

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE
March 17, 1977

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

Members Excused: Mr. Ross

Members Absent: Mr. Chaney

Guests Present: Glen Griffith, Nevada Fish & Game Department
Fred Wright, Nevada Fish & Game Department
Bill Parsons, Nevada Fish & Game Department

The meeting was called to order by Chairman Moody. He explained that this meeting was called to take action on A.B. 94, A.B. 126, A.B. 189 and A.B. 190. He stated that Mr. Serpa had amendments to A.B. 189 and A.B. 190, and asked him to present the changes. Mr. Serpa explained that no changes had been made in A.B. 189, as the difficulty in interpretation had been resolved and there didn't appear to be any necessity for making any changes at this time. He passed out copies of A.B. 190 with the proposed changes, a copy of which is attached hereto and marked Exhibit A.

ASSEMBLY BILL 190 - Extends season restrictions to all hunting, fishing and trapping.

Chairman Moody asked Mr. Serpa to explain the specific changes that were to be proposed. Mr. Serpa said that under 503.595, Subsection 1, on Page 2, they added "or occupant" and "or their employees". This allowed tenants, employees, ranch hands or any others employed on the property to hunt, therefore, not just limiting it to the property owners themselves. The same provisions were added to Subsection 3. Mr. Serpa moved that the amendments be adopted, and the motion was seconded by Mr. Kissam and passed unanimously. Further discussion was held on the bill itself.

Mr. Rhoads asked if this still means that a person from town cannot come out in the country and shoot ground squirrels without a license. Mr. Serpa stated that this was their interpretation of the meaning of the bill.

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Fred Wright of the Nevada Fish and Game Department explained that it would be necessary to have a license to hunt any class of animal. Mr. Rhoads asked why they feel that this requirement is needed. Mr. Wright stated that it is for better control as there are too many people without licenses that shoot whatever they can. But when they are confronted, they state that they are only shooting the unprotected species.

Bill Parsons of the Fish and Game Department said that the section would not require a license to take any of the unprotected species of wildlife around home or ranch premises.

Mr. Moody asked that action be taken on A.B. 190. Mr. Rhoads moved for an Indefinite Postponement, seconded by Mr. Serpa. Discussion followed. Mr. Kissam stated that in that the Department has said that the present rules have been this way for years without complaints that have been presented, is it possible that they could be acting hastily if they knocked out this bill because of this provision. Mr. Rhoads said that he felt that it would be harassment to people coming out just to shoot the unprotected species. These people are a help to the ranchers in the control of the bothersome species, and without the help of the city people, it might be much harder for the ranchers to control the problem. Mr. Serpa said that he likes parts of the bill, but after hearing the comments from his constituents and other ranchers against this provision, he feels that it would cause too many problems by having to have a license or permit to hunt the unprotected species, such as jackrabbits, ground squirrels, coyotes or starlings. Most of the people and organizations that have contacted him about this provision were against it. Mr. Rhoads stated again that the people coming out to the rural areas from the urban areas are quite a bit of help to the ranchers in controlling the pests.

Chairman Moody called for a vote on the motion. In favor of the motion for Indefinite Postponement were Mr. Serpa, Mr. Kissam, Mr. Moody and Mr. Rhoads. Those opposed were Mr. Coulter, Mr. Jeffrey and Mr. Polish. The motion was carried four to three, and A.B. 190 was Indefinitely Postponed.

ASSEMBLY BILL 189 - Revises various regulatory provisions on fish and game.

Mr. Kissam stated that he was satisfied with the explanations of the Fish and Game Department having to do with his objections regarding A.B. 189, and since he withdrew those objections, there didn't seem to be any reasons for any changes in A.B. 189.

Mr. Griffith said that because of the interest that has been expressed in the license requirements and since Mr. Bremner now has a bill to change licenses from a fiscal to calendar basis, the Department would like to see a subcommittee set up

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so all interested parties could get together and put together something workable and still serve the objectives of all the thoughts expressed by the interested parties. Chairman Moody said that since the new bill had been introduced by Mr. Bremner, the committee would hold on to A.B. 189 and try and get all three license bills taken care of at the same time.

Chairman Moody appointed Mr. Polish and Mr. Rhoads to meet with the Fish and Game people and Mr. Sena, Mr. Bremner and Mr. Dreyer to see if something could be worked out regarding licenses.

ASSEMBLY BILL 94 - Prevents expiration of water use rights under certain circumstances.

Chairman Moody asked that action be considered on A.B. 94, Assemblyman Weise's water bill. He said that the committee had asked the State Water Engineer to propose some amendments, and at the second hearing on the bill on March 15, they did not have any such proposed amendments. Mr. Westergard didn't appear to be completely in favor of the bill but didn't have too many objections to it.

Mr. Jeffrey said that he is not in favor of tying up property for speculators, but he hasn't heard of cases in Clark County where anyone was denied a permit for a well on his lot when they weren't within the proper distance to tie onto a water line. However, from testimony previously presented, it appears that water can be tied up for people who bought property years ago and later were not able to get a permit to do anything with it after a certain number of years had passed. But speculators shouldn't be able to sit on the property when people around them want to go ahead with development and put land on the tax roles. Mr. Kissam said the Health Department could forbid you to drill a well if it is within 100 feet of the septic system if your lot is too small. There are some older subdivisions that might be affected in this way.

