

MINUTES OF THE  
MEETING OF THE SENATE COMMITTEE  
ON NATURAL RESOURCES

SIXTY-FIRST SESSION  
NEVADA STATE LEGISLATURE  
May 25, 1981

The Senate Committee on Natural Resources was called to order by Chairman Norman Glaser at 2:10 P. M., Monday, May 25, 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

GUEST LEGISLATORS:

Assemblyman Nicholas J. Horn  
Assemblyman Kenneth K. Redelsperger

STAFF MEMBERS PRESENT:

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

ASSEMBLY BILL NO. 686

Assemblyman Nicholas J. Horn, one of the chief proponents of this bill, which allows use of the same tag for hunting deer in a general hunt and a special hunt with muzzleloaders, was the first speaker.

Mr. Horn referred to a proposed amendment, No. 1118 (Exhibit C), which he had distributed to members of the committee. He said the amendment "cleans up" the bill and makes it workable, so the committee is not really looking at the same bill which was introduced or the same proposals.

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Mr. Horn felt there were several misconceptions prevalent regarding the intent of the legislation. It would not create a special deer hunt, it would not put everyone in the same category for a draw of tags, it would not affect the archers, it would not affect the deer population, it would not affect the budget, it would not affect fraud which is always present. As amended, it would not change anything other than give the hunter two opportunities to go hunting. It would not allow more than one deer; it would not allow that a rifle be used during the muzzleloading season; and the kill ratio would not increase.

Mr. Horn said there was a great deal of precedent in the matter of the legislature mandating commissions, boards and agencies to accomplish certain designations. He said it is not contrary to the legislative process to mandate such performance of certain acts, and the legislature, in structuring budget, dictates to boards, agencies and commissions the direction they will follow.

Mr. Horn feels this is a very fair bill and he asked the committee's consideration of the amendment in lieu of the original bill.

Senator Neal asked for a definition of a muzzleloader, which was given by Mr. Horn. Senator Neal then asked Mr. Horn who led him to introduce the bill. Mr. Horn replied the bill was introduced by the Committee on Ways and Means in the Assembly, but it was drafted by himself representing his constituents in Clark County.

Senator Jacobsen expressed a reservation about the amended bill. He said it does not seem fair that one group should be given two opportunities to hunt when some people are not able to obtain a tag at all. A discussion ensued between Mr. Horn and Senator Jacobsen.

Mr. Marvin Einewold, Chairman of the Wildlife Commission for the state, said information solicited from a number of hunters indicated no one is in favor of this type of hunt in the Las Vegas area. At the commission meeting May 16, 1981, the audience was polled to ascertain the types of hunters present, and the prevailing feeling was that there should not be a season that runs together. For this reason, the commission stayed with a separate season for archers, muzzleloaders and riflemen.

Mr. Einewold continued he does not agree with Mr. Horn there would be less kill. He gave success rate figures. He also said

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there are problems in other states, citing Utah as an example, where there is a question with just such a situation of "lop-overs" from one type hunt to another. Mr. Einewold feels the commission followed the democratic process as mandated by law in setting hunts.

He then referred to the tremendous stress which a 12-week hunting season would place upon the animals. He said the deer population is down as it is; and he stated the wounding of animals would be very high. He also cited the safety factor involved in putting inexperienced hunters of one type in the field to compete against those versed in that particular weapon. He said this situation is not desired by the hunters themselves.

Mr. Einewold then described the quota system used, and the management of the deer herds, saying no other state has such a system. He said this policy is very successful and the game boards and sportsmen and those concerned indicated they are satisfied with it.

Senator Bilbray asked what percentage of deer tags were issued to out-of-state hunters. Mr. Einewold answered about 9% are out-of-state. Senator Bilbray asked if there was a movement to abolish such tags. Mr. Einewold said such was not the case, although there was consideration of reducing the number available for out-of-state hunters. He said one fear was that of lawsuits, which might result in an open draw for residents and non-residents alike.

