

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE  
February 10, 1977

Members Present: Chairman Moody  
Mr. Coulter  
Mr. Chaney  
Mr. Jeffrey  
Mr. Kissam  
Mr. Ross  
Mr. Serpa  
Mr. Polish

Members Excused: Mr. Howard

Guests Present: Tom Ballow, Nevada Department of Agriculture  
Bill Parsons, Nevada Fish & Game Department  
Glen Griffith, Nevada Fish & Game Department  
Fred E. Wright, Nevada Fish & Game Department  
Terry Crawford, Fish & Game Wardens Assoc.  
Mr. & Mrs. Allen Silverman, Las Vegas  
Gary Owen, Governor's Office  
Bill Kissam, Jr.  
Jesse D. Scott

The meeting was called to order by Chairman Moody at 3:00 p.m. He announced that Mr. Rhoads was sitting in in place of Mr. Howard, who was excused due to illness. Mr. Moody explained that this meeting was for the purpose of taking testimony on A.B. 189 and A.B. 190, which were introduced by the Committee on Environment and Public Resources. He called for testimony on behalf of A.B. 189.

ASSEMBLY BILL 189

Mr. Glen Griffith, of the Nevada Fish and Game Department, appeared to testify. He explained that what A.B. 189 does is amend out the words "state pheasant stamps" and leave in the word "stamps", as there has been another bill introduced to create a duck stamp so this would be consistent with the other language and other portions of the bill having to do with licenses, stamps and permits. It would require that anyone who hunts, fishes or traps have a license for doing so. The rest is to clean up procedure in relation to obtaining licenses. The Fish and Game Department would like some additional wordage to be included on Page 3, to add a Section 7 to read: "Whenever it is determined by the commission that it is necessary for correct management, special ~~stamps~~ <sup>seasons</sup> hunting

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licenses may be required to hunt any deer, antelope, elk, bighorn sheep or other species of wildlife; that fee shall not exceed the fee for each class of regular season license. Any other license or permit determined to be necessary by the commission shall be issued at a price not to exceed \$10.00."

Mr. Polish asked if there was any way a license could be issued on an annual basis rather than fiscal. Mr. Griffith said there have been thoughts on this for several years, but it would create undue problems. Mr. Moody said he believes there is some legislation possibly to be introduced in this session having to do with this possibility. Right now it would create hardships on the officers, according to Mr. Griffith, to check everyone for a license, even those they know, as the licenses would be all different dates. He said the short term permit was to accommodate the problem of someone needing a license for a short period of time before the new year would begin.

Mr. Fred Wright of the Fish and Game Department stated that A.B. 185 has been introduced and referred to this committee, and it has to do with fishing licenses valid for one year from the date of issuance. This will be discussed at a later date.

Mr. Chaney asked why on Page 2, Line 7, the new language was inserted regarding the residency being immediately preceding the application for a license. Mr. Griffith said this was to clear it up for the residency statute requirement to clarify that it must be a continuous residency, not sporadic, immediately preceding the time of obtaining the license. This would preclude persons who had lived here ten years a long time ago but not immediately preceding obtaining the license.

Mr. Ross asked the reason for deleting "state pheasant stamps" in Page 1, Line 2. Mr. Griffith said that it had been deleted in the bill in the past in about half the sections but not in all of them so it is still on the books on parts of the bill and this is to make the whole thing consistent.

Mr. Rhoads asked about Line 3, deleting "during the open season", as it looked to him like the Fish and Game Department is going to require licenses and permits for all animals such as ground squirrels, jackrabbits, etc. Mr. Griffith explained that the way the statutes are drawn in relation to open and closed seasons and the regulations governing them, this has to come out in order to meet the requirements of the licensing

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to hunt and trap and fish. On private land no licenses or permits are required to shoot this type of animal, and permits are issued for use off private land. Under this change, a license would be required to shoot jackrabbits off of private land. Mr. Rhoads asked why it was necessary to be that restrictive. Mr. Griffith answered that there are too many people in the field without licenses who have deer rifles and obviously aren't just hunting rabbits and this is needed for control. For example, in California, a license is required to hunt anything and those people come across the state line and take advantage of Nevada's leniency.

Mr. Chaney asked about Page 3, Line 14, why the tropical fish dealers permit was deleted. Mr. Griffith answered that this is handled under some of the other importation and fish inspection permits.

