

H E A R I N G

100

M I N U T E S -- 57th Session

Assembly

ENVIRONMENT & PUBLIC RESOURCES & FISH AND GAME COMMITTEE--Room 214

March 9, 1973

Members Present: Vice-Chairman Crawford Jacobsen  
Ford Lowman  
Gojack Smalley  
Broadbent

Members Absent: Chairman Bremner  
Banner

Guests Present: Wayne N. Capurro Nevada Organization for Wildlife  
& Nevada Wildlife Federation  
William G. Parsons Nev. Dept. Fish and Game  
Fred Wright Nev. Dept. Fish and Game  
Frank W. Groves Nev. Dept. Fish and Game  
Alex Gloth Ormsby Sportsman--Senior Citizen

Vice-Chairman Crawford called the meeting to order at 8:10 a.m. He announced that Chairman Bremner would not be here today, and further conducted the meeting. He said that the bills that would be discussed today are 460, 461, 462, 465, and 466. A.B. 463, which was scheduled to be discussed today with the others, was requested to be discussed another time by the Chairman. Vice-Chairman Crawford said they would start with A.B. 460 and have all discussion on each one before going to another.

A.B. 460

This bill states requirement of licenses or permit to hunt or trap all wildlife. Mr. Frank W. Groves, Director of the Department of Fish and Game, spoke first on this bill. He mentioned he had additional staff members present for questions asked. The changes brought out in the bill, will help resolve conflicts that are present in the code that they have now. One problem is of the non-residents, and in Elko, they closed down there county for night shooting, because of predators being shot. Mr. Groves discussed about NRS 502.010, which gives the privilege of farmers and ranchers hunting on their own property, and gives a boy a chance to hunt on his own property without having a licensed hunter with him, if he is only hunting jack-rabbits or ground squirrels. The purpose of this bill is to clarify so to give control of urban areas, and also control of the non-residents problem. Mr. Crawford asked Mr. Groves if he was suggesting that anybody gets some kind of permit or what. Mr. Groves said that it is the taking of wildlife that requires a license, and that target practicing is okay.

QUESTIONS:

Mr. Smalley if this bill was changed by the Department, and Mr. Groves said that it was by the Department and the Commission, and was approved by the Wildlife Federation.

Mrs. Ford asked why lines 12 and 13 on page 1, stating: [There shall be now open season on those species of wildlife classified as protected.]

Mr. Groves' answer was that if the commission can say there is a year round season on all types of rodents and all predatory animals, but then it all complies with this section, and in other words, it would mean that they would never open the season on protected species.

Mr. Wayne N. Capurro spoke next on A.B. 460. Mr. Capurro, President of the Wildlife Federation, and speaking for the Nevada Organization of Wildlife, also, said that ~~this~~ bill is more in the way of clarification measure than anything else. It takes out the difference between this and the licensure statute of ~~501.065~~ relating to open season--limiting that to game animals and game birds, rather than to all wildlife. This bill is also reasonable for the requirement of licenses for hunting of any wildlife species, according to Mr. Capurro.

QUESTIONS:

Mr. Lowman then directed a question to Mr. Capurro asking if the Wildlife Federation believes in the concept of all control of all animals and predators, and then the necessity to put out state dollars for predator control and also do we not appropriate money each Legislative session to handle this. Mr. Capurro said that this could be a possible interpretation. He said that the predatory of the bobcats and coyotes come within the purvue of the licensing statutes. About the bobcat, by doing this, brings more interest now. He went on to answer about the appropriation of funds and said that he did not know whether that is a proper expenditure of public funds or not and think there has been a vast abuse in the past of some of these particular things, but now the Federation is asking for the state to assume the responsibility and we really won't see anything happening for a long time until we get into it.

Dr. Broadbent commented that he did not prompt Mr. Lowman's question.

Mr. Lowman replied that the real thrust of his question was philosophical, saying that we have come to a place where we intend to take fun out of life, that was there once before by adding a layer of bureaucracy to do things for us that we used to do for ourselves. It did not make much sense to Mr. Lowman, and there ought to be a way to work it out with the Fish and Game Department so that on one hand you are protecting all game from people that are not really professionals, and on the other hand go out and get rid of the same game.

Mr. Groves made one more statement recommending that on line 10, page 1, of A.B. 460 to take out the statement "fur-bearing animals" so that this would give them more regulatory power on the setting of private trap licenses, which they have no control of at the present time.

