

The meeting was called to order at 2:06 p.m. Senator Neal in the Chair.

PRESENT: Senator Neal, Chairman
Senator Faiss
Senator Jacobsen
Senator Lamb

EXCUSED: Senator Glaser
Senator Sloan

OTHERS

PRESENT: Assemblywoman Sue Wagner, Washoe District No. 25
William G. Parson, Department of Fish and Game
William Mollini, Staff Specialist, Department of Fish and Game
Tom Cates, Nevada Organization of Wildlife
Timothy V. Grinsell, Nevada Wildlife Federation
Warren Fowler, Ormsby Sportsmen's Association
Ray Knisley, Resident of Nevada
Harvey Rose, State Farm Insurance Agent
Al Raiche, Sportsman
Jac Shaw, Administrator, Division of Lands
William J. Newman, State Engineer

Senator Neal announced that a quorum was present, and the committee would take testimony on A.B. 116 and S.B. 259.

A.B. 116 - Establishes state duck stamp program.

Assemblywoman Sue Wagner explained that A.B. 116, as amended, establishes a duck stamp program and sets the cost for a stamp at \$2.00. She stated that this program is a self-supporting concept in that the people who purchase the stamps are taxing themselves. The money collected would be deposited in a state duck stamp account maintained by the Fish and Game Department.

Ms. Wagner explained that the Assembly amended the bill to provide the same procedure for the pheasant stamp program established in the past. The money must be used for projects approved by the Fish and Game Commission for the preservation and propagation of migratory game birds and the development and preservation of wetlands in Nevada.

She emphasized the fact that the money derived from this program will be used in this State. Also, the Fish and Game will be required to report to the Legislature summarizing the projects they have undertaken, the receipt and expenditures of funds, and the public benefits.

Ms. Wagner stated that the program should produce revenues of approximately \$22,000. Along with the federal 3 to 1 match from the Pittman-Robertson Act, the program could generate as much as \$91,000 annually for wildlife habitat development. She added that the fiscal note attached to the bill is a positive fiscal note, which means there is no fiscal impact. The figures used to compute the expected revenue are derived from the average number of hunters in the past, which is approximately 10,000 to 12,000 persons.

She stated that the following groups support this legislation: Nevada Organization of Wildlife, Nevada Wildlife Federation, Ormsby Sportsmen's Association, Mineral County Sportsmen's Association, and the Southern Nevada Sportsmen's Association, among others.

Ms. Wagner explained that the amendments placed on the bill in the Assembly included changing the age limit of persons exempted from the requirement of purchasing a duck stamp from 62 in the original bill to 65 since it did not correspond with the other licensing regulations. The Assembly also eliminated the provision that only persons who purchased a hunting license could get a duck stamp. The thrust of that change was to allow persons to purchase the stamps who would like to support the program but may not be hunters. The remainder of the bill determines how the money generated will be used.

Senator Faiss mentioned that non-residents pay higher fees for the privilege of hunting and fishing in Nevada and asked why that same thinking would not apply to ducks and pheasants. Ms. Wagner stated that the pheasant program presently in existence had no such criteria. Senator Lamb suggested the reason may be because ducks are migratory birds.

Senator Jacobsen asked if there was any particular reason for exempting persons under 12 and over 65 from the bill and if the Assembly would have any objection to deleting that exemption. Ms. Wagner did not know the reason, but felt it would not be a critical matter.

Mr. William G. Parson of the Nevada Department of Fish and Game was called on to answer Senator Jacobsen's question. He stated that there is a senior citizen license provided by the Department and the age requirement is set at 65.

Senator Lamb asked what kind of budget controls there will be when this money is included in the budget. Mr. Parson replied that the funds would be dedicated, and could be used only for those reasons specified in Section 5 of the bill. Senator Lamb then asked

if the money could be used to buy another ranch. Ms. Wagner answered that the bill originally stated that the money must be used for "protection and propagation of migratory game birds, and for the acquisition, development and preservation of wetlands in Nevada." The Assembly amendments removed the phrase "and for the acquisition" specifically to answer the problem Senator Lamb referred to. Ms. Wagner stated that the kind of money generated would not be sufficient to acquire land.

Senator Lamb asked if there was a move on to reorganize the Fish and Game Board and Commission. Mr. Parson replied that he believed there is.

