

MINUTES

DATE: Friday, ~~March~~ <sup>April</sup> 25, 1975

MEMBERS PRESENT: Chairman Bremner, Messrs Jacobsen, Coulter, Heaney, Weise and Price

MEMBERS ABSENT: Messrs Chaney, Banner and Jeffrey

GUESTS: Joe Midmore, Assemblyman Dini, Roger Teglia

The meeting was called to order by Chairman Bremner at 3:00 p.m. He presented an amendment prepared by the Department of Fish and Game to AB 141 regarding the use and regulation of traps and their not being used as prima facie evidence if illegally set. Section 2 also defined "wildlife". Mr. Jacobsen stated that he has received many calls in opposition to the bill and particularly in opposition to the provisions identifying traps; that the one trapper who testified at the hearings on the bill was in favor of the Department's recommended numbering system on the traps. Mr. Jacobsen suggested that the bill be returned to the committee, as it had been passed as amended on March 24. (See Exhibit "A")

Mr. Weise moved for reconsideration of the bill by re-referring it to the Committee. Mr. Jacobsen seconded the motion. The motion was unanimously passed.

Regarding AB 620, empowering the state engineer to adjudicate claims of injury to fish habitat, Mr. Price moved to adopt the amendments (See Exhibit "B") as offered by Mr. Dini. Mr. Weise seconded the motion. The motion was unanimously passed.

Mr. Weise moved to recommend "DO PASS AS AMENDED" to AB 620. Mr. Jacobsen seconded the motion. The motion was unanimously passed.

Mr. Bremner stated that the committee would hear amendments to AB 34, the "Bottle Bill" on Monday, April 28.

Mr. Heaney asked the committee if they felt there was any point to be served by drafting a resolution for a study on solid wastes in Nevada. He pointed out that there is a resource recovery possibility to solid wastes as there is to beverage containers.

Mr. Weise pointed out that he felt the "bottle bill" would be before the legislature, whether this one or future ones, until it is passed. He feels the present bill is a poor approach to get rid of litter and that he would support a study as suggested by Mr. Heaney. He said that he thinks there is a resolution in the Senate to this effect, but it had not yet been received by

ASSEMBLY ENVIRONMENT & PUBLIC RESOURCES MINUTES

Friday, <sup>April</sup> ~~March~~ 25, 1975

them. Mr. Heaney suggested that he pursue the matter as a sub-committee of one to investigate the existence of such a resolution, if there is one around and report back to the committee on Wednesday.

Mr. Jacobsen suggested that if such a resolution is presented that it include a study of liquid wastes as well as solid wastes. Mr. Heaney felt Mr. Jacobsen's suggestion meritorious. Mr. Jacobsen pointed out that there is always the consideration of additional cost to the public, but Mr. Heaney pointed out that if there are some constructive uses for the wastes, there could be a savings to the public. Mr. Bremner mentioned a re-cycling of solid wastes plant in Southern Nevada and how successful it is. Mr. Weise reiterated his support for Mr. Heaney's suggestion for this study and spoke of how when he recently visited Oregon, he saw no bottles or cans on the roadways but much other litter.

Chairman Bremner adjourned the meeting at 3:15 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Secretary

2-

ASSEMBLY BILL NO. 141 - COMMITTEE ON ENVIRONMENT AND PUBLIC RESOURCES

JANUARY 30, 1975

Referred to Committee on Environment and Public Resources

SUMMARY- Makes various changes in laws on fish and game.

Fiscal Note: No. (BDR 45 251)

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

AN ACT relating to fish and game; redefining the term "wildlife"; changing certain license requirements, prescribing fees for permits to introduce or remove wildlife; requiring identification of traps and more frequent visitation of traps; revising other provisions in the 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. Chapter 503 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:

*Traps used in taking any species of wildlife shall be permanently marked with an identification number issued to the owner by the Department. Traps identified in accordance with this section and found to be set illegally shall not be prima facie evidence that the registered owner is guilty of an unlawful act.*

3 SEC. 2. NRS 501.097 is hereby amended to read as follows:

*501.097 As used in this Title "wildlife" means any wild animal, wild bird, fish, reptile, amphibian, mollusk or crustacean, or their progeny or eggs that, whether raised in captivity or not, normally are found in a wild state.*

11 SEC. 3. NRS 501.110 is hereby amended to read as follows:

12 501.110 1. For the purposes of this Title, wildlife shall be classified  
13 as follows:

14 (a) Wild animals, which shall be further classified as either game ani-  
15 mals, fur-bearing animals, protected or unprotected animals.