A.B. 461

This bill states of making certain changes in fish and game licenses, tags, and fees.

Mr. Groves spoke and said that there a number of people that have stated false residence to get out of paying more for a license.

Mr. Crawford asked Mr. Groves to address himself to page 2, line 18, which states in reference to losing a license, and the fee of \$2 is deleted and this is added: "in an amount equal to the fee provided by law for the initial issuance of such license."

Mr. Groves said that it used to be that if one had lost their lic-

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ense, then all they would have to do is to sign an affidavit and receive another for the fee of \$2, but people were getting duplicates, when they did not receive one in the first place. So now, recommends that the person sign the affidavit and then pay the full amount they paid in the first place.

### QUESTIONS:

Mrs. Gojack asked about any provision for those of 60-65 years of age. Mr. Groves answered that they had to be have a residence of 20 years and 65 years old, to have a special license. He went on to say that he thinks it was Mr. Bremner who requested it come down to 10 years residence instead of 20 years, and they seemed to have no quarrel.

Mr. Lowman asked if they had any thought of taking away the free licenses of the armed services, now they receive more money and are better off then the armed services of long ago. Mr. Groves answered that it has not been considered by them.

Dr. Broadbent commented on the senior citizen requirement of 20 years is very lenient compared to the other western states.

Alex Gloth, a senior citizen, and an Ormsby Sportsman, commented that he had been a 60 year resident, until he moved to California for 10 years, and now when he has come back, he has to wait another 20 years, and he thought that something should be done about this. He said that he had not been that hurt by it, but knew of other people in the same situation.

### A.B. 462

This bill reduces the length of state residency required to obtain fish and game licenses or permits.

Mr. Capurro spoke saying that the soul change in this bill is changing the six-month residency requirement and substituting it to a thirty-day bonified residence. They now feel that this residence requirement change is an error, because of the fact that people would only stay on for 30 days for the license, and then leave the state afterwards. Mr. Capurro suggested that they keep the 6 months.

Mr. Groves said that this is not a departmental bill.

### QUESTIONS:

Mr. Jacobsen asked how many citations they have given out for false residence, and Mr. Parsons answered about sixty of them.

Mr. Lowman asked what happens when someone is convicted and asked if they get most of them. Mr. Parsons said that the convicted ones pay a fine of \$200 - \$250, but sometimes it is hard to get them convicted.

Mr. Jacobsen asked about the total licenses that have been given out and Mr. Wright said that he would give a copy of all different types of licenses and costs to the committee members. (This data is attached as Exhibit I). Mr. Jacobsen also asked if they ever considered increasing the residency to one year, and the answer was no. (Information of the residencies of other states is attached as Exhibit 2).

A.B. 464

This bill increases the petty cash fund in the Nevada Department of Fish and Game from \$50 to \$150.

Mr. Groves said that the reason for such an increase is to be able to substantiate between the three major offices of this department, with purchase orders, and very small bills involved.

Vice-Chairman Crawford asked where the money would come from to supply their petty cash, and Mr. Groves said from the Fish and Game Department.

Mr. Capurro commented that the Wildlife Federation has no objection to this increase.

A.B. 465

This bill establishes fees and permits for taxidermists.

Mr. Groves said this is a regulatory manner approved by all of the taxidermists that are in the state, because they also feel there should be more control. They will have to keep a record and have to have a permit from the Federal Government if they are dealing with migratory birds, and with a fee of \$5.

Mr. Capurro added that he thought that the regulation in this field is wise and if \$5 fee would cover the administrative work required. Dr. Broadbent said that he thought \$10-\$15 sounded more realistic. Mr. Capurro figured that \$25 would be enough so to cover administrative work.

Mr. Lowman said that this high of a fee would probably keep the taxidermists from working. But Mr. Capurro doubted this would happen.

Mr. Groves added that the ones that are taxiderming for a hobby, would not have to pay a fee.

Mr. Lowman asked how many people do this for hobby or business. Mr. Parsons answered that there are 13 commercial taxidermists in the state and 10 licensed non-commercial. Then Mr. Lowman asked if they have any idea of how many of each species is worked on and handled, and Mr. Parsons said they do, and handle anything from a Hippo to Deers, and so on. Mr. Lowman said that they probably run into the hundreds and thousands, and Dr. Broadbent said that for a Bighorn Sheep shoulder mount it costs from \$120 to \$150.