Mr. Parson then spoke about the projects being considered by the Fish and Game if this bill were approved. Projects such as the improvement of the water fowl areas on state owned wildlife management areas in Mason Valley, Stillwater, Alkali Lake, Sunnyside, Key Pittman, and so forth. Some of those projects broadly outlined would be the improvement of water distribution systems to improve the habitat for the birds by improving the dams, dikes and canals and drilling a well or two to supplement the water supply for a particular impoundment. The impoundments themselves do provide water fowl feed. Another consideration would be the development of food blocks and nesting islands.

Senator Lamb informed the committee that presently the Fish and Game have not provided food for the water fowl by growing crops such as grain and corn. He felt this would be a better use for the ranches purchased by the Department.

Senator Jacobsen asked Mr. Parson if the bill would allow funds to be used on private property so that farmers could be paid to leave some food in the fields. Mr. Parson replied that although he had no objections to the idea, the bill was not intended for that purpose. Senator Jacobsen then asked Mr. Parson if the bill would allow the Department to help local sportsmen's associations with projects. Mr. Parson replied that he assumes the provisions of the bill would allow that. Senator Jacobsen also asked if the bill would cover geese. Mr. Parson replied that it would cover ducks, geese and swans.

Senator Lamb again stated that he felt the Fish and Game Department does not have a workable program and until they get one, he will not support this type of legislation. Ms. Wagner replied that this bill was not initiated by the Fish and Game Department, but by the group of sportsmen mentioned previously.

Senator Jacobsen asked Mr. Bill Mollini, Staff Specialist of the Department of Fish and Game, what the status is of the pheasant program. Mr. Mollini stated that a bill passed in the 1971 session, and he believed the intent was to help the Department defer the cost on another bill to plant upland game birds. The money was used for this purpose for two years while upland birds were being planted, then the money was used for the exotic game bird propagation facility in Mason Valley. The wording in A.B. 116 would change the intent of how that money could be used. He concurred with Mr. Parson's feeling that it could be applied in a model habitat area on Mason Valley, which would certainly include food, cover and other necessary habitat requirements for pheasants. Senator Lamb asked what has to be done for the pheasants besides providing feed. Mr. Mollini replied that feed is certainly important, and presently there is ample cover except for nesting. He stated that the Department has discussed manipulating the farming area in terms of providing nesting cover and food in a proper juxtaposition that pheasants could be raised.

Senator Jacobsen asked if this bill would mean that the money from the pheasant program could only be used for pheasants and not for upland game. Mr. Mollini said that is correct. Senator Jacobsen then asked how the upland game birds would be provided for, and suggested a chukar stamp. Mr. Mollini answered that the Department is not too concerned about the chukar population since they occur in response to weather factors and are presently in a building system.

Senator Jacobsen asked if this bill would allow the Department to hatch pheasant eggs at Mason Valley. Mr. Mollini answered that there would be a small effort in that regard, but they did not favor pheasant propagation and introduction. He felt they have ample wild birds to respond if the habitat is favorable.

Senator Jacobsen remarked that his constituents have complained that hunters from the populated areas have come into the rural areas and depleted all the game. He felt the Department should conduct projects close to home where people can see the results.

Mr. Tom Cates of the Nevada Organization for Wildlife, spoke in favor of this bill. He stated that the "good old days" were good, but he is concerned about the future and what it will hold for our children. He felt that by establishing water areas, the ducks would have natural feed which they prefer. He cited the work done by Ducks Unlimited of Canada. He felt the bill would generate enough money to build canals and dikes.

Senator Jacobsen made a statement to the effect that the sportsmen feel that because they put up the money, they don't need to make any further effort. He felt that if a hunter wants to take the game, they ought to help put it there. He felt the sportsmen's associations should try to promote things that could be productive in this area. He felt the hunters should not depend on a bill such as this to furnish ducks for their children.

Mr. Timothy Grinsell, a veterinarian from Reno representing the Nevada Wildlife Federation, spoke in support of this bill. He felt Senator Lamb's concerns were valid, but felt if the bill were passed, they could get the ball rolling to get programs which would be beneficial.

Mr. Warren Fowler of the Ormsby Sportsmen's Association, stated that his association supports this bill wholeheartedly.

Mr. Ray Knisley, a long time resident of the State, spoke in favor of A.B. 116. He stated that he is interested in the bill from the standpoint of wildlife conservation, not only in this State, but on a national level, because of the scarcity of wild-life remaining in this country.