16 (b) Wild birds, which shall be further classified as either game birds,  
17 protected birds or unprotected birds. Game birds shall be further classi-  
18 fied as upland game birds or migratory game birds.

19 (c) Fish, which shall be further classified as either game fish or pro-  
20 tected fish or unprotected fish.

21 (d) Reptiles, which shall be further classified as either protected rep-  
22 tiles or unprotected reptiles.

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

1 (f) Mollusks and crustaceans, which shall be further classified as either  
 2 protected mollusks and crustaceans or unprotected mollusks and crustaceans.  
 3

4 2. Protected wildlife may be further classified as rare or endangered.

5 3. Each species of wildlife shall be placed in a classification by commission regulation and, when it is in the public interest to do so, species  
 6 may be moved from one classification to another, in accordance with the  
 7 procedure set by chapter 233B of NRS.  
 8

9 Sec. 4. NRS 501.181 is hereby amended to read as follows:

10 501.181 The commission shall:

11 1. Establish broad policies for:

12 (a) The protection, propagation, restoration, transplanting, introduction  
 13 and management of wildlife in this state.

14 (b) The promotion of the safety of persons and property using or used  
 15 in the operation of vessels on the waters of the state.

16 (c) The promotion of uniformity of laws relating to such policy matters  
 17

18 (d) The designation of fish and game wardens and for their training.

19 2. Guide the department in its administration and enforcement of the  
 20 provisions of this Title and of chapter 488 of NRS by the establishment  
 21 of such policies.

22 3. Cover by such established policies the following areas of interest,  
 23 but coverage is not necessarily limited to the following:

24 (a) The management of big and small game animals, upland and  
 25 migratory game birds, fur-bearing animals, game fish, and protected and  
 26 unprotected animals, birds, fish, reptiles [and amphibians.], *amphibians,*  
 27 *mollusks and crustaceans.*

28 (b) The control of wildlife deprecations.

29 (c) The acquisition of lands, water rights and easements and other  
 30 property for the management, propagation, protection and restoration  
 31 of wildlife, the entry, access to, and occupancy and use of such property,  
 32 including leases of grazing rights, sale of agricultural and timber products  
 33 or exploration for or extraction of minerals, oil, gas or thermal power on  
 34 lands controlled by the department under cooperative agreements or  
 35 owned or leased by the department.

36 (d) The control of nonresident hunters.

37 (e) The introduction, transplanting or exporting of wildlife.

38 (f) Cooperation with federal, state and local agencies on wildlife and  
 39 boating programs.

40 (g) The establishment and operation of private and commercial game  
 41 farms, hunting preserves, hatcheries and guide services.

42 (h) The hunting, fishing or trapping privileges of any person convicted  
 43 of two violations within a 5-year period.

44 4. Establish rules and regulations necessary to carry out the provisions  
 45 of this Title and of chapter 488 of NRS, including but not limited  
 46 to the following:

47 (a) Regular and special seasons for hunting game animals and game  
 48 birds, for hunting or trapping fur-bearing animals and for fishing, the  
 49 daily and possession limits, the manner and means of taking wildlife,  
 50 including, but not limited to, the sex, size or other physical differentiation

2-375

1 for each species, and, when necessary for management purposes, the  
2 emergency closing or extending of a season, reducing or increasing of the  
3 bag or possession limits on a species, or the closing of any area to hunt-  
4 ing, fishing or trapping. Such regulations shall be established after first  
5 considering the recommendations of the department, the county game  
6 management boards and others who wish to present their views at the  
7 open meeting as provided by law.

8 (b) The manner of tagging, attaching, filling out, punching, inspecting,  
9 validating or reporting tags.

10 (c) The delineation of game management units embracing contiguous  
11 territory located in more than one county, irrespective of county bound-  
12 ary lines.

13 (d) Nonresident quotas for big game and, if necessary, quotas for other  
14 game species for the regular and special seasons. The opening and clos-  
15 ing dates of such seasons shall not discriminate between residents and  
16 nonresidents, but nonresident hunting seasons may be created by the  
17 commission by periods.