Mr. Groves brought up the schools and Mr. Lowman asked if they should have a permit, and Mr. Parsons said that they could do that.

Mrs. Ford said that there should be a definition between commercial and non-commercial.

After discussion about giving a permit for the schools, they did decide that giving the schools a permit for the learning and practicing of taxiderming, so that the department would be able to have some con-

trol over the students' work.

A.B. 466

The committee then went on to A.B. 466, permitting Nevada fish and game department to protect property threatened by any wildlife species.

Mr. Groves commented that this bill is merely a clarification, which helps to clarify the law back to A.B. 460, just to see the part of [game animals, game birds, fur-bearing animals or protected species of] taken out. He went on and said that this bill means only permissive, not mandatory.

QUESTIONS:

Mr. Jacobsen said that if it is said land or property, does it mean livestock, and Mr. Capurro said that it would include livestock, because they are his personal property.

Jean commented that she appreciated receiving the papers of the Nevada's Fish and Game Funding, and they were very interesting. (This Funding information is attached as Exhibit 3).

The witnesses were dismissed at 9:15 a.m. by Vice-Chairman Crawford, and the committee discussed just a little, holding off action until Chairman Bremner was there.

Mr. Lowman said that he would like to see this committee ask the bill drafter for an interim study of the Legislative Commission of the impact of the 30-day residence requirement for voting and the other residency requirements listed in the statutes. And how residences effect present laws. So with this, Mr. Lowman moved for an interim study to question how the residence requirements would effect other laws in the state, and Mr. Jacobsen seconded it. Members concurred.

Since there wasn't much time before the Assembly went into session so the meeting was adjourned until next Wednesday at 8:00 a.m.

Respectfully submitted,

Geanie Armstrong  
Assembly Attache

ASSEMBLY  
H E A R I N G

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COMMITTEE ON ENVIRONMENT & PUBLIC RESOURCES

Date MARCH 9, 1973 Time 8 a.m. Room 214

Bill or Resolution  
to be considered

Subject

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A.B. 460

Requires license or permit to hunt or trap all wildlife

A.B. 461

Makes certain changes in fish and game licenses, tags, and fees.

A.B. 462

Reduces length of state residency required to obtain fish and game licenses or permits.

A.B. 463

Adjusts fees of hunting and fishing licenses, tags, and permits.

A.B. 464

Increases petty cash fund in the Nevada Department of Fish and Game.

A.B. 465

Establishes fees and permits for taxidermists,

A.B. 466

Permits Nevada Fish and Game Department to protect property threatened by any wildlife species.

DEFERRED INCOME	June 1972		Year to Date		To June 1971	
	No. of Lic.	Amount	No. of Lic.	Amount	No. of Lic.	Amount
<u>Resident Hunting</u>						
3601 License	5	\$ 25.00	31,615	\$ 158,075.00	31,771	\$ 159,855.00
02 Senior License	14	14.00	2,200	2,200.00	1,725	3,450.00
03 Serviceman License	8	16.00	497	994.00	694	1,388.00
06 Trapping License	-	---	239	1,195.00	225	1,125.00
07 Regular Deer Tag	-	---	38,859	194,295.00	36,109	180,545.00
08 Exempt Deer Tag	-	---	1,277	---	1,287	---
09 Archery Deer Tag	-	---	863	4,315.00	886	4,430.00
10 Antlerless Deer Tag	-	---	---	---	855	4,275.00
11 Antelope Tag	-	---	345	5,175.00	320	4,800.00
12 Antelope Archery Tag	-	---	34	510.00	21	315.00
13 Bighorn Sheep Tag	-	---	43	1,075.00	55	1,375.00
14 Elk Tag	-	---	15	225.00	15	225.00
15 Mountain Lion Tag	9	45.00	132	660.00	421	421.00
19 Pheasant Stamp	-	---	2,435	4,870.00	---	---
	<u>SUB-TOTAL:</u>	<u>\$ 100.00</u>		<u>\$ 373,589.00</u>		<u>\$ 362,204.00</u>
<u>Nonresident Hunting</u>						
3620 License	2	\$ 100.00	4,196	\$ 209,800.00	4,000	\$ 200,000.00
21 Upland Game Bird License	-	---	684	17,100.00	450	11,250.00
22 3-Day Waterfowl License	2	20.00	632	6,320.00	772	7,720.00
23 Deer Archery License	-	---	290	11,600.00	266	10,640.00
24 Landowner License	-	---	6	480.00	---	---
26 Trapping License	-	---	24	240.00	15	150.00
27 Regular Deer Tag	-	---	4,006	120,180.00	3,838	115,140.00
28 Archery Deer Tag	-	---	---	---	---	---
29 Antlerless Deer Tag	-	---	---	---	---	---
30 Bighorn Sheep Tag	-	---	5	625.00	5	625.00
31 Mountain Lion Tag	5	250.00	22	1,100.00	46	2,300.00
34 Upland Game Bird Stamp	-	---	818	818.00	718	718.00
	<u>SUB-TOTAL:</u>	<u>\$ 370.00</u>		<u>\$ 368,263.00</u>		<u>\$ 348,543.00</u>
<u>Resident Hunting &amp; Fishing</u>						
3635 License	15	\$ 187.50	14,694	\$ 183,675.00	12,329	\$ 156,352.50
37 Junior License	396	792.00	10,852	21,704.00	10,348	20,696.00
38 Indian License	99	---	2,382	---	1,274	---
	<u>SUB-TOTAL:</u>	<u>\$ 979.50</u>		<u>\$ 205,379.00</u>		<u>\$ 177,048.50</u>

