

The meeting was called to order at 2:15 p.m. Senator Neal in the Chair.

PRESENT: Senator Joe Neal, Chairman  
Senator Norman Glaser, Vice Chairman  
Senator Wilbur Faiss  
Senator Floyd Lamb  
Senator Lawrence Jacobsen  
Senator Mike Sloan

OTHERS

PRESENT: Mr. Dart Anthony, Clark County Humane Society  
Mr. Thomas Little, Nevada Humane Society  
Ms. Barbara White, Carson City resident  
Mr. John D. Winters, Citizen's Water Committee  
Mr. William Goni, Carson City resident  
Mr. Gene Empey, Carson City businessman  
Mr. Pete Moross, Department of Conservation and Natural Resources  
Mr. William A. Newman, State Engineer  
Mr. David Small, Carson City District Attorney

Senator Neal announced that the committee would hear additional testimony on A.B. 15 and S.B. 357 and take administrative action on other bills.

A.B. 15 - Defines fur-bearing animals as the property of the owner of the trap in which they are caught.

Mr. Dart Anthony, Chairman of the Board of Directors for the Clark County Humane Society, explained that the Humane Society is opposed to the provision of the bill which would allow 7 days to expire before a trapper would have to visit his traps and check for animals. They requested that provision be amended to only allow 48 hours before a trap must be checked. He read a letter from the United States Humane Society supporting the amendment he proposed.

Mr. Anthony asked the committee to consider the fact that if the voting public had the opportunity to decide the outcome of this bill, the people would turn it down because of the 7-day visitation provision. He also stated that the wildlife animals in this state belong to the general public and do not, and should not, belong to any special interest group.

Date: April 9, 1979

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Mr. Thomas A. Little, Executive Director of the Nevada Humane Society, presented photographs demonstrating their concern of the taking of non-target species being caught in steel-jaw traps. He felt the public would be concerned and alarmed to learn that gold eagles were being taken, and the traps were not visited often enough to prevent them from dying.

Senator Lamb stated that he understood Mr. Little's concern about a bird being in the trap for any length of time, but stated that it would not matter whether the trap was checked every hour or not as far as the bird's foot was concerned. Mr. Little responded that he had found animals in traps that create a great fuss, and others that do not.

Barbara White, a state employee who took annual leave to speak at this meeting, testified next. She read a letter from a friend of hers, Ms. Mary Coffey, whose dog was caught in a trap and almost died. That letter is attached as Exhibit A.

Ms. White objected to the provision which would make it unlawful to remove an animal from a trap. She was horrified to think that she would have to walk right by a suffering animal in a trap at the expense of violating the law.

Senator Neal closed the hearing on A.B. 15.

S.B. 357 - Makes appropriation to division of forestry of state department of conservation and natural resources to provide aid in management of Marlette-Hobart watershed, and reserves related water rights.

Mr. John D. Winters, a member of the Citizens Water Committee in Carson City, explained that they agree that the Marlette-Hobart watersheds need management for the improvement and preservation of the watershed, but felt that recreation within a municipal watershed is not compatible without added and expensive treatment. His statement is attached as Exhibit B.

Senator Neal asked Mr. Winters to explain his objections to subsection 4 of Section 2. Mr. Winters stated that the users own the water rights but the state owns the water. He felt that the state should not be allowed to lose that water by non-use. Mr. Winters suggested that this could be taken care of, and all the cities in the state could benefit, by taking the municipal water applications out of the 5-year non-use abandonment clause.

The next speaker was Mr. William Goni, retired rancher from Carson City. He felt the state is setting a bad precedent in passing this bill which would take water rights which actually belong in the Department of Water Resources. The state should follow the process already in practice, as everyone else does. He remarked that for the last 10 or 12 years, the state has been wasting 2,500 to 3,000 acre feet of water from Marlette Lake into Lake Tahoe that no one has received any credit for. Carson City is now under a moratorium and if the state can not use the water, they should be made to do something with it as anyone else would have to. He felt this bill should be tied to S.B. 408 which would provide a contract for leasing water to Carson City.

Mr. Gene Empey, a resident of Lake Tahoe and a Carson City businessman, commented on subsection 2 of Section 2, concerning municipalities using the water for 5 successive years. He felt it is impossible for a municipality to utilize water issued by a permit in that short a period of time.