Mr. Griffith explained that the new Section 7 that they want to insert is needed because there are some people who want to hunt only one species and this would be permissive legislation, which the commission decided would be the proper way to go. Then a license would be issued for one species only, and handled as one unit. The hunter could then buy the deer or big game license and tag as a unit for \$10.00. Regarding some of the animals that have tags issued on a drawing basis, the hunter would apply and pay the fee and if his name was not drawn he would be refunded his money.

Mr. Serpa asked if this bill should be amended to include the new wording in item 7. Mr. Moody said that the committee should go through the amendments in committee and submit them to a bill drafter for reprint after they are passed.

Mr. Griffith stated that on Line 30 of Page 3, they want to change the language of the bill to make it more straightforward in relation to fishing and trapping off of Indian reservations for any wildlife which requires a tag. They want to change "secure" a tag to "apply" for a tag, like everyone else has to do. Mr. Polish asked if Mr. Griffith thought they would get much resistance from the Indians regarding this. He said he didn't know, but there shouldn't be because the Indians are on an equal status with everyone else. It would clarify the law, to his way of thinking, as they are technically applying now. Mr. Wright said that now, since the last big game season, all big game tags are issued upon application. Prior to that they have issued trophy species by application. Now this includes deer tags. The Indians must apply like everyone else. This puts the wording in conformity with other statutes.

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Mr. Kissam referred to Page 2, Lines 5-9 concerning proving residency in the state for 10 years for 65 year old and over senior citizens. He would like to know how much the state would lose by not making senior citizens wait 10 years before having the advantage of the \$2.50 hunting and fishing licenses. Mr. Griffith said they were penalizing them, but the resources of the state are sort of being held in trust for the benefit of the residents of the state on a priority or preferential basis. In California our residents are penalized and their own residents don't have the privileges ours do. Theirs is on the basis of income. Mr. Kissam doesn't feel that this is fair to the senior citizens.

Mr. Jeffrey said that he was on the committee two years ago when they passed that provision and the thinking of the committee was that this was something they wanted to do for the senior citizens, recognizing at the same time that the Department of Fish and Game has financial problems and it was done that way to keep the financial impact down as much as possible. Ideally it would be fine to grant all seniors the licenses, but not practically, as it would put the department in too much of a financial bind. Until there are other revenues available it is not practical, as we are becoming a retirement state and it would need more general fund support.

Mr. Wright gave a history of the senior citizen licenses and the problems of the department now, and how much the department would lose if the residency requirements were changed to various periods of time. Mr. Kissam requested that the Fish and Game Department provide all data and statistics on this problem and the fiscal impact on the department of the difference from 65 and ten years down to 65 and five years.

Mr. Tom Ballow, of the State Department of Agriculture, testified that he is concerned with the effect any changes in A.B. 189 and A.B. 190 might have on our future food supply. Farmers and ranchers have problems with predators, rodents and some birds. The stringent requirements on licenses and seasons could have an adverse effect on the control of these problems. He thinks licenses and seasons should apply to game animals and game birds only, as in the past. Farmers and ranchers have a responsibility to protect crops and livestock, which could be taken away from them. Starlings are the birds that give them particular problems. Mr. Griffith stated that they are not trying to close off the seasons on coyotes, rabbits, etc., they are just trying to effect easier law enforcement.

Mr. Jeffrey asked what the specific reason was for changing game animals to wild life. Mr. Griffith stated that it was

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for the purpose of control, because now they cannot control hunters who are not hunting "game animals" and this would help in that area. Mr. Jeffrey didn't feel that there could be much more control unless the hunter was caught red handed shooting something, and there wouldn't be too much more basis to do anything about it anyway.

Mr. Bill Parsons of the Nevada Department of Fish and Game stated that under A.B. 190, a license is required to hunt or trap any species of wildlife, however, under license section 502.010, there is an exemption that provides that the section for licensing shall not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises. So even though a license is normally required, under these conditions individual land owners can take action to protect their property. No attempt is being made to amend that section. Mr. Serpa asked about the coyote that is on the open range bothering livestock. Mr. Parsons stated that this applies only on the rancher's property, but he can get permission to take animals on the grazing lands where his livestock is.

Mr. Ross stated that he does not feel that this bill would be a deterrent to illegal hunters, although Mr. Griffith feels that it would be. Mr. Ross feels that the hunter would have to confess to a crime before he could be arrested, so this legislation would not have much impact. Mr. Griffith feels that the bill would give them reasonable cause to check a hunter or vehicle which they do not have now. It would give them more jurisdiction over all animals, along with the hunters.