*Exhibit I*  
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DEFERRED INCOME	June 1972		Year to Date		To June 1971	
	No. of Lic.	Amount	No. of Lic.	Amount	No. of Lic.	Amount
<u>Resident Fishing</u>						
3641 License	1,925	\$ 14,437.50	47,190	\$ 353,925.00	44,639	\$ 319,792.50
42 Senior License	106	106.00	3,264	3,264.00	1,725	3,450.00
43 Serviceman License	56	112.00	665	1,330.00	645	1,290.00
44 5-Day Permit	787	3,935.00	1,339	6,695.00	---	---
45 State Hospital License	---	---	30	30.00	30	30.00
50 Special Use Stamp (Nev.)	120	240.00	438	966.00	345	680.00
Nv. Stamps sold by Arizona		43,505.70		43,505.70		42,986.20
<u>Nonresident Fishing</u> SUB-TOTAL:		\$ 62,336.20		\$ 409,715.70		\$ 368,228.70
3651 License	58	\$ 870.00	1,977	\$ 29,655.00	2,790	\$ 41,850.00
52 Junior License	60	300.00	815	4,075.00	1,043	5,215.00
53 Colorado River License	88	880.00	3,866	38,660.00	1,274	12,740.00
54 5-Day Permit	4,875	24,375.00	29,269	146,345.00	27,167	130,845.00
SUB-TOTAL:		\$ 25,425.00		\$ 218,735.00		\$ 190,650.00
<u>Boat</u>						
3660 Registrations	1,188	\$ 3,564.00	20,624	\$ 61,872.00	18,584	\$ 55,755.00
61 Transfers	---	---	171	342.00	222	444.00
62 Temporary	---	---	---	---	---	---
64 Title Fee.	866	2,598.00	3,905	11,715.00	---	---
65 Fuel Tax	---	6,113.63	---	67,249.93	---	27,500.00
SUB-TOTAL:		\$ 12,275.63		\$141,178.93		\$ 83,699.00
<u>Miscellaneous</u>						
3670 Master Guide	---	\$ ---	35	\$ 1,750.00	31	\$ 1,550.00
71 Subguide	---	---	28	280.00	25	250.00
72 Falconry	7	70.00	21	210.00	10	100.00
73 Noncommercial Breeding	14	28.00	142	284.00	153	306.00
74 Competitive Field Trial	--	---	7	7.00	11	11.00
75 Commercial/Private Shooting Preserve	--	---	8	200.00	8	200.00
76 Commercial Breeding Grounds	2	50.00	30	750.00	22	550.00
77 Fur Dealer Resident	---	---	1	1.00	1	1.00
78 Fur Dealers Agent	---	---	---	---	---	---
79 Trained Animal Act	---	---	---	---	2	20.00