18 5. Approve the biennial budget of the department on the basis of  
19 conformity to commission policy, the provisions of this Title and of chap-  
20 ter 488 of NRS.

21 6. Be the appointing power of the director of the department under  
22 the provisions of this Title and of chapter 284 of NRS.

23 Sec. 5. NRS 501.375 is hereby amended to read as follows:

24 501.375 1. Every game warden throughout the state, and every  
25 sheriff and constable in his respective county is authorized and required  
26 to enforce this Title and to seize any wildlife taken or held in possession  
27 in violation of this Title.

28 2. Such officer shall have full power and authority:

29 (a) With or without a warrant, to open, enter or examine any camp,  
30 structure, aircraft, boat, vehicle, box, game bag or other package where  
31 he has reason to believe any wildlife taken or held in violation of any of  
32 the provisions of this Title is to be found, and to seize the same.

33 (b) To seize and hold for evidence only any wildlife so found and any  
34 guns, ammunition, traps, snares, tackle and other illegal devices or equip-  
35 ment, when it appears that a violation of this Title has occurred.

36 3. A dwelling house can be entered for examination only in pursu-  
37 ance of a warrant.

38 Sec. 6. NRS 502.010 is hereby amended to read as follows:

39 502.010 1. Every person who hunts [or traps any of the wild birds  
40 or animals or who] , traps or fishes without having first procured a  
41 license or permit therefor, as provided in this Title, [shall be] is guilty of  
42 a misdemeanor; provided:

43 (a) No license to [hunt] trap or fish shall be required of residents of  
44 this state who have not yet attained their 12th birthday, unless required  
45 for the issuance of tags as prescribed in this Title or by the regulations of  
46 the commission.

47 (b) No license to fish shall be required of nonresidents of this state  
48 who have not yet attained their 12th birthday [.] unless required for the  
49 issuance of tags as prescribed in this Title or by regulations of the com-  
50 mission, but the number of fish taken by such nonresidents shall not

2- 376

1 exceed 50 percent of the daily creel and possession limits as provided by  
2 law.

3 (c) It is unlawful for any child who has not yet attained his 14th birth-  
4 day to hunt any of the wild birds or animals with any firearm, unless such  
5 child is accompanied at all times by an adult person licensed to hunt.

6 (d) No child under 12 years of age, whether accompanied by a quali-  
7 fied person or not, shall hunt [big game] in the State of Nevada. This sec-  
8 tion does not prohibit any child from accompanying an adult licensed to  
9 hunt.

10 2. This section shall not apply to the protection of persons or prop-  
11 erty from unprotected [wild birds or animals] wildlife on or in the imme-  
12 diate vicinity of home or ranch premises.

13 Sec. 7. (Deleted by amendment.)

14 Sec. 8. (Deleted by amendment.)

15 Sec. 9. NRS 502.150 is hereby amended to read as follows:

16 502.150 1. Whenever tags are required for any species of wildlife, it  
17 is unlawful to have any of that species in possession without the tag  
18 attached thereto and such possession without an attached tag is prima  
19 facie evidence that the [game] wildlife is illegally taken and possessed.

20 2. It is unlawful to remove any tag from any wildlife for reuse or to  
21 be in possession of excess tags or used tags.

22 [3. Whenever tags are required for any species of fur-bearing animal,  
23 possession of a pelt of that species without the tag attached thereto is  
24 prima facie evidence that such pelt is illegally taken and possessed.]

25 Sec. 10. NRS 502.160 is hereby amended to read as follows:

26 502.160 1. The department shall designate the form of the tag,  
27 requiring such numbering or other manner of identification as is necessary  
28 to designate the name or [hunting] license number of the person to  
29 whom issued. Each tag shall show the [game] wildlife for which it may  
30 be used, the year, and, whenever necessary, the management area in  
31 which it may be used.

32 2. The commission may make any regulation necessary relative to the  
33 manner of using, attaching, filling out, punching, inspecting, validating or  
34 reporting such tags. It is unlawful for any person to fail to abide by any  
35 such regulation.

36 Sec. 11. NRS 502.170 is hereby amended to read as follows:

37 502.170 Tags shall be issued only to holders of valid [hunting  
38 licenses or trapping] licenses and whenever the possession of tags is a  
39 requisite to the hunting, fishing or trapping of any species [.] of wildlife,  
40 then the acquisition of a [hunting license or trapping] license shall be  
41 required, regardless of age.