Senator Jacobsen spoke as a witness on this bill and stated that this bill would not change the general water laws. He assured the committee that the state followed the same procedure anyone else would have to when they purchased the Marlette-Hobart area back in 1965 and there were no protests of any kind. He stated that anyone concerned could look up the decreed rights and they would find that the state has the right to storage. He felt that the state should not be precluded from protecting its interest, but if there is a good deal of objection to Section 4, it can be deleted from the bill because it is already included in the law.

Senator Jacobsen agreed that the users should benefit from the water in the area and that is exactly what is presently happening. Water is available for sale to Carson City, but over the years the only time Carson City has elected to buy it was when it could not be obtained at any other place.

Senator Lamb asked why subsection 4 of Section 2 is in the bill. Mr. Pete Moross, Assistant Director of the Department of Conservation and Natural Resources and William Newman, State Engineer, made themselves available to answer Senator Lamb's question. Mr. Moross replied that the State of Nevada holds the water in trust for the people. If the state abandons a water right, it abandons only the use that was made of that water and the water reverts back to the state and back to the trust. If the state wanted to use that water again for any other purpose, it would have to follow the statutory procedure and obtain a water right.

Mr. Newman stated that subsection 4 of Section 2 merely confirms the water rights of the 1963 acquisition. The 1963 acquisition just went to the claims of rights that might have been acquired or the beneficial uses of the rights that might have been acquired by the predecessors in interest when the state purchased the property.

Mr. David Small, Carson City District Attorney, stated that he supports the appropriation for a management plan, and can live with the second page of the bill. He did take exception to comments which deny that the bill makes a change in the law. He referred to subsection 2 of Section 2 which states "except as otherwise provided" which he felt indicates a change. Then on the next page in subsection 4, the last sentence states, "no such right may be appropriated without the express consent of the legislature." Under the present Nevada water laws, the State Engineer is in charge of appropriation, not the legislature. Mr. Small said that the five-year limitation to put water to beneficial use applied to everybody but the State of Nevada when it holds as a user, not when it holds as trustee of the public, and that is a change in the law.

Mr. Small continued, stating that it was represented earlier that Carson City has filed on the Marlette water rights based on the predicate that the state has forfeited. Carson City does not have any wish to pursue that filing, but did want to be first in line if there was a forfeiture.

Senator Neal closed the hearing on S.B. 357, and asked for administrative action on the following bills.

S.B. 240 - Provides for control of certain public lands by State of Nevada.

Senator Sloan explained that Senator Young's remarks at the hearing on April 4th, had quite an impact on him, and especially when considering that the whole operation would be financed by selling 20,000 acres of land in Las Vegas and nowhere else in the state. He was concerned about opening up that many acres of land and the impact it would have on the water situation and sewer facilities. He felt there is no question that the BLM is unrealistic in the way they deal with the people in the small counties, but he did not feel this bill is the answer to that problem.

He stated that he did not have a chance to review Pollard's lessee, but he was concerned about Bulletin #77 prepared by the Legislative Counsel Bureau's Research Division, which concluded that the state did not have a good legal claim. Senator Glaser commented that selling the land in Las Vegas was just one suggestion that the Department of Conservation made. If Nevada was successful in getting control of the public lands, there would be more sales in other areas. Senator Glaser pointed out that even a small percentage of this land getting on the tax rolls would not only generate tax monies, but add extra vitality to the business community.

Senator Glaser also mentioned that in Mr. Shaw's testimony he did not project the increases in revenues due to the increases in mineral leases. Senator Sloan pointed out that Mr. Shaw did not project the increased costs involved either.

Senator Glaser then remarked that the principle thrust of the bill is to try to overcome the sovereign immunity that the federal government enjoys so that this issue could be tried in court. The outcome might be adverse, but at least Nevada's lands would be inventoried. He informed the committee that Assemblyman Rhodes had a series of suggested amendments for A.B. 413, but they have not been drafted in statute form. Those amendments could be incorporated into this bill in the Finance Committee or on the Senator floor.

Senator Jacobsen moved that S.B. 240 be passed out of committee with the recommendation: Do pass, and re-refer to Finance.

Seconded by Senator Glaser.

Senator Sloan reserves the right to oppose the bill on the Senate Floor.

Motion carried. (Senators Lamb and Faiss absent.)

Senator Neal called for final action on S.B. 357.

Senator Jacobsen moved that S.B. 357 be passed out of committee with the recommendation: Do pass, and re-refer to Finance.