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DEFERRED INCOME Miscellaneous (Continued)	June 1972		Year to Date		To June 1971	
	No. of Lic.	Amount	No. of Lic.	Amount	No. of Lic.	Amount
3680 Hunter Safety	15	\$ 30.00	169	\$ 338.00	---	\$ ---
84 Commercial Fish	---	---	1	100.00	---	---
86 Aquatic Life	1	---	18	---	2	---
87 Live Bait Dealer	4	100.00	26	650.00	26	650.00
88 Importation Inspection Fee	4	40.00	19	190.00	32	320.00
89 Commercial Fish Hatchery	2	20.00	8	80.00	8	80.00
3690 Noncommercial Fish Hatchery	6	30.00	40	200.00	31	155.00
93 Nonresident Master Guide	---	---	7	700.00	4	400.00
94 Nonresident Subguide	---	---	6	120.00	2	40.00
95 Nonresident Fur Dealer	---	---	---	---	1	25.00
97 Void/Unused (before issued)	---	---	---	---	---	---
98 Duplicates	245	490.00	1,823	3,647.00	1,826	1,826.00
99 Lost	---	---	261	1,305.00	363	1,815.00
	<u>SUB-TOTAL:</u>	<u>\$ 858.00</u>		<u>\$ 10,812.00</u>		<u>\$ 8,299.00</u>
	GROSS LICENSE SALES	\$ 103,344.33		\$1,727,672.63		\$1,538,672.00
	Commissions	(1,139.00)		(22,871.50)		(21,747.80)
	Adjustments to Agents Accounts	632.10		2,743.25		63.75
	<u>NET SALES</u>	<u>\$ 102,837.43</u>		<u>\$ 1,707,544.38</u>		<u>\$ 1,516,988.15</u>

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DEFERRED INCOME

NON-LICENSE RECEIPTS:

	<u>June 1972</u>	<u>Year to Date</u>	<u>To June 1971</u>
<u>Publications</u>			
3701 Outdoor Wildlife Review	\$ 698.00	\$ 7,193.50	\$ 10,144.25
02 Biological Bulletin #4	21.75	318.00	1,362.95
<u>Area Income</u>			
3711	\$ 278.58	\$ 6,003.55	\$ 11,360.59
12	9,271.18	47,363.26	25,899.54
<u>Other</u>			
3720 Other	\$ ---	\$ 2,279.04	\$ 455.29
3721 Equipment Sales	10.00	33,619.53	23,024.71
22 Lists	199.00	1,407.00	2,190.97
23 Rent/Utilities	715.99	7,530.72	6,484.01
24 Refunds	163.34	1,609.17	7,223.67
25 Agent Bonds	152.00	2,384.00	1,023.00
Bad Checks		(5.00)	(6.00)
SUB TOTAL	\$ 11,509.84	\$ 109,702.77	\$ 89,162.98

Deferred Income Available for 72-73 Work Program	\$ 114,347.27	\$ 1,817,247.15	\$ 1,606,157.13
Held in Trust for Arizona	\$ 4,916.00	\$ 73,452.00	\$ 68,258.00
Interest Income - Reserve Account	\$ 310.35	\$ 1,468.59	\$ ---
Money on Hand (Bank & T.C.D.'s)	\$ 119,573.62	\$ 1,892,167.74	\$ 1,674,415.13

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of amt  
57979  
is lost  
153,611  
lic increase*

<u>State</u>	<u>Length of residency required to purchase resident license</u>
Alaska	12 months
Arizona	6 months
California	6 months
Colorado	6 months
Idaho	6 months
Montana	6 months
Nevada	6 months
New Mexico	90 days
Oregon	6 months
Washington	90 days
Utah	60 days
Wyoming	12 months

Presently, attempting to firm up residency requirements as evidenced by the provisions of A.B. 461 - The commission may provide rules and regulations requiring an applicant to exhibit proof of his identify and residence. Such information shall be included on the license as deemed necessary by the department.

#### Transient population.

Recreationist could camp alongside a stream for 30 days; then become a resident for purposes of obtaining a hunting, fishing or trapping license.

Loss of revnue; eventually would be necessary to phase out the quota system for non resident hunters thereby resulting in loss of about \$327,133 accelerating the day when it would be necessary for all groups of hunters, including residents, to hunt on a quota basis.

Many JP's are reluctant to accept cases wherein the individual has nearly met the present residency requirement of 6 months in Nevada; reduction to 30 days residency would compound the problem.

Quote from Attorney General Opinion Number 154 - State of Idaho, dated November 22, 1972 .... "We are of the opinion, therefore, that Idaho may permissibly impose a higher fee for non-residents than it does for residents."

Further, and citing from the same opinion... "Hunting and fishing has never been held to be a "fundamental right" of man; in fact, some courts have viewed it as a mere privilege conferred by the state. Since we are of the opinion that the right to hunt and fish is not a fundamental one in the category of voting and/or travel, there is no requirement to show a "compelling state interest" to justify durational residence of six months.... It is my respectful opinion that section 36-404, Idaho Code, is valid and enforceable in this state.