Mr. Joseph Brown, state wildlife commission, said he, for one, would like to reduce non-resident tags because of increasing population pressures. He would like to reserve deer herds for Nevadans.

Mr. John Sweetland, state wildlife commission, noted that a number of states have reciprocity in issuing tags, and for this reason he feels it would not be wise to entirely cut out non-resident hunting tags.

Senator Jacobsen wanted to know the wound-ratio between rifle hunters and muzzleloaders. Mr. Einewold said that would be difficult to determine.

Chairman Glaser wanted to know the number of tags issued, both in and out of state. Mr. Einewold said there were 2000 issued for out of the state, and 21,000 in the state. There was discussion on how passage of this bill would affect the tag quota.

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Senator Jacobsen wished to know if this bill would allow out-of-state muzzleloaders to participate, and Mr. Einewold replied the muzzleloader season is strictly for residents.

Mr. Sweetland said the wildlife department made a proposal for a stratified, or crossover, hunt, and went to the county game management boards and the general public for their review. The commission heard the testimony and gave it consideration; the proposal was overwhelmingly rejected, to have an overlapping hunt. He said the kill success rate would increase. He also said the state game chief in Utah wants to terminate an overlapping type of hunt season and return to the separate seasons such as Nevada has. He feels due process has been exercised in consideration of this matter.

Mr. Sweetland also stressed there is a need for practicing conservation of the deer population; the person population of the state is increasing more rapidly than the animal population, which creates a tag quota problem. He said caution must be exercised in moving too rapidly in a direction which would cause adverse impact upon the resource.

Chairman Glaser commented upon the definitions of "stratified" and "contiguous" hunts. Mr. Einewold said "contiguous" is probably a better way of stating it, and the word "stratified" is one used by the commission.

Mr. Mike Toone, Washoe County Game Management Board, said his board had publicized these issues, inviting anyone who so desired to speak on them. He said no one spoke against the season as it has been proposed by the commission for this year. He feels due process has been exercised. He said his board and those testifying wish to oppose this bill and retain the hunting season as it is currently organized.

Mr. Gerry Brown, Nevada Wildlife Federation, read from a prepared statement (Exhibit D) to express the federation's recommendation regarding Assembly Bill No. 686. The federation opposes passage of the bill.

Mr. Don Quilici, Carson City Game Management Board, said his group opposes the bill. He said there is no dissatisfaction with the present system, and would urge defeat of this bill.

Mr. Gerry Lent, director, Nevada Organization for Wildlife, said he would like to go on record as supporting the stand of the state Department of Wildlife and being in favor of the hunting season as established by the department. He is not in favor of this bill.

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Mr. Jim Arguello, Truckee Meadows Muzzleloaders Association, said the Nevada Muzzleloaders Association is not behind this bill, and the bill is opposed by the muzzleloaders in the state. He said generally there is not a feeling for the need to go out and hunt more than once, and that the muzzleloading season is adequate as it is established.

Mr. Gary Passmore, president, Hole-in-the-Wall Muzzleloaders Association, Fallon, then testified. He said his organization is against the bill and supports the wildlife commission in its present system of establishing hunts.

Dr. Bruce Wilkin, member of the White Pine County Game Management Board, presented testimony in opposition to this bill and distributed documents in support of his remarks (Exhibits E and F). He has spent a great deal of time and effort in addressing problems related to the establishment of hunting seasons, and asked for consideration of the committee in reviewing his comments.

Mr. Milos Terzich supports this bill, and he does not believe it would have any impact on the deer population. In addition, he does not feel it would impact the kill ratio. He feels the law would be beneficial to people such as himself who might want to try a different type of hunt other than using a rifle.

Mr. George Tsukamoto, Nevada Department of Wildlife, clarified the meaning of a stratified hunt. He felt Dr. Wilkin had been inaccurate and unfair in his assessment of the department. He said the department is attempting to address the problems which are arising in regard to establishing hunt seasons, in the management of the deer herds, and it would welcome public input on these matters.