Seconded by Senator Sloan.

Motion carried. (Senators Lamb and Faiss absent.)

Senator Neal called for final action on A.B. 15.

Senators Sloan and Neal felt that the Humane Society raised some good points. They felt the bill should be amended to provide for visitation of the traps every 72 hours.

Senator Sloan moved the adoption of the amendment.

Seconded by Senator Faiss.

Senator Glaser reserves the right to vote against the amendment on the Senate Floor.

Ayes - 4  
Nays - Jacobsen (1)  
Absent - Lamb (1)

Motion carried.

Senator Neal then asked for a resolution to the problem in the language beginning on Page 1, line 10, which provides that it is unlawful for anyone to remove or disturb a trap. Senator Sloan felt that this provision could make it unlawful to remove a golden eagle, a hunting dog, or a child from a trap. Senator Jacobsen felt that the thrust of this provision was to protect the traps from being removed or made ineffective. Senator Sloan suggested amending the bill by deleting the words "or disturb" so that it would only relate to removing, or stealing, the trap. Senator Glaser felt that would make the law ineffective in the case of one trapper stealing the animal from another's trap. At Senator Jacobsen's suggestion, Senator Neal stated that the record will show that the intent of the bill is only directed to the fur-bearing animals, unprotected animals or animals whose raw furs could be sold for profit, as provided in Section 3, subsection 1.

Senator Sloan moved that A.B. 15 be passed out of committee with the recommendation: Amend, and do pass as amended.

Seconded by Senator Jacobsen.

Motion carried. (Senator Lamb absent.)

Senator Neal called for final action on S.C.R. 25.

S.C.R. 25 - Admonishes Bureau of Land Management of Department of Interior to cease its consideration for designation as wilderness land certain ineligible lands in Nevada.

Senator Glaser stated that the resolution he examined from Utah was not as effective as this one.


Senator Jacobsen moved that S.C.R. 25 be passed out of committee with the recommendation: Be adopted.

Seconded by Senator Faiss.

Motion carried. (Senator Lamb absent.)

There being no further business, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

  
Eileen Wynkoop  
Committee Secretary

APPROVED:



(Committee Minutes)

4/6/79

To: Members of the Natural Resources Committee  
Senate  
Nevada Legislature  
Carson City, NV 89710

Re: A.B. 15

Gentlemen:

In 1973 my young pedigreed German Shepard dog was missing from our home for a week. We made extensive efforts to find her but failed. At the end of a week she crawled home, nearly dead with starvation and exhaustion, with a rusty trap clamped on one leg. We rushed her to the vet who was, to the tune of \$100, able to save her and her leg. If it had been winter, or if she had been an older dog, or if we didn't happen to be home just as she returned, she certainly would have died, and horribly.

This took place right where we are now, though the area was less developed then. However, my point is that I can see no need of exposing valued pets, our children, endangered species, or in fact anything alive to such needless, mindless cruelty. If anyone makes a living that way, surely in this day of employment at an all-time high he can find another way to do so. But worse, I have actually heard of people doing this for "sport". Isn't it time for a little progress?

Therefore I urge you to veto this bill, which only makes it easier for such heartless clods to go on with their trapping.

Sincerely,

*Mary Coffey*  
Mary Coffey  
2497 Lewis Drive  
Carson City  
tel. (home) 882-4020  
(work) 882-9202

Concerning SB 357

## Section 1.1.

A self formed group of Carson City citizens concerned about water for the City agree the Marlette Lake and the Hobart watersheds needs management for the improvement and preservation of the waterships. We suggest the management plan submitted by the Marlette Lake Water System advisory committee be analyzed from a practical standpoint. At a public hearing about three months ago it was stated by the committee that it was planned to have a limited by reservation only recreational development within the watersheds. SB 296 Chapter 463 approved 4/26/63 amended Chapter 332 of N.R.S. This was enabling act to purchase the Marlette Lake water system.

Section 2.2. The purposes of the Marlette Lake water system are:

- (a) To preserve and protect the sources of water.
- (b) To provide adequate supplies of water of the areas served.
- (c) To improve and preserve the watershed.
- (d) To maintain distribution lines ..... to assure dependable supplies of water.

Recreation within a municipal water supply watershed is not compatible without added expensive treatment. This would add more tax dollars to the Carson City taxpayers' already expensive water development plan. Furthermore, Recreation within the watershed would increase the fire hazard.