As the 1973 Legislative Session approaches we again hear rumbles that the sportsmen's license dollar should go into the general fund of the State, and the Department then operate from general fund appropriated monies. A few legislators have remarked, "Yes, I know you are going to have to have additional revenue other than the sportsman license dollar, but you won't get a red cent until all your funds are placed in the general fund." Other legislators have remarked that "it is not fair for the sportsmen's license dollar to support non-game programs, but to meet this need we should initiate a new source of revenue in which all of the public who enjoy the great outdoors can participate as there aren't sufficient monies in the general fund to support the many needed and worthwhile programs of the state, and Fish and Game can't hope to compete with requests such as education and welfare." Other legislators have said that "Fish and Game is doing a good job so leave them alone." Right from the start you can see there are several schools of thought. In order to properly analyze the subject let's first define a few terms so we all have the same background information.

Basically there are two types of funds that the Legislature is responsible for in approving expenditures for the support of state government. The first is general fund monies derived from taxes and other sources paid by all the citizens of the State, and the second consists of dedicated funds derived from a special source and restricted by law for a specific purpose. An example of such funds are gasoline tax revenues used for the support of our highways, and the sportsmen's hunting and fishing license dollar which must, by law, be used solely for fish and game management activities. The Legislature, therefore, appropriates money from the general fund to finance state programs and authorizes the expenditure from dedicated funds for the specific purposes for which they were collected. Neither fund, however, can be expended without specific appropriation or authorization by the Legislature, so basically they have full control over all state expenditures. For clarification let us now review the definitions of appropriation, authorization and revenues as spelled out in our Nevada Revised Statutes.

353.299 Appropriation Defined.

Appropriation means an authorization granted by a Legislative body to make expenditures and to incur obligations for specific purposes for a specified period of time.

353.301 Authorization Defined.

Authorization means the permission granted by the Legislature to receive and expend funds from sources other than the general fund.

353.315 Revenues, Other Resources of Funds Subject to Legislative Authorization, Appropriation, Review.

The revenue and other resources of the funds shall be subject to Legislative authorization or appropriation and Legislative review for each fiscal period except where such procedure conflicts with constitutional or statutory provisions.

With this background information let's next review a little of the history of why the sportsmen's dollar was placed, by law, in the dedicated fund category.

During the late 20's and early 30's there was a national movement to get sportsmen license monies separated from general fund monies due to the fact that both County Commissioners and State Legislators were using these funds to build roads and any other project they deemed more important than fish and game. In those days wildlife management and protection did not rate very high, consequently the sportsmen did not derive much benefit from his license dollar. Some states, through sportsmen initiative, even went so far as to place before the voter a constitutional amendment to where said license fees were permanently protected against any utilization by legislative appropriation, and left entirely in the hands of the Fish and Game Commission - Missouri is a good example.

As of 1968 Rhode Island is the only state that does not operate their Divisions of Conservation through dedicated funds as it pertains to their fish and game functions. In many states the Department of Fish and Game is a division of the Department of Conservation and Natural Resources; however, their fish and game funds are still dedicated funds whereas they receive general fund appropriations for the operation of the other divisions within the Department. Nine of the states get additional funds over and above their dedicated funds from general fund appropriations for wildlife programs and since that time several other states receive general fund appropriations to supplement their fish and game funds.

In 1937 the Federal Aid to Wildlife Restoration Act, also referred to as the Pittman-Robertson Act specified that the individual state was not entitled to revenue derived from excise tax on firearms and ammunition if any of the fish and game license monies were diverted for other purposes than fish and game programs. Nevada did not qualify under the Act until 1947 (even though Nevada Senator Key Pittman coauthored the bill) when the Legislature caused all license monies to be channeled into a central state fish and game fund under the jurisdiction of the Nevada Fish and Game Commission.

The following is a direct quote (with emphasis added) from the Federal Aid Act: "Conditions to participation in the benefits of these Acts are that a State's hunting and fishing license revenues must be used only for administration of its Fish and Game Department and Federal Aid funds granted under the Acts must be used for the purposes of approved projects. A diversion of license fees occurs when a State Fish and Game Department, through Legislative action, or otherwise, loses control of the expenditure of any portion of its hunting license or sport fishing license revenues, or expends such revenues for any purpose other than the administration of the State Fish and Game Department. A diversion of Federal Aid funds occurs whenever they are applied by a state to activities or purposes which are not a part of an approved project, or when real property acquired or constructed with Federal Aid funds under these Acts passes from the control of the State Fish and Game Department or is used for unapproved purposes in a manner or to an extent which interferes with the accomplishment of project purposes as they were approved by the Secretary, or as they may be amended with the approval of the Secretary."