42 Sec. 12. NRS 502.330 is hereby amended to read as follows:

43 502.330 [1. On and after July 1, 1973, no] No hunting license shall  
44 be issued to any person under the age of 21 unless he presents to the  
45 department, or one of its authorized license agents, either:

46 [(a)] 1. Satisfactory proof that he has held a hunting license issued  
47 by a department of fish and game; [or

48 (b)] 2. A certificate of competency as provided by NRS 502.340; or

49 [(c)] 3. Satisfactory proof that he has successfully passed a hunter  
50 safety gun-training course, or he has successfully completed other training

1 copy of the certificate of competency shall be a condition of compen-  
2 nency.

3 2. On and after July 1, 1973, all persons 16 years of age and under,  
4 otherwise eligible to be licensed, upon applying for any hunting license in  
5 this state, must present a certificate of competency.]

6 Sec. 13. NRS 503.360 is hereby amended to read as follows:

7 503.360 1. It is unlawful for any person at any time to [take, catch  
8 or carry away from] fish in any state hatchery, or [from] in any waters  
9 set aside or used for the purpose of rearing or growing fish for transplant-  
10 ing by the state [any such fish so being reared or grown.]

11 2. Nothing in this section shall be so construed as to prohibit  
12 employees of the department from handling, at any time, all such fish, as  
13 may be required in the propagation, care and distribution of such fish.

14 Sec. 14. NRS 503.450 is hereby amended to read as follows:

15 503.450 [It shall be.] Except as provided by commission regulation,  
16 it is unlawful for any person at any time to hunt any fur-bearing animal  
17 in any manner other than by trap or gun.

18 Sec. 15. NRS 503.570 is hereby amended to read as follows:

19 503.570 Every person taking or causing to be taken wild animals by  
20 means of traps, snares or any other device used in the trapping or taking  
21 of wild animals that do not, or are not designed to, cause immediate death  
22 to such animals, shall, when any such traps, snares or devices are placed  
23 or set for the purpose of taking such animals, visit or cause to be visited  
24 at least once each [week] 5 day period each such trap, snare or other  
25 device during all of the time any such trap, snare or device is placed, set  
26 or used in the taking of wild animals, and remove therefrom any and all  
27 animals caught therein.

28 Sec. 16. NRS 503.597 is hereby amended to read as follows:

29 503.597 1. It is unlawful, except by the written consent and approval  
30 of the department, for any person at any time to receive, bring or have  
31 brought or shipped into the State of Nevada, or remove from one stream  
32 or body of water in this state to any other, or from one portion of the  
33 state to any other, or to any other state [, any aquatic life, wildlife,  
34 spawn, eggs or young of any of them.] or country, any live wildlife. Pos-  
35 session of such wildlife without the written consent and approval of the  
36 department is prima facie evidence that the wildlife has been illegally  
37 introduced or removed.

38 2. The department shall require an investigation to determine if such  
39 introduction or removal will be detrimental. Written consent and approval  
40 of the department shall be given only if the results of [such] the investi-  
41 gation prove that [such] the introduction or importation will not be det-  
42 rimental to existing [aquatic life, wildlife, spawn, eggs or young of any of  
43 them.] wildlife or its habitat.

44 3. The commission may through appropriate regulation provide for  
45 the inspection of such introduced or removed [creatures] wildlife and  
46 the inspection fees therefor. The commission may also prescribe fees for  
47 permits authorizing the introduction or removal of wildlife.

48 Sec. 17. NRS 503.470, 503.600 and 505.020 are hereby repealed.

SEC. 18. Section 1 shall become effective on January  
1, 1976.

2-378

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to Assembly / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill / Joint Resolution No. <u>620</u> (BDR)
Date:	Date:	Proposed by _____
Initial:	Initial:	
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date:	Date:	
Initial:	Initial:	

Amendment No 8232

Repeals amendments 8017 and 8022.

Amend the bill as a whole by deleting sections 1, 2 and 3, and inserting:

"Section 1. Chapter 532 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. As used in sections 3 and 4 of this act "waterway" means:

1. All works of an irrigation district, organized prior to January 1, 1975, pursuant to the provisions of chapter 539 of NRS; and
2. All watercourses within the jurisdiction of a drainage district, organized prior to January 1, 1975, pursuant to the provisions of chapter 532 of NRS.

