

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON NATURAL RESOURCES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 1, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 1:30 P. M., Wednesday, April 1, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Norman Glaser, Chairman
Senator Wilbur Faiss, Vice Chairman
Senator James H. Bilbray
Senator Lawrence E. Jacobsen
Senator Joe Neal

COMMITTEE MEMBER ABSENT:

Senator Floyd R. Lamb

STAFF MEMBERS PRESENT:

Robert E. Erickson, Senior Research Analyst
Carolyn L. Freeland, Committee Secretary

Chairman Glaser announced this meeting as a work session as hearings have previously been held on the bills listed on the day's agenda. There was brief discussion on each of them.

SENATE BILL NO. 405

Senator Bilbray gave a short review of previous testimony and considered amendments, noting ranchers did not want to be held to some regulations regarding cruel treatment as they have different methods of operation which are not in truth cruel treatment. This amendment was agreed to by committee consensus.

Senator Faiss moved Amend and Do Pass
Senate Bill No. 405 (Exhibit C).

Senator Jacobsen seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

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Chairman Glaser instructed Mr. Erickson to use Chapter 361A, the Green Belt and Agricultural Deferment Law, as the definition of agriculture for purposes of the amendment.

SENATE BILL NO. 403

Senator Bilbray spoke briefly of the testimony previously presented. The committee agreed to amend the penalty from a felony to a gross misdemeanor.

Senator Neal moved Amend and Do Pass
Senate Bill No. 403 (Exhibit D).

Senator Bilbray seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

SENATE BILL NO. 404

Senator Bilbray moved Indefinite Postponement of Senate Bill No. 404 (Exhibit E).

Senator Faiss seconded the motion.

The motion failed to carry. (Senator Neal voted "No"; Senator Lamb and Senator Jacobsen were absent for the vote).

SENATE BILL NO. 343

Mr and Mrs. Lyle Campbell, speaking as private citizens, provided the committee with desired amendments. There was general discussion on the merits of the amendments, and on the appropriateness of the bill itself. The sentiment was expressed this bill might jeopardize the welfare of the "Sagebrush Rebellion" at this time, emanating a negative impact both in Washington and within the state.

The committee liked the concept of the original bill but was concerned the passage of such a bill might stimulate some type of land rush in the state. There was consideration of repealing this entire section of Nevada law as it may not perhaps be the best way to settle public lands in the future. However, Senator Bilbray was of the opinion that the State of Nevada needs to have some provisions in state law to allow private citizens to acquire and settle public lands.

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Senator Bilbray then recommended that this law be retained in state law for possible future use by the state, but until such time as the State of Nevada controls greater public land areas, this bill should be placed in an inactive status.

It was the consensus of the committee to amend Senate Bill No. 343 by imposing a moratorium upon it until such time as the legislature, by concurrent resolution, authorizes resumption of occupations, settlements and actions contained within it.

Senator Bilbray moved Do Pass as Amended
Senate Bill No. 343 (Exhibit F).

Senator Jacobsen seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

SENATE BILL NO. 404

This bill was again considered for action as Senator Jacobsen had returned to the meeting.

Senator Jacobsen moved Indefinite Postponement of Senate Bill No. 404 (Exhibit E).

Senator Bilbray seconded the motion.

The motion carried unanimously. (Senator Lamb was absent for the vote).

There being no further business, the meeting adjourned at 2:20 P. M.

Respectfully submitted by:


Carolyn L. Freeland, Secretary

APPROVED BY:


Senator Norman Glaser, Chairman

DATE: April 8, 1981

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources, Room 323.
Day Wednesday, Date April 1, Time 1:30 P. M.