In considering the pros and cons of fish and game income as a part of the general fund it has been stated that no Legislator would jeopardise the use of Federal Aid funds by not fully appropriating an amount equal to what has been taken in through sportsmen's license money or cause a loss of control by Fish and Game. In the event a change comes out of the Legislature on the funding of Fish and Game the conditions of the specific Act would have to be tested as to whether, in fact, control had been lost.

At present the Department has several sources of funds, each being earmarked for a specific purpose. An example is motorboat fuel tax and motorboat registration fees which can not be used for anything except boating law enforcement and boating registration administration. Clark County Convention Authority funds have been given to the Department for a specific purpose for the development of wildlife programs and fisheries research work in Clark County. These funds to be matched with Federal Aid monies can only be utilized for these specific purposes. Other gifts are frequently made to the Department by philanthropic organizations for a given specific purpose.

Since the early 1950's Fish and Game, through its own conservative manipulation, established the financial position of banking the current years income and spending it the following year; thereby we were always in a firm cash position for a fiscal year's operation. Through the wisdom of the Legislature in 1963 this format was formalized into law plus permitting interest to be generated on the money deposited. Therefore, by law all fish and game license money is now deposited in a bank at interest as it is received and none of this revenue can be utilized until the following year. The interest money generated during the year of deposit is held in a special account to be used by the Commission for emergency purposes only. This fund can be built up to \$150,000 and any excess must then be transferred to the Fish and Game Fund. It may be used by the Commission for specific unforeseen expenditures with the approval of the Board of Examiners. If our revenue were to be placed in the general fund the sportsmen would lose this very valuable source of revenue which now amounts from \$90,000 to \$100,000 a year.

Due to past experiences sportsmen on the whole are extremely apprehensive as to what can happen if fish and game dedicated funds are placed in the general fund. For example, at the present time the California Department of Fish and Game is one of the best financed agencies in California. Instead of operating on a banked income, as does the Nevada Department of Fish and Game, they have built a 5-6 million dollar reserve fund. We are now informed that several California State Agencies in financial trouble are endeavoring to borrow from the California Fish and Game Reserve Fund, but due to its origin of dedicated monies it is not possible to tap this source of revenue.

Under the present Nevada State Law the Department is regulated by a Commission appointed by the Governor and it is guided by the policies of that Commission. The Commission is further guided by advisory members of the Commission and the 17 County Game Management Boards. The Boards (Commission and Game Boards) are concerned with the best interest of the resources and are receptive to opinions of the hunting and fishing public of the State.

After working in the conservation field for 37 years I can not visualize any benefit to the sportsmen or the wildlife resources of the state to be gained from depositing fish and game funds in the general fund, but can foresee many disadvantages.

In government, good government is made up of checks and balances and in Fish and Game this is reflected through the Legislative and Executive Branches on a monthly basis through the Commission and at the grass roots level through the County Game Boards. The State Board of Fish and Game Commissioners, in

reflecting upon the sportsmen's interests, approves a Department biennial budget which goes through the executive processes to become a part of the Governor's Budget. This is then acted upon by the Legislature. The Department then prepares an annual work program which is also approved by the Commission each year and is submitted to the Budget Office. All activities of the Department, in carrying out a work program, are within the constraints of law and state administrative procedures. This system has worked effectively since 1947 and the Commissioners, like the Legislature, have demonstrated fiscal responsibility and conservatism. In fact, a recent two year Legislative study by the Governor's Committee on Efficiency and Economy-Report Number I, To Conduct the Public Business recommended no change in the Commission's structure, powers, or funding sources.

There is no question that the fish and game program requires more money, not only to finance its present level of operation in face of the continued increase in the cost of doing business, but more money is needed to increase the scope of the program in the face of an expanding state population and the resulting competition with all natural resources. How we grow depends primarily upon public interest and support. I hope this brief narrative has conveyed the idea that basically fish and game finances have been administered well and are in good hands and that there are adequate checks and balances to insure a well rounded program.

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Nevada Department of Fish & Game  
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