He stated that there are federal funds available to match the amount generated by the duck stamp program. He also felt that in time there should be matching funds from the State.

Mr. Knisley suggested that the exemption for persons over 65 be removed. Senator Faiss objected, stating that many senior citizens do not have the money, and especially those living on fixed incomes. Mr. Knisley withdrew his suggestion.

Senator Lamb again stated that he felt the problem of the shrinking wildlife population was not caused by a lack of funds, but by a lack of food provided for the birds and animals.

Senator Glaser entered the meeting at this point.

Mr. Knisley stated that he is not in disagreement with Senator Lamb, but because of a new bill being introduced this session which would reorganize the Fish and Game Department, he felt the funds from the duck stamp program could be utilized in the areas Senator Lamb was concerned about. He suggested holding A.B. 116 until the committee can review the new bill.

Senator Glaser remarked that many of his constituents objected to this bill because of the additional charge of \$2 on what they feel is an unduly high hunting license, and because of the bad experience they had with the federal government tying up a natural resource for the propagation of ducks in the Ruby Marsh.

Mr. Harvey Rose, State Farm Insurance Agent, spoke in support of A.B. 116. He stated that he has lived in Nevada for 52 years and his father was a hunter in Nevada back in 1905. He felt the solution to the problem of the scarcity of ducks was not grain and corn as Senator Lamb had suggested, but the shortage of water resources for the ducks. He also emphasized that this bill was not requested by the Fish and Game Department. In answer to the problems Senator Glaser's constituents expressed in regard to Ruby Marsh, he stated that the duck areas would not have problems with power boats because duck habitat areas ideally only contain one foot to 18 inches of water.

Mr. Rose stated that there is no sense in postponing something the sportsmen will be paying for to see what and when the bill revising the Fish and Game will do. The sportsmen are trying to pick themselves up by the bootstraps, and they will be paying the bill.

Senator Jacobsen asked Mr. Rose how he felt about the high and low age limits in the bill. Mr. Rose felt everybody should have to pay in order to hunt. Senator Faiss again objected to the senior citizens having to pay when most are unable to afford it and this might be their only form of recreation. Mr. Rose suggested having the upper limit on a voluntary basis so those who felt they could afford the stamp could pay.

Mr. Al Raiche, a hunter and sportsman, spoke in favor of A.B. 116. He felt that the sportsmen's organizations have lost interest because there is no coordination or correlation between the lawmakers and the sportsmen. He reminded the committee that the Fish and Game Commission used to be elected by the local sportsmen, and now they are appointed by the government. He said the sportsmen have been paying the bill for the Nevada Fish and Game Department.

Mr. Raiche made additional comments concerning questions asked of other witnesses. He felt that the answer to the problem of the father taking all the game for the son would be solved by more dollars spent on law enforcement. He felt that senior citizens definitely should be exempt from the requirements of this bill. He stated that he would hate to see the stigma of the federal Fish and Wildlife Service on this program regardless of what happened to the Ruby Marsh. He also emphasized the fact that the sportsmen will be paying the bill and have been paying the bill since this license program was begun.

Senator Neal closed the hearing on A.B. 116.

S.B. 259 - Requires appraisal of land to be acquired by state and clarifies other procedures for obtaining such land.

Mr. Jac Shaw, Administrator of the Division of State Lands, testified that this is an important bill because it demands that any lands that the State is to purchase must be appraised. It also provides that if the law states that an agency must get consent from the legislature, that consent must be obtained before the Division of State Lands acts as the realtor. Mr. Shaw stated that this bill would relate to the effort being made to tie down all the state lands. Each agency and department owns land all over the state.

Senator Jacobsen asked if this provision would increase the value of the land. Mr. Shaw answered that he didn't see how that could happen. The bill states that the agency, if required by law, gets the appraisal and it does not have to be publicized.

Senator Neal closed the hearing on S.B. 259.

Senator Neal called for final action on S.B. 259.

Senator Jacobsen moved that S.B. 259 be passed out of committee with the recommendation: Do pass.

Seconded by Senator Faiss.

Motion carried. (Senator Lamb - absent)

Senator Neal called for final action on A.B.139. He stated that he heard from Mr. Miller of Kennecott Copper Corporation and they will submit the suggestions discussed on 3/5 into another bill.

Senator Jacobsen moved that A.B. 139 be passed out of committee with the recommendation: Do pass.