2. 379

Amendment No. 8232 to Assembly Bill No. 620 (BDR 48-1703) Page 2

NRS.

Sec. 3. 1. It is unlawful for any person to alter or destroy any waterway or its banks without first obtaining a permit from the state engineer.

2. The provisions of subsection 1 shall apply in addition to the permit requirements of NRS 503.425.

Sec. 4. 1. If the state engineer receives an application for a permit to modify any existing condition in a waterway or its banks, he shall, within 5 working days of receiving such application, submit a copy to the Nevada department of fish and game.

2. No sooner than 10 days after receiving such an application, but no later than 30 days after such receipt, the state engineer shall issue the permit or set a hearing on the application. If the state engineer receives notice from the department of fish and game that the granting of such permit will adversely affect wildlife or wildlife habitat, he may not issue such permit without conducting a hearing on such application.

3. Permits shall be issued or denied by the state engineer after he has considered the affects of such proposed activities on:

- (a) Wildlife or wildlife habitat;
- (b) Agricultural users and properties near the waterway;
- (c) Industrial users and properties near the waterway; and
- (d) Municipal users and properties near the waterway.

4. The state engineer shall adopt regulations implementing the provision of this section. All hearings held pursuant to this section, and their review, shall be conducted pursuant to the Nevada Administrative Procedure Act.

Amendment No. 8232 to Assembly Bill No. 620 (BDR 48-1703) Page 3

Sec. 5. NRS 501.105 is hereby amended to read as follows:

501.105 [The] Subject to the provisions of sections 2, 3 and 4 of this act, the commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and [its] wildlife habitat.

Sec. 6. NRS 501.181 is hereby amended to read as follows:

501.181 [The] Subject to the provisions of sections 2, 3 and 4 of this act, the commission shall:

1. Establish broad policies for:
  - (a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.
  - (b) The promotion of the safety of persons and property using or used in the operation of vessels on the waters of the state.
  - (c) The promotion of uniformity of laws relating to such policy matters.
  - (d) The designation of fish and game wardens and for their training.
2. Guide the department in its administration and enforcement of the provisions of this Title and of chapter 488 of NRS by the establishment of such policies.
3. Cover by such established policies the following areas of interest, but coverage is not necessarily limited to the following:
  - (a) The management of big and small game animals, upland and migratory game birds, fur-bearing animals, game fish, and protected and unprotected animals, birds, fish, reptiles and amphibians.
  - (b) The control of wildlife depredations.
  - (c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife, the entry, access to, and occupancy and use of such property, including leases of grazing rights, sale of agricultural and timber products or exploration for or extraction of minerals, oil, gas or thermal power on lands controlled by the department under cooperative agreements or owned or leased by the department.
  - (d) The control of nonresident hunters.
  - (e) The introduction, transplanting or exporting of wildlife.
  - (f) Cooperation with federal, state and local agencies on wildlife and boating programs.
  - (g) The establishment and operation of private and commercial game farms, hunting preserves, hatcheries and guide services.
  - (h) The hunting, fishing or trapping privileges of any person convicted of two violations within a 5-year period.
4. Establish rules and regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including but not limited to the following:
  - (a) Regular and special seasons for hunting game animals and game birds, for hunting or trapping fur-bearing animals and for fishing, the daily and possession limits, the manner and means of taking wildlife,

Amendment No. 8232 to Assembly Bill No. 620 (BDR 48-1703) Page 4

including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. Such regulations shall be established after first considering the recommendations of the department, the county game management boards and others who wish to present their views at the open meeting as provided by law.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) Nonresident quotas for big game and, if necessary, quotas for other game species for the regular and special seasons. The opening and closing dates of such seasons shall not discriminate between residents and nonresidents, but nonresident hunting seasons may be created by the commission by periods.

5. Approve the biennial budget of the department on the basis of conformity to commission policy, the provisions of this Title and of chapter 488 of NRS.

6. Be the appointing power of the director of the department under the provisions of this Title and of chapter 284 of NRS. "

Amend the title to read as follows:

"AN ACT relating to irrigation districts and drainage districts; requiring persons seeking to alter certain waterways to apply for a permit from the state engineer; permitting the department of fish and game to intervene in such application procedures; and providing other matters properly relating thereto."