control in  
21 the propagation, protection and management of wildlife and wildlife  
22 management areas.

23 (f) The payment of the expenses incurred in the administration and  
24 enforcement of the provisions of chapter 488 of NRS (Nevada Boat Act),  
25 but total expenditures from the fish and game fund for this purpose shall  
26 not exceed the total sums received by the department pursuant to the  
27 provisions of NRS 365.535 and 488.075.

28 4. All moneys in the fish and game fund shall be used for the pur-  
29 poses specified in this section and not diverted to any other fund or use,  
30 and shall not revert to general state funds.

31 SEC. 10. NRS 501.379 is hereby amended to read as follows:

32 501.379 It is unlawful for any person to sell, or expose for sale, to  
33 barter, trade or purchase, or attempt to sell, barter, trade or purchase, any  
34 species of game animals or game birds or *protected species of wildlife*, or  
35 parts thereof, ~~except as provided in this Title~~ *but the sale of the hide,*  
36 *head, antlers or horns, or other nonedible parts of game animals is per-*  
37 *mitted.* The importation and sale of game animals or game birds or parts  
38 thereof is not prohibited, provided such importation is from licensed  
39 commercial game breeders or processors outside the state.

40 SEC. 11. NRS 501.347 is hereby repealed.

ASSEMBLY

AGENDA FOR COMMITTEE ON FISH AND GAME

Date MARCH 11, 1971 Time A.M. RECESS Room 222  
(about 10:00)

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
<u>A.B. 104</u>	<u>Provides free hunting and fishing licenses for certain disabled veterans.</u>	<u></u>
<u>A.B. 383</u>	<u>Protects coyotes and all species of wildcats. (request of Mrs. Frazzini and Mr. Hilbrecht)</u>	<u></u>
<u>A.B. 451</u>	<u>Changes regulation of zoos in certain counties from State to county.</u>	<u></u>
<u>A.B. 521</u>	<u>Affirms state ownership of beds of navigable rivers and lakes, and abrogates common law doctrine of reliction.</u>	<u></u>
<u>A.B. 603</u>	<u>Specifies compensation of fish and game license agents.</u>	<u></u>
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\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
Subject \_\_\_\_\_