These two watersheds within the State Park lands are only a small fraction of the State land in the Sierra area.

There are many other areas that need recreational development where the general public can enjoy if developed.

With water for human consumption being so vital, Marlette Lake should be eventually be developed for that purpose.

Concerning Section 2, Paragraph 4. and Section 3: It could be better taken care of by requiring Carson City to withdraw their application on the Marlette water prior to the signing of a contract between the State and Carson City on the Marlette Lake water system development plan.

We believe this section is dangerous as it could set a precedent in our general water laws.

Municipal water applications should be excluded from the 5-year non-use abandonment law in order that cities could have long term planning.

CITIZENS WATER COMMITTEE

*John H. ...*  
*William ...*



SENATE BILL NO. 240—SENATORS GLASER, BLAKEMORE, KEITH ASHWORTH, ECHOLS, JACOBSEN, SLOAN, LAMB, GIBSON, NEAL, HERNSTADT, FAISS, CLOSE, DON ASHWORTH AND McCORKLE

FEBRUARY 15, 1979

Referred to Committee on Natural Resources

SUMMARY—Provides for control of certain public lands by State of Nevada. (BDR 26-251)

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

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

AN ACT relating to public lands; creating the Nevada lands commission; providing for state control of certain lands within the state boundaries; providing penalties; making an appropriation; and providing other matters properly relating thereto.

1 WHEREAS, The intent of the framers of the Constitution of the United  
2 States was to guarantee to each of the states sovereignty over all matters  
3 within its boundaries except for those powers specifically granted to the  
4 United States as agent of the states; and

5 WHEREAS, The attempted imposition upon the State of Nevada by the  
6 Congress of the United States of a requirement in the enabling act that  
7 Nevada "disclaim all right and title to the unappropriated public lands  
8 lying within said territory," as a condition precedent to acceptance of  
9 Nevada into the Union, was an act beyond the power of the Congress  
10 of the United States and is thus void; and

11 WHEREAS, The purported right of ownership and control of the public  
12 lands within the State of Nevada by the United States is without founda-  
13 tion and violates the clear intent of the Constitution of the United States;  
14 and

15 WHEREAS, The exercise of such dominion and control of the public  
16 lands within the State of Nevada by the United States works a severe,  
17 continuous and debilitating hardship upon the people of the State of  
18 Nevada; now, therefore,

19  
20 *The People of the State of Nevada, represented in Senate and Assembly,*  
21 *do enact as follows:*

22  
23 Section 1. Chapter 321 of NRS is hereby amended by adding  
24 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Original bill is 4 pages long.  
Contact the Research Library for  
a copy of the complete bill.

SENATE BILL NO. 357—SENATOR JACOBSEN

MARCH 22, 1979

Referred to Committee on Natural Resources

SUMMARY—Makes appropriation to division of forestry of state department of conservation and natural resources to provide aid in management of Marlette-Hobart watershed, and reserves related water rights. (BDR S-1470)

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

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

AN ACT making an appropriation from the state general fund to the division of forestry of the state department of conservation and natural resources to provide aid in the management of the Marlette-Hobart watershed; reserving related water rights; 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. 1. There is hereby appropriated from the state general  
2 fund to the division of forestry of the state department of conservation  
3 and natural resources the sum of \$145,410 to provide aid in the manage-  
4 ment of the Marlette-Hobart watershed.  
5 2. After June 30, 1981, the unencumbered balance of the appropria-  
6 tion made in section 1 of this act may not be encumbered and must  
7 revert to the state general fund.  
8 SEC. 2. NRS 533.060 is hereby amended to read as follows:  
9 533.060 1. Rights to the use of water shall be limited and restricted  
10 to so much thereof as may be necessary, when reasonably and economi-  
11 cally used for irrigation and other beneficial purposes, irrespective of the  
12 carrying capacity of the ditch. All the balance of the water not so  
13 appropriated shall be allowed to flow in the natural stream from which  
14 such ditch draws its supply of water, and shall not be considered as having  
15 been appropriated thereby.  
16 2. [In case] *Except as otherwise provided in subsection 4, if the*  
17 owner or owners of any such ditch, canal, reservoir, or any other means  
18 of diverting any of the public water [shall] fail to use the water there-  
19 from or thereby for beneficial purposes for which the right of use exists  
20 during any 5 successive years, the right to so use shall be deemed as  
21 having been abandoned, and any such owner or owners [shall] there-  
22 upon forfeit all water rights, easements and privileges appurtenant