Mr. Terry Crawforth, President of the Nevada Fish and Game Warden's Association, testified that he doesn't feel that the fact that a license is required for hunting rabbits or coyotes is going to be a total deterrent to violations, but since we are getting a tremendous number of people from out of state who know a license is not required and the reason they are in Nevada is because a license is required in their state, it would be a great help. This law would also help control rustling. Most of the people who are out shooting jackrabbits and coyotes already have a license anyway, according to Mr. Crawforth, and this would help control the illegal hunters. He feels that senior citizens and persons on fixed incomes should be given some advantages, but based more on their ability to pay, as some of the very wealthy seniors are taking advantage of their position by taking their expensive motor homes out and getting ten fish a day for weeks at a time, and other things like this.

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Mr. Moody stated that in view of the fact that there are quite a few problems with this bill, the only way to save it is to appoint a subcommittee to work with the Fish and Game Department to prepare a workable bill. He appointed Mr. Serpa, Mr. Kissam and Mr. Jeffrey to the subcommittee.

ASSEMBLY BILL 190

Mr. Griffith of the Fish and Game Department explained that this is a complementary bill to A.B. 189, requiring that there be a license for hunting and trapping during the open seasons, and defines what open season is. On page, two, the changes are to clarify what constitutes sunrise and sunset, as being the official times as set by the federal government time reports. This is not in relation to the height of the sun or the presence of the sun.

Chairman Moody felt that this bill coincides very closely with A.B. 189 and if changes were made in A.B. 189 they might be made in A.B. 190 also. He, therefore, suggested that the subcommittee also take A.B. 190 under consideration. There were no objections from the committee.

This concluded the hearings on A.B. 189 and A.B. 190.

Chairman Moody then stated that the committee would consider taking action on A.B. 126 and A.B. 155, which had been heard on February 1.

ASSEMBLY BILL 126

Chairman Moody asked for discussion on A.B. 126. He said that one of the things that stood out in the testimony was from the gentleman who testified that he didn't feel that it made very much difference what was under the hood of the car, but it was what came out of the exhaust pipe that counted. The basis of the bill is that it would not be illegal to remove the control devices if it doesn't affect the emissions. He does not think it is a bad bill. Mr. Ross felt that, after seeing what is happening in Clark County, people would take advantage of the bill. If they are not allowed to tamper with the devices, the quality of the emissions coming out of the pipes might even be higher than what is required by the standards, which would be an advantage. Mr. Chaney felt that it would allow a person to remove the devices if it would decrease the pollutants. Mr. Ross felt that, in reality, since any car can meet the standards if properly tuned, advantage would be taken as the cars are only checked when resold, and as soon as they are out of tune and not rechecked again, they would become hazardous. If the devices are in place, they keep the pollution down even if the car is out of tune. When the device is in and the car



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is in tune, it is putting out less harmful emissions than even required by the standards. He felt that the devices should not be tampered with.

Mr. Kissam stated that he has a bill in the bill drafter's office that will partly pertain to this specific problem. The bill concerns checking the visible amount of emissions from the automobile along with physical checks of other safety devices on the car, including the noise level. It would determine, by visual check, whether emissions meet the standards. Mr. Chaney asked what the fiscal impact would be. Mr. Kissam said there would be none. The checks would be on a spot check basis conducted by existing facilities and personnel of police departments. Mr. Ross asked that the committee not do anything on this bill until it considers the bill on annual inspections.

Mr. Moody said that if there were no objections, he would set this bill aside for a 30 day period and bring it out at a later date. There were no objections.

Chairman Moody called for discussion on A.B. 155.

ASSEMBLY BILL 155

Mr. Serpa stated that the only objection he had on this bill was regarding the effect it might have on domestic water, and he is not entirely satisfied that the small pipe asked for by the Fish and Game people for a weep type deal would be satisfactory because later on they might demand more water. He feels that there are some problems with this bill. It could create some problems with domestic water.

Mr. Polish moved that A.B. 155 be indefinitely postponed. The motion was seconded by Mr. Serpa and passed unanimously.

Mr. Coulter moved for adjournment, was seconded by Mr. Chaney, and the motion carried unanimously.

Chairman Moody adjourned the meeting at 4:15 p.m.

Respectfully submitted,



Ruth Olguin  
Assembly Attache