WORK SESSION

S. B. No. 343--Establishes limitations relating to possessory claims to public lands and authorizes purchases.

S. B. No. 403--Increases penalty for dog fighting.

S. B. No. 404--Requires daily visits to traps which trap animals alive.

S. B. No. 405--Provides for seizure, care and disposition of animals being cruelly treated.

<u>MINUTES</u>	<u>MEETING NUMBER</u>	<u>DATE</u>	<u>PAGE(S)</u>
S. B. 343	16	March 16	4-5
S. B. 403	19	March 25	Not yet ready
S. B. 404	19	March 25	Not yet ready
S. B. 405	19	March 25	Not yet ready

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 405

SENATE BILL NO. 405—COMMITTEE ON
NATURAL RESOURCES

MARCH 12, 1981

Referred to Committee on Natural Resources

SUMMARY—Provides for seizure, care and disposition of animals
being cruelly treated. (BDR 50-545)

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 animals; authorizing certain officers to take possession of
and care for certain animals being treated cruelly; creating a limited lien for
the costs of care; authorizing judicial determination of the final disposition of
those animals; 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 574 of NRS is hereby amended to adding
- 2 thereto a new section which shall read as follows:
- 3 1. Any peace officer or officer of a society for the prevention of
- 4 cruelty to animals who is authorized to make arrests pursuant to NRS
- 5 574.040 shall, upon discovering any animal which is being treated
- 6 cruelly, take possession of it and provide it with shelter and care or,
- 7 upon obtaining written permission from the owner of the animal, may
- 8 destroy it in a humane manner.
- 9 2. When an officer takes possession of an animal, he shall give to
- 10 the owner, if the owner can be found, a notice containing a written
- 11 statement of the reasons for the taking, the location where the animal
- 12 will be cared for and sheltered, and the fact that there is a limited lien
- 13 on the animal for the cost of shelter and care. If the owner is not
- 14 present at the taking and the officer cannot find the owner after a
- 15 reasonable search, he shall post the notice on the property from which
- 16 he takes the animal. If the identity and address of the owner is later
- 17 determined, the notice must be mailed to the owner immediately after
- 18 the determination is made.
- 19 3. An officer who takes possession of an animal pursuant to this
- 20 section has a lien on the animal for the reasonable cost of care and
- 21 shelter furnished to the animal and, if applicable, for its humane
- 22 destruction. The lien does not extend to the cost of care and shelter
- 23 for more than 2 weeks.

1 4. Upon proof that the owner has been notified in accordance with
2 subsection 2 or, if he has not been found or identified, that the required
3 notice has been posted on the property where the animal was found, a
4 court of competent jurisdiction may, after providing an opportunity for
5 a hearing, order the animal sold at auction, humanely destroyed or
6 continued in the care of the officer for such disposition as the officer
7 sees fit.

8 5. An officer who seizes an animal pursuant to this section is not
9 liable for any action arising out of the taking or humane destruction
10 of the animal.

11 6. This section does not apply to any animal which is located on land
12 being employed for an agricultural use as defined in NRS 361A.030.

13 SEC. 2. NRS 574.050 is hereby amended to read as follows:

14 574.050 As used in NRS 574.050 to 574.200, inclusive [:], and
15 section 1 of this act:

16 1. "Animal" does not include the human race, but includes every
17 other living creature.

18 2. "Torture" or "cruelty" includes every act, omission or neglect,
19 whereby unjustifiable physical pain, suffering or death is caused or
20 permitted.

21 SEC. 3. NRS 574.100 is hereby amended to read as follows:

22 574.100 A person who: [overdrives,]

23 1. Overdrives, overloads, tortures or cruelly beats or unjustifiably
24 injures, maims, mutilates or kills any animal, whether belonging to him-
25 self or to another; [, or deprives]

26 2. Deprives any animal of necessary sustenance, food or drink, or
27 neglects or refuses to furnish it such sustenance or drink; [, or causes,]

28 3. Causes, procures or permits any animal to be overdriven, over-
29 loaded, tortured, cruelly beaten, or unjustifiably injured, maimed, muti-
30 lated or killed, or to be deprived of necessary food or drink; [, or who
31 willfully]

32 4. Willfully sets on foot, instigates, engages in or in any way furthers
33 an act of cruelty to any animal, or any act tending to produce such
34 cruelty [,] ; or

35 5. Abandons an animal in circumstances other than those prohibited
36 in NRS 574.110,
37 is guilty of a misdemeanor.