Seconded by Senator Glaser.

Motion carried. (Senator Lamb - absent)

Senator Neal called for final action on S.B. 248.

Senator Jacobsen moved that S.B. 248 be passed out of committee with the recommendation: Do pass.

Seconded by Senator Faiss.

Motion carried. (Senator Lamb - absent)

Senator Jacobsen asked for reassurance of whether the 90-day waiting period could be shortened rather than enacting a new provision for a waiver. Mr. William Newman, State Engineer, informed Senator Jacobsen that the 9-week notice process is statutory and could not be shortened.

Senator Neal called for final action on S.B. 266.

Senator Faiss moved that S.B. 266 be passed out of committee with the recommendation: Do pass.

Seconded by Senator Glaser.

Motion carried. (Senator Lamb - absent)

The committee discussed A.B. 116 in light of Senator Jacobsen's concern about eliminating the exemption by lowering the age limit for the duck stamp requirement. He asked for some time to check on how much lower the age limit should be and the effect lowering the limit would have on the hunter safety program. Senator Neal stated that this bill would be discussed again when Ray Knisley's bill to revise the Fish and Game Department is considered.

Senator Glaser apologized to the committee for being late and told the members of a meeting he had with the Governor and the Attorney General regarding their support of the public lands bills scheduled for hearing on April 4th.

Senator Neal asked Senator Jacobsen if there was any further information on S.B. 119 regarding the placement of the Metric Advisory Council. Senator Jacobsen answered that he had been contacted by representatives of the University of Nevada and they have found a place for it. He asked them to submit a letter to that effect.

There being no further business, the meeting was adjourned at 3:40 p.m.

Respectfully submitted



Eileen Wynkoop
Committee Secretary

APPROVED: 

(Committee Minutes)

S. B. 259

SENATE BILL NO. 259—COMMITTEE ON
GOVERNMENT AFFAIRS

FEBRUARY 22, 1979

Referred to Committee on Natural Resources

SUMMARY—Requires appraisal of land to be acquired by state and clarifies other procedures for obtaining such land. (BDR 26-465)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to control and sale of state lands; requiring an appraisal of land to be acquired by the state; clarifying other procedures for obtaining such land; 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 321.001 is hereby amended to read as follows:
2 321.001 1. The division of state lands shall acquire and hold in the
3 name of the State of Nevada all lands and interests in land owned or
4 required by the state except:
5 (a) Lands or interests used or acquired for highway purposes;
6 (b) Lands or interests the title to which is vested in the board of
7 regents of the University of Nevada,
8 and shall administer all [such] lands *it holds which are* not assigned for
9 administration to another state agency.
10 2. [When] *If* additional land or an interest in land is required for the
11 use of any state agency except the department of highways or the Univer-
12 sity of Nevada, the agency shall select a site [and, if the state public
13 works board approves the selection, the] *approved by the state public*
14 *works board, obtain an appraisal of the land to be acquired, and obtain*
15 *the approval of the legislature if required by law. The* division of state
16 lands shall *then* obtain the land or interest by negotiation or if necessary
17 by [the exercise of] *exercising* the state's power of eminent domain. Title
18 [shall] *must* be taken in the name of the State of Nevada.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 139

ASSEMBLY BILL NO. 139—ASSEMBLYMAN DINI

JANUARY 19, 1979

Referred to Committee on Government Affairs

SUMMARY—Authorizes inspector of mines to accept and administer certain money and requires certain notification by mine operators. (BDR 46-479)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to the inspector of mines; authorizing him to accept and administer certain money; providing for certain notification by mine operators; removing obsolete references; 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 512.131 is hereby amended to read as follows:
2 512.131 1. The inspector of mines [shall:
3 (a) Adopt, modify, amend or repeal regulations formulated and proposed by the mining safety advisory board as] *may adopt any regulations*
4 *for mine health and safety* he deems necessary and which are consistent
5 with the Federal [Metal and Nonmetallic] Mine Safety and Health Act
6 (30 U.S.C. [§§ 721-740),] § 801 *et seq.*, as amended.
7 [(b) Adopt all mandatory federal health and safety standards promulgated by the Secretary of the Interior pursuant to the provisions of
8 the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. §§
9 721-740), as amended.]
10 2. The inspector of mines shall forward a copy of every regulation
11 [or standard] adopted under this section to the operator of each mine
12 and to the representative of the workers, if any, at [such] *the* mine.
13 Failure to receive a copy of [such regulation or standard shall] *the*
14 *regulation does* not relieve anyone of the obligation to comply with
15 [such regulations or standards.] *it.*
16 SEC. 2. NRS 512.151 is hereby amended to read as follows:
17 512.151 1. The inspector of mines shall:
18 [1.] (a) Develop *and conduct* programs for the education and training
19 of operators and workers in the recognition, avoidance and prevention
20 of accidents or unsafe or unhealthful working conditions in mines which
21 are subject to the provisions of this chapter; and
22
23