Chairman Moody thought that one of the significant points was when Mr. Weise said that if someone bought a lot earlier and had five years to develop it and at the end of four years they sold the property and didn't advise the purchaser that he only had a year in which to do something with it, it would be a major problem to the new owner, as at the end of the year the new owner might not be able to drill a well. Mr. Jeffrey said that full disclosure of the real estate would be more applicable than this bill, because even if the five years were extended to ten years, there would still be the same situation. He is reluctant to tie up the resources of the state for speculation. Mr. Moody didn't feel that it is completely for speculation as some of the people buy property for retirement purposes and maybe won't retire for some time. Mr. Jeffrey felt that that

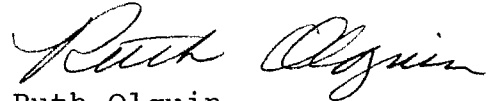
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problem would be taken care of because they would only be building one house. If a water company were established, then this bill would come more into play. He didn't feel that it would affect the individual.

Following more general discussion and referral to previous testimony of Bob Weise and Roland Westergard, it was felt by the committee that since this bill is difficult to reconcile and could be quite important to a lot of people, a subcommittee should be appointed to meet with Mr. Weise and Mr. Westergard and see if something more definite could be worked out since nothing new and concrete was presented at the second hearing, as had been requested. Chairman Moody appointed Mr. Kissam, Mr. Jeffrey and Mr. Serpa to a subcommittee to meet with Mr. Weise and Mr. Westergard to work out the problems regarding the water rights and other problems presented by the bill.

The meeting was adjourned by Chairman Moody.

Respectfully submitted,



Ruth Olguin
Assembly Attache

PROPOSED AMENDMENT

A. B. 190

**ASSEMBLY BILL NO. 190—COMMITTEE ON ENVIRONMENT
AND PUBLIC RESOURCES**

JANUARY 28, 1977

Referred to Committee on Environment and Public Resources

SUMMARY—Extends season restrictions to all hunting, fishing and trapping. (BDR 45-209)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Effect less than \$2,000.

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

AN ACT relating to fish and game; providing for additional restrictions on the taking of animals and fish; 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 501.015 is hereby amended to read as follows:
2 501.015 As used in this Title, "closed season" means all periods
3 except those designated as "open season." [During any such season it
4 is unlawful to fish, to hunt game animals or game birds or to hunt or
5 trap fur-bearing animals. There shall be no closed season on those
6 species of wild animals or wild birds classified as unprotected.]
7 SEC. 2. NRS 501.065 is hereby amended to read as follows:
8 501.065 As used in this Title, "open season" means that period
9 designated under the provisions of this Title during which it is legal to
10 fish [or to hunt game animals or game birds or to hunt or to trap fur-
11 bearing animals. Such period] , *hunt or trap*. "Open season" includes
12 the first day and last day designated. [There shall be no open season
13 on those species of wildlife classified as protected.]
14 SEC. 3. NRS 502.035 is hereby amended to read as follows:
15 502.035 Licenses, [state pheasant] stamps and permits granting
16 the privilege to hunt, fish or trap [during the open season as provided
17 in this Title] shall be issued by the department, upon payment of the
18 fees required under this Title.
19 SEC. 4. NRS 502.090 is hereby amended to read as follows:
20 502.090 All licenses issued as provided in this chapter [shall be
21 valid, and shall] authorize the person to whom issued to hunt, [to]
22 fish or [to] trap during open seasons [only on and] from the date of
23 issuance of the license until the date of expiration printed thereon.

1 SEC. 5. NRS 503.090 is hereby amended to read as follows:
2 503.090 It is unlawful to hunt [game animals or game birds] at
3 any time during the year other than during an open season designated
4 by the commission under the provisions of this Title.

5 SEC. 6. NRS 503.140 is hereby amended to read as follows:
6 503.140 1. It is unlawful for any person to hunt [game animals or
7 game birds] other than at the times of day which are set for [such]
8 hunting by the commission.

9 2. Where no time is set by the commission, it is unlawful for any
10 person at any time to hunt [game animals or game birds] except
11 between sunrise and sunset [, the same to be considered according to]
12 as determined by Federal Government time reports.

13 SEC. 7. NRS 503.440 is hereby amended to read as follows:
14 503.440 1. It is unlawful to trap [fur-bearing animals] at any time
15 during the year other than during an open season as designated by the
16 commission under the provisions of this Title.

17 2. The commission, in its sole discretion, may set the open season
18 for fur-bearing animals.

503.595 Prevention, alleviation of damage caused by
wildlife.

1. After the owner, [or] tenant or occupant of any
land or property [has] or their employees have made a
report to the department indicating that such land or
property is being damaged or destroyed, or is in
danger of being damaged or destroyed, by [wildlife,]
game animals, fur-bearing animals, protected animals,
game birds or protected birds, the department may, after
thorough investigation and pursuant to such regulations
as the commission may promulgate, cause such action to
be taken as it may deem necessary, desirable and prac-
tical to prevent or alleviate such damage or threatened
damage to such land or property.

2. Persons taking wildlife in accordance with the
provisions of this section are exempt from the license
requirements of NRS 502.010.

3. Unprotected animals and birds which are found to
be damaging or destroying crops or other property may
be taken at any time by the owner, tenant or occupant
of the premises or their employees. They also may be
taken by the employees of the State Department of
Agriculture or by federal or county employees when
acting in their official capacities pursuant to the
provisions of Chapter 555 of NRS pertaining to pests.