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

S. B. 403

SENATE BILL NO. 403—COMMITTEE ON
NATURAL RESOURCES

MARCH 12, 1981

Referred to Committee on Natural Resources

SUMMARY—Increases penalty for dog fighting. (BDR 50-547)

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 cruelty to animals; increasing the penalty imposed for instigating fights between dogs; 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 574.060 is hereby amended to read as follows:

2 574.060 1. A person who keeps or uses, or is in any manner con-
3 nected with, or interested in the management of, or receives money for
4 the admission of any person to, a house, apartment, pit or place kept or
5 used for baiting or fighting any bird or animal [.] *except a dog*, and any
6 owner or occupant of a house, apartment, pit or place who willfully pro-
7 cures or permits the same to be used or occupied for such baiting or
8 fighting, is guilty of a misdemeanor. *If any dog is used for such activity,*
9 *the person is guilty of a gross misdemeanor.*

10 2. Upon complaint under oath or affirmation to any magistrate
11 authorized to issue warrants in criminal cases that the complainant has
12 just and reasonable cause to suspect that any of the provisions of law
13 relating to or in any wise affecting animals are being or about to be vio-
14 lated in any particular building or place, such magistrate shall immedi-
15 ately issue and deliver a warrant to any person authorized by law to make
16 arrests for such offenses, authorizing him to enter and search such build-
17 ing or place, and to arrest any person there present found violating any
18 of such laws, and to bring such person before the nearest magistrate of
19 competent jurisdiction to be dealt with according to law.

20 SEC. 2. NRS 574.070 is hereby amended to read as follows:

21 574.070 A person who sets on foot, instigates, promotes or carries
22 on, or does any act as assistant, umpire or principal, or is a witness of,
23 or in any way aids in or engages in the furtherance of any fight between
24 cocks or other birds, or [dogs,] bulls, bears or other animals [.] *except*

- 1 dogs, premeditated by any person owning or having custody of such birds
- 2 or animals, is guilty of a misdemeanor. *If any dog is used for such activity,*
- 3 *the person is guilty of a gross misdemeanor.*

SENATE BILL NO. 1081
NATURAL RESOURCES

MARCH 12, 1981

REVISION OF CHAPTER 108A, NRS

STATEMENT OF WORKING GROUP ON NRS CHAPTER 108A
STAFF OF THE SENATE COMMITTEE ON NATURAL RESOURCES

REVISIONS TO CHAPTER 108A, NRS

ALL RIGHTS RESERVED BY THE STATE OF NEVADA

The purpose of this bill is to revise the provisions of Chapter 108A, NRS, relating to the regulation of the use of dogs and animals in the State of Nevada.

SECTION 1. Chapter 108A, NRS, is amended to read as follows:
SECTION 2. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 3. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 4. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 5. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 6. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 7. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 8. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 9. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 10. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 11. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 12. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 13. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 14. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 15. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 16. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 17. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 18. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 19. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 20. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 21. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 22. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 23. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.
SECTION 24. A person who owns or has custody of a dog or animal shall be liable for any damage or injury to a person or property caused by the dog or animal if the person or animal is used for such activity as is prohibited by this chapter.

S. B. 404

SENATE BILL NO. 404—COMMITTEE ON
NATURAL RESOURCES

MARCH 12, 1981

Referred to Committee on Natural Resources

SUMMARY—Requires daily visits to traps which trap animals alive.
(BDR 45-546)

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 hunting, fishing and trapping; requiring persons who set certain traps for animals to visit those traps daily and remove any animals caught in them; 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 503.570 is hereby amended to read as follows:
2 503.570 Every person [taking or causing to be taken wild animals
3 by means of traps, snares] *who places traps, snares* or any other devices
4 which do not, or are not designed to, cause immediate death to [such]
5 *trapped* animals, shall [, when any such traps, snares or devices are
6 placed or set for the purpose of taking animals,] visit or cause to be
7 visited at least once each [week each such] *day each* trap, snare or
8 other device during all of the time [any such trap, snare or device] *it*
9 is placed [, set or used in the taking of] *and set for the purpose of taking*
10 wild animals, and remove therefrom any animals caught therein.

S. B. 343

 SENATE BILL NO. 343—COMMITTEE ON
 GOVERNMENT AFFAIRS

MARCH 2, 1981

 Referred to Committee on Natural Resources

 SUMMARY—Establishes limitations relating to possessory claims to public lands
 and authorizes purchase. (BDR 26-1049)

 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 possessory actions concerning public lands; limiting a claim
 to lands located 5 miles from an urban area; requiring a claimant to occupy
 and improve or cultivate his claim for a period of years; authorizing its
 subsequent purchase; 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 326.020 is hereby amended to read as follows:
 2 326.020 No person [shall be] is entitled to maintain an action for
 3 possession of or injury to any claim as provided in NRS 326.010 unless:
 4 1. The claim contains 160 acres or less and does not contain more
 5 than 160 acres.
 6 2. The claim has been surveyed and marked by metes and bounds so
 7 that the boundaries may be readily traced and the extent of the claim
 8 easily known.
 9 3. *The claim is more than 5 miles from any urban area as designated*
 10 *by the county planning commission.*
 11 4. The claimant occupies the claim [.] for 5 years or more.
 12 [4.] 5. The claimant has complied with the provisions of NRS
 13 326.030 and 326.040.
 14 SEC. 2. NRS 326.040 is hereby amended to read as follows:
 15 326.040 Within 90 days after the date of record, the person record-
 16 ing is required to improve or cultivate the lands thus recorded to the
 17 value of \$200. [, by putting such improvements thereon as shall] *The*
 18 *improvements or cultivation must partake of the realty, unless [such]*
 19 *the improvements [shall have been made prior to] or cultivation are*
 20 *completed before* the application for survey and record, according to
 21 NRS 326.030.
 22 SEC. 3. NRS 321.5983 is hereby amended to read as follows:

1 321.5983 1. Except as it is authorized pursuant to NRS 321.5973
2 or this subsection or except as it may be authorized by the state land
3 registrar pursuant to any authority conferred upon him by law, any sale,
4 lease, exchange, encumbrance or other disposal of any parcel of or any
5 interest in the public lands is void. *A claimant entitled to maintain an*
6 *action pursuant to NRS 326.020 may purchase the land so claimed if it is*
7 *owned by this state.*

8 2. Any person who intends to perform or who actually carries out
9 any act with respect to the use, management or disposal of any of the
10 public lands under color of any statute, ordinance, regulation, custom
11 or usage of the United States or otherwise, shall obtain written authoriza-
12 tion from the state land registrar approving or confirming any such act,
13 which authorization [shall] *may* be given only to the extent it is author-
14 ized under the laws of this state.

15 3. Any person who does not obtain written authorization from the
16 state land registrar as required by subsection 2 may be enjoined by the
17 state land registrar from attempting to perform or continuing to carry out
18 any act respecting the use, management or disposal of any of the public
19 lands in any court of competent jurisdiction of this state within whose
20 jurisdiction any of the affected public lands are located or the person
21 resides.

22 4. Any person who receives any money or other consideration for
23 any purported sale or other disposition of any public land which was
24 made contrary to the provisions of NRS 321.596 to 321.599, inclusive,
25 is liable to the state for that money or for the value of any other con-
26 sideration. The money may be recovered in an action brought by the state
27 land registrar in a court of competent jurisdiction of this state within
28 whose jurisdiction any of the affected public lands are located or the
29 person resides.