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

SENATE BILL NO. 248—SENATOR DODGE

FEBRUARY 16, 1979

Referred to Committee on Natural Resources

SUMMARY—Clarifies and amends procedure for disposing of Carey Act lands. (BDR 26-463)

FISCAL NOTE: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to Carey Act lands; clarifying and amending the procedure for disposing of such lands; 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 324.010 is hereby amended to read as follows:
2 324.010 As used in this chapter:

3 1. "Carey Act" means [section 4 of an Act of Congress entitled "An
4 act making appropriations for sundry civil expenses of the government
5 for the fiscal year ending June 30th, 1895, and for other purposes,"
6 approved August 18, 1894, being] *the provisions of 43 U.S.C. § 641*
7 *[.] et seq.*, and all acts amendatory thereof or supplemental thereto.

8 2. "Division" means the division of state lands of the state depart-
9 ment of conservation and natural resources.

10 SEC. 2. NRS 324.020 is hereby amended to read as follows:

11 324.020 The State of Nevada accepts the terms and conditions of
12 [section 4 of the Act of Congress approved August 18, 1894, commonly
13 known as] the Carey Act, and all acts amendatory thereof or supple-
14 mental thereto [, heretofore or] which may be [hereafter] passed by
15 the Congress of the United States, together with all the grants of land
16 [heretofore made or which may hereafter be] made to the state by the
17 Federal Government under the provisions [thereof.] *of that act.*

18 SEC. 3. NRS 324.040 is hereby amended to read as follows:

19 324.040 1. The administrator of the division is designated as the
20 state registrar of lands under the Carey Act.

21 2. The state registrar of lands under the Carey Act shall:

22 (a) Be the custodian of all papers, documents, maps and plats relat-
23 ing to Carey Act lands.

24 (b) Receive and *give a* receipt for all fees and payments required to

Original bill is 8 pages long.
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a copy of the complete bill.

SENATE BILL NO. 266—SENATOR DODGE

FEBRUARY 26, 1979

Referred to Committee on Natural Resources

SUMMARY—Provides for waiver for certain exploratory wells of permit to appropriate water. (BDR 48-1459)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to underground water and wells; providing for a waiver of a permit to appropriate water for exploratory wells under certain circumstances; 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 534.050 is hereby amended to read as follows:
2 534.050 1. ~~Every~~ *Except as provided in subsection 2, every* per-
3 son desiring to sink or bore a well in any basin or portion therein in the
4 state designated by the state engineer, as provided for in this chapter shall
5 first make application to and obtain from the state engineer a permit to
6 appropriate such water, in accordance with the provisions of chapter 533
7 of NRS relating to the appropriation of the public waters, before perform-
8 ing any work in connection with the boring or sinking of ~~such~~ *the* well.
9 2. *Upon written application and a showing of good cause, the state*
10 *engineer may issue a written waiver of the requirements of subsection 1*
11 *for exploratory wells to be drilled to determine the availability of water*
12 *or the quality of available water.*
13 3. In other basins or portions therein which have not been designated
14 by the state engineer no application or permit to appropriate ~~such~~
15 water is necessary until after the well is sunk or bored and water devel-
16 oped. Before any legal diversion of water can be made from the well, the
17 appropriator must make application to and obtain from the state engi-
18 neer, in accordance with the provisions of chapter 533 of NRS, a permit
19 to appropriate ~~such~~ *the* water.
20 ~~3.~~ 4. Any person using water after a permit has been withdrawn,
21 denied, canceled, revoked or forfeited is guilty of a misdemeanor. Each
22 day of violation of this subsection ~~shall constitute~~ *constitutes* a sepa-
23 rate offense and ~~be~~ *is* separately punishable.
24 SEC. 2. This act shall become effective upon passage and approval.