Mr. William Brigham, Nevada Pistol Hunters, said his association is one of the four types of weapon-users allowed into a hunt season. He opposes the bill and said it would set a precedent for special group consideration in the future.

Mr. Brown then spoke again, saying the wildlife commission is deeply indebted to Mr. Horn for his assistance in the past, but he feels this bill is not in the best interests of the commission and the hunters of the state. He said the bill did not receive support from the commission as a result of its taking it to the public under the democratic process.

Mr. Barry Stewart, Hole-in-the-Wall Muzzleloaders, is against Assembly Bill No. 686 and would like it held for the time being.

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Mr. Joseph C. Greenley, Director, Nevada Department of Wildlife could not be present for the hearing on this bill. He submitted a letter to Chairman Glaser to be incorporated in the minutes of the meeting (Exhibit G).

Also submitted for inclusion in the minutes was a Petition signed by muzzleloaders attending a three-day rendezvous at Lakes Crossing indicating their wishes against the passage of Assembly Bill No. 686 (Exhibit H).

There being no further testimony regarding this bill, the Chair declared the hearing concluded, and declared a five-minute recess in the meeting.

The meeting reconvened with all committee members present with the exception of Senator Bilbray and Senator Lamb.

ASSEMBLY BILL NO. 604

Assemblyman Redelsperger explained the background of this bill, referring specifically to the key section which deals with the distribution of monies which are excess from the General Distributive School Fund. Mr. Erickson had submitted a summary of this bill (Exhibit I) which paralleled and elaborated upon Mr. Redelsperger's testimony.

Senator Jacobsen asked if the fiscal note was still relevant and Mr. Redelsperger replied it no longer applied, as the bill had been changed to eliminate any such note.

Chairman Glaser asked if there had been any testimony at the Assembly hearing from the education department, and asked if school people were apprehensive about this money not going to the Distributive School Fund. Mr. Redelsperger replied there was some testimony from this source on the original bill but not on the amended bill, which passed the Assembly 39-0.

Chairman Glaser noted the difference between the original bill and the amended version was in the first one the monies were allocated on percentages; in the amended bill, the monies are projected over and above a fixed amount.

Ms. Peggy Twedt, representing the League of Women Voters, presented written testimony in support of this bill (Exhibit J), and also read said testimony.

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Mr. Noel Clark, Director, Nevada Department of Energy, supports this legislation, and said the bill is one of merit. He said the State of Nevada has been very reticent in the past about putting any money which has been developed within the state back into any energy activity whatsoever. He said that hurdle will have to be taken eventually, and this bill is an excellent opportunity to do so. He asked the support of the committee in processing this bill.

Mr. Kelly Jackson, Department of Energy, echoed Mr. Clark's sentiments. He said the 1980's are to be age of transition in developing alternative sources of energy; this bill is a good first step in that direction.

There being no further testimony, the Chair concluded the hearing on Assembly Bill No. 604.

ASSEMBLY BILL NO. 428

Assemblyman Redelsperger explained the amendments to this bill stating it had been amended as a whole by deletions of some sections and rearrangement of others. Mr. Pete Morros, water engineer's office, pointed out the correction in reference to the Carey Act and the Desert Land Entry Act. He also noted the language referring to, "In each area designated as a ground water basin ...the board of county commissioners may recommend to the state engineer that he establish a ground water board..."

Senator Neal moved Amend and Do Pass  
Assembly Bill No. 428, (Exhibit K).

Senator Jacobsen seconded the motion.

The motion carried unanimously. (Senator Lamb and Senator Bilbray were absent for the vote).

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Senator Neal moved Do Pass  
Assembly Bill No. 604 (Exhibit L).

Senaoatr Jacobsen seconded the motion.

The motion carried unanimously. (Senator Lamb and Senabor Bilbray were absent for the vote).

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There being no further business, the meeting adjourned  
at 4:30 P. M.

Respectfully submitted by:

  
Carolyn L. Freeland, Secretary

APPROVED:

  
Senator Norman Glaser, Chairman

DATE: May 30, 1981



SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Natural Resources, Room 323.

Day Monday, Date May 25, 1981, Time 2:00 P.M.

A. B. No. 686--Allows use of same tag for hunting deer in general hunt and special hunt with muzzleloaders.

A. B. No. 604--Provides for distribution of money from Federal Government for mineral leases.

A. B. 428--Makes various changes to law relating to administration of underground water by state engineer. (Consideration of amendment.)

ATTENDANCE ROSTER FORM

COMMITTEE MEETINGS

SENATE COMMITTEE ON NATURAL RESOURCES

DATE: May 25, 1981

EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
Warren Linnard	State Wildlife Assoc Las Vegas	648-6919
Jack W Brown	" " " "	385-420
John H. Sweetland	" " " Carson City	883-53
Gerry Brown	Nevada Wildlife Federation	747-468
William P. Bingham	Nevada Pistol Hunters	882-16
Fred Church	Sportsmen	747-440
MIKE TOONE	WASHOE CO. GAME MANAGEMENT	329-201
Joe Arguello	Trucker Meadows Wildlife Assoc	781-1881
Larry B. Pearson	President, Hot & Cold Lake Park	867-3
David L. Fox	Wildlife Assoc	355
Garry J. Stewart	Wildlife Assoc	483-550
Jacky D. Mitchell	Trucker Meadows Wildlife Assoc	873-1926
Ruddy Sackman	WOMC Sparks	355-1555
Don Cole	WOMC Sparks	172-275
Don Cole	WOMC Sparks	172-2757
Ken ...	WOMC " "	355-693
Don Bucher	Carson City	882-500
Don Duille	CARSON CITY GAME MANAGEMENT BOARD	882-42
GERRY LENT	NEVADA ORGANIZATION FOR WILDLIFE RESEARCH	323-44
Fred Wright	Nev. Wildlife Federation	747-200
George Tsukamichi	Nev. Dept Wildlife	774-2514
Mike Torgich	Kenia's Training	
Ron Wilson	NEVADA BIRD PROTECTION ASSOC.	428 513



1981 REGULAR SESSION (61st)

ASSEMBLY ACTION		SENATE ACTION		Assembly	AMENDMENT
Adopted	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	AMENDMENTS to Assembly	
Lost	<input type="checkbox"/>	Lost	<input type="checkbox"/>	<del>Joint</del>	
Date:		Date:		Bill No. 686	Resolution No.
Initial:		Initial:		BDR 45-928	
Concurred in	<input type="checkbox"/>	Concurred in	<input type="checkbox"/>	Proposed by Assemblyman Horn	
Not concurred in	<input type="checkbox"/>	Not concurred in	<input type="checkbox"/>		
Date:		Date:			
Initial:		Initial:			

EXHIBIT

Amendment No 1118



Amend section 1, page 1, by deleting lines 3 through 11 and insert:

"1. A person who is awarded a tag for hunting deer in a special hunt for persons using muzzleloaders and fails to kill a deer in that hunt must be allowed use of the same or a substitute tag for hunting deer during the general hunt of that year.

2. A person who is awarded a tag for hunting deer in a special or general hunt may use that tag in a special hunt for persons using muzzleloaders. The person must use a proper weapon for the special hunt and may hunt in the general hunt only if he fails to kill a deer during the special hunt."

To: E & E  
LCB File  
Journal  
Engrossment  
Bill

Drafted by: DGS:ss Date: 5-20-81

Nevada Wildlife Federation Statement  
Before Senate Natural Resources Committee  
Hearing on AB 686

EXHIBIT

May 25, 1981

Mr. Chairman, members of the committee,

For the record my name is Gerry Brown, President of <sup>the</sup> Nevada Wildlife Federation.

The Nevada Wildlife Federation recommends that AB 686 NