

ASSEMBLY ENVIRONMENT & PUBLIC RESOURCES COMMITTEE MEETING

MINUTES

DATE: Monday, April 21, 1975

MEMBERS PRESENT: CHAIRMAN BREMNER, MESSRS WEISE, JEFFREY, HEANEY, CHANEY, JACOBSEN, PRICE & BANNER;

MEMBERS ABSENT: MR. COULTER

GUESTS: W. G. Parsons, Fish and Game Department;  
 Fred E. Wright, " " " "  
 Dan Sockle, intern for Mr. Weise;  
 Glen Griffith, Fish and Game Department;  
 Virgil Getto, Assemblyman

Chairman Bremner called the meeting to order at 3:10 p.m. He asked for testimony on ACR 47 which directs the legislative commission to study the feasibility of providing general funding for the support of the Nevada department of fish and game. Assemblyman Getto, the chief sponsor of the bill, stated that the Department of Fish and Game were facing many financial problems and that they could not survive on only fees from licenses. With inflation, the income presently received is decreasing and their costs continue to rise. He felt that the Department should be funded from the general fund of the State.

Mr. Fred Wright of the Department stated that this problem is discussed each session of the Legislature and that they feel a resolution is the best approach to a solution. He stated that ACR 47 is a good companion measure to SCR 8 and that the dollars received from fish and game license fees just "isn't carrying the ballgame anymore". He stated that the Department, under its present funding, cannot compete with the pressures placed on it. He wondered how the funds presently collected by the Department would be distributed if the Department was placed in the General Fund. ACR 47 would study questions like this and would "clear the air". He explained possible problems arising regarding their Federal funding and stated that these funds could be jeopardized if Fish and Game funds were diverted. He stated that there is always an unexpended balance of Federal funds but the Department cannot take full advantage of them because they do not have State funds to match them.

Mr. Jacobsen asked Mr. Getto if he felt an "in house" study with just legislators would be adequate. Mr. Getto stated that he felt there should also be some public in-put.

Mr. Bremner asked Mr. Getto if the public wasn't already represented on the Fish & Game Commission. Mr. Getto indicated that there should be more public in-put in addition to the representation on the Commission.

Monday, April 21, 1975

Mr. Jacobsen pointed out that each county feels that it should have some say as to Fish and Game Commission decisions. Mr. Getto stated that there should be at least three or four legislators on the interim study committee; two representatives from the Fish and Game Department and two from the Commission. Mr. Wright stated that SCR 8 will implement the interim study in the same manner as ACR 47.

Mr. Glenn Griffith, the Director of the Department of Fish and Game, stated that both studies would compliment each other. He also felt that there should be two representatives from each house of the Legislature, two from the Department and two from the Commission and that the public in-put could be received in testimony at the interim study committee hearings.

Mr. Jacobsen asked Mr. Griffith how many more years the Department could survive under its present status. Mr. Griffith stated that it is "logical to assume that inflation will continue and that the Department needs relief now. He stated that the Department receives calls from schools and fulfilling these educational requests are an additional cost. "All these things take time and money", he stated. He stated that presently the Department of Fish and Game receives funds from the Fleischman Foundation which is unique to their Department; that agencies in the general fund are not eligible for such funds; however, the Department is treated the same as departments under the general fund insofar as requirements under the Administrative Procedures Act is concerned.

Mr. Jacobsen asked Mr. Griffith if the Department would be any better off respecting Federal funding if were a part of the general fund. Mr. Griffith stated that going into the general fund would have no effect as to the amount of dollars received from the federal government. He stated that there is a problem with funds being transferred between his agency and others when facilities of other agencies are used by Fish and Game. Mr. Wright explained that the Department of Fish and Game handles its own accounting as to license fees it receives, but that if there is a surplus, this reverts back to the State which is referred to as a "diversion" of funds.

Regarding AB 589, a bill which increases penalties for certain fish and game violations, Mr. Getto explained that the request for such legislation came as a result of a meeting of sportsmen in Fallon recently with the Department of Fish and Game. This will prohibit the shooting of game and just leaving the carcass to rot and after conviction of such offense, will prohibit the issuance of a new license for five years following conviction.

Monday, April 21, 1975

Mr. Griffith stated in response to Mr. Jacobsen's question that Fish and Game violations were heard in court very rapidly; that the Department cannot revoke a license but may remove evidence from the scene to use in court. See Exhibit "A".

Mr. Heaney questioned the category of "game animals" as mentioned in the NRS 503.050 reference in sub-section 2 of Section 1 of the bill. Though "game animals" are defined by regulation by the Department of Fish and Game, Mr. Heaney wondered if this included fish, game birds, etc. Discussion was held between Mr. Heaney, Mr. Griffith, Mr. Bremner and Mr. Parsons regarding the various breakdown in definitions of all wildlife.

Mr. Jeffrey stated that he had no objection to the intent of this sub-section but warned that the categories might be too broad. Chairman Bremner appointed a sub-committee to clarify the wildlife definitions as to "game animals" composed of Mr. Jeffrey and Mr. Weise and asked that they meet with Mr. Griffith and Mr. Getto and report back to the committee as soon as possible.

As to AB 590, a bill making completion of the Nevada Department of Fish and Game's course in safe firearm handling a prerequisite to obtaining a hunting license in certain circumstances, Mr. Getto explained that a person must be convicted of violations of NRS 503.175 and NRS 502.340 before this measure would apply. These two citations concern carrying a loaded weapon in a vehicle and firing a gun across a Federal, State or county highway. He stated that this course is offered youngsters throughout the State before they may be granted a hunting license. (See Exhibit "B")

Mr. Griffith stated that his Department is very proud of their gun safety program and that carrying a loaded weapon in a vehicle is the second most frequently violated regulation. The first is fishing without a license. He said that 67 people were cited for this violation last year. This bill would require that if convicted of these two violations it would be necessary to take the gun safety program which involves anywhere from 8 to 20 hours of classroom time and is offered all over the state with 35 instructors in Reno alone.

To Mr. Chaney's query of the course being repeated after every violation, Mr. Griffith explained that after conviction an individual would not be allowed to hunt until he completes the course though he retains his license until convicted.

Discussion was held regarding combining the youngsters taking the gun safety course with adults who violate these regulations. Mr. Griffith stated that many adults accompany their children to

Monday, April 21, 1975

these courses and the violating adults would not have an adverse effect on the youngsters. He also stated that many wives of hunters participate in the program.

Mr. Bremner called for a five minute recess. Upon reconvening, Mr. Jeffrey moved to recommend "DO PASS" on AB 590; Mr. Weise seconded the motion. The motion was unanimously approved.

Mr. Jeffrey moved for a recommendation of "DO PASS" to ACR 47; Mr. Jacobsen seconded the motion. There was discussion regarding recommendations as to the composition of the study committee. The motion was unanimously approved.

Regarding AB 141, Mr. Jacobsen stated that Assemblyman Young had requested the bill be withheld until the next Fish and Game Commission meeting as there were many objections from ranchers and sheep people.

The meeting was adjourned by Chairman Bremner at 3:30 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Secretary

ASSEMBLY  
AGENDA  
HEARING

2- 346

COMMITTEE ON..... ENVIRONMENT & PUBLIC RESOURCES.....  
Monday  
Date..... April 21, 1975..... Time..... 3:00 p.m. Room..... 214.....

Bill or Resolution  
to be considered

Subject

AB-589

Increases penalties for certain  
fish and game violations.

AB-590

Makes completion of Nevada depart-  
ment of fish and game's course in  
safe firearm handling a prerequisite  
to obtaining a hunting license in  
certain circumstances.

ACR-47

Directs the legislative commission  
to study the feasibility of providing  
general funding for the support of  
the Nevada department of fish and  
game.

SUBJECT: A. B. 589 - Increases penalties for certain fish and game violations.

2- 351

A. B. 589, proposed to increase the penalty for any person convicted of a violation of subsection 2 of 503.050 - wherein it is unlawful for any person to capture or destroy any game animal, except a carnivore, and detach or remove from the carcass the head, hide, antlers, horns or tusks only and leave the carcass to waste. Under the provisions of A. B. 589, any person convicted would forfeit his license privileges for 5 years, in addition to other penalties.

During the last six years, fish and game wardens have cited persons for wanton waste of game species - usually under subsection 1 of 503.050 wherein game has been left in the field or improper care has resulted in the animal going to waste needlessly. The fine has varied from \$50 to \$250 dependent on the severity of the violation. In several flagrant violations, the person has been convicted on additional charges and has been denied license privileges for 2 years.

Under existing Fish and Game Laws, any person convicted of wanton waste may be fined a maximum of \$500 on each count and may be required to serve up to 6 months in jail in addition, plus losing license privileges. Therefore, the Amendment proposed under A. B. 589 is adequately covered under present statutes and serves as a deterrent to violations.

2-352

STATE OF NEVADA  
DEPARTMENT OF FISH AND GAME

Proposed Legislation  
April 10, 1975

SUBJECT: A.B. 590 - An ACT relating to hunting licenses; makes successful completion of the course in safe firearm handling a prerequisite to issuance of a hunting license to persons convicted of certain firearm offenses.

This ACT provides that any person who has been convicted of (a) carrying a loaded rifle, shotgun in or on vehicle on or along public way (NRS 503.165); or (b) discharging firearm from, over federal or state highway (NRS 503.175) shall not be issued a hunting license until he has successfully completed a course in safe firearm handling.

The preceding sections, 503.165 and 503.175, were added to the Nevada Revised Statutes in 1969 and the penalty upon conviction was \$50 to \$500, or a jail sentence of not more than 6 months, or by both fine and imprisonment.

A summary of enforcement activities follows:

<u>Fiscal Year</u>	<u>Fines/Bail Forf.</u>		<u>Warn.</u>	<u>Dis.</u>	<u>Juv.</u>	<u>Other</u>	<u>Not</u>	<u>Total</u>
	<u>No.</u>	<u>Amount</u>			<u>Court</u>		<u>Guilty</u>	
<u>NRS 503.165</u>								
1973-74	96	\$4,885	2	1	5	--	--	104
1972-73	54	2,710	3	3	3	--	--	63
1971-72	79	3,900	12	1	10	--	--	102
1970-71	76	3,880	33	3	3	1	1	117
1969-70	29	1,400	57	1	1	--	1	89
5-year Average	67	3,355	21	2	4	--	1	95

2-353

<u>Fiscal Year</u>	<u>Fines/Bail Forf.</u>		<u>Warn.</u>	<u>Dism.</u>	<u>Juv. Court</u>	<u>Other</u>	<u>Not Guilty</u>	<u>Total</u>
	<u>No.</u>	<u>Amount</u>						
<u>NRS 503.175</u>								
1973-74	5	\$ 250	--	--	1	---	---	6
1972-73	7	350	1	--	---	---	---	8
1971-72	5	250	3	--	1	---	1	10
1970-71	6	245	2	--	---	---	---	8
1969-70	4	200	8	--	1	---	---	13
5-year Average	5	259	3	--	1	---	---	9

If approved, the ACT would increase the record-keeping requirements of the Department; however, there are no major objections to the bill as written.