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

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 15

ASSEMBLY BILL NO. 15—ASSEMBLYMEN DINI AND GETTO

JANUARY 16, 1979

Referred to Committee on Environment and Public Resources

SUMMARY—Defines fur-bearing animals as the property of the owner of the trap in which they are caught. (BDR 45-739)

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

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

AN ACT relating to hunting, fishing and trapping; requiring registration or other identification of traps; setting fees; prohibiting moving or disturbing traps legally set by a holder of a trapping license; limiting possession and transportation of certain furs and wild animals; providing penalties; 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 the provisions set forth as sections 2 and 3 of this act.

3 SEC. 2. *Each trap used in the taking of wild animals must bear a*  
4 *number registered with the department or be permanently marked with*  
5 *the name and address of the owner or trapper using it. Registration of a*  
6 *trap is permanent. A registration fee of \$5 for each registrant is payable*  
7 *only once, at the time the first trap is registered.*

8 SEC. 3. 1. *Every person who takes fur-bearing animals or unpro-*  
9 *ected animals or sells raw furs for profit shall procure a trapping license.*

10 2. *It is unlawful to remove or disturb the trap of any holder of a*  
11 *trapping license while the trap is being legally used by him on public*  
12 *land or on land where he has permission to trap.*

13 SEC. 4. NRS 503.040 is hereby amended to read as follows:

14 503.040 1. Except as provided in this section, it is unlawful for any  
15 person at any time to transport or offer for transportation to any place  
16 within or outside of this state any game animal, *raw furs, wild animal*  
17 *taken by trapping, game bird or game fish taken within this state.*

18 2. Any person who has legally taken any game animal, *raw furs,*  
19 *wild animal taken by trapping, game bird or game fish within this state*  
20 *may use his hunting license, trapping license or fishing license or [game]*  
21 *tag or stamp, when required, as a permit to transport one possession*  
22 *limit to points within or outside the state.*

Original bill is 3 pages long.  
Contact the Research Library for  
a copy of the complete bill.

**S. C. R. 25**

**SENATE CONCURRENT RESOLUTION NO. 25—SENATORS  
DODGE, BLAKEMORE, LAMB, JACOBSEN, FAISS, DON  
ASHWORTH, GLASER, SLOAN, KEITH ASHWORTH, Mc-  
CORKLE, CLOSE, ECHOLS AND RAGGIO**

MARCH 22, 1979

Referred to Committee on Natural Resources

**SUMMARY—Admonishes Bureau of Land Management of Department of the Interior to cease its consideration for designation as wilderness land certain ineligible lands in Nevada. (BDR 2030)**

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

**SENATE CONCURRENT RESOLUTION—Admonishing the Bureau of Land Management of the United States Department of the Interior to cease its consideration for designation as wilderness land certain ineligible lands in Nevada.**

1 WHEREAS, Sections 201(a) and 603(a) of the Federal Land Policy  
2 and Management Act of 1976 (Public Law 93-597, October 21, 1976,  
3 90 Stat. 2477) require the Bureau of Land Management of the United  
4 States Department of the Interior to prepare an inventory of the roadless  
5 areas of the United States for possible designation and preservation as  
6 wilderness lands; and

7 WHEREAS, The Federal Land Policy and Management Act requires  
8 that the lands included in the inventory meet wilderness characteristics  
9 set forth in the Wilderness Act (16 U.S.C. §§ 1131 et seq.), and for  
10 the purposes of the inventory, the Bureau of Land Management has  
11 itself defined "road" in part III of its Wilderness Inventory Handbook  
12 dated September 27, 1978; and

13 WHEREAS, In the recent past the Bureau of Land Management took a  
14 common-sense approach by removing from consideration for designation  
15 as wilderness land, vast areas of land in the eastern portion of Nevada  
16 which obviously lacked the required wilderness characteristics, but has  
17 now apparently abandoned this reasoned approach by including in its  
18 inventory for further study approximately 20 million acres of land in  
19 Nevada which also obviously lack the characteristics required by the  
20 Wilderness Act; and

21 WHEREAS, In doing so, the Bureau of Land Management has ignored  
22 its own test for "naturalness" set forth on page 6 of its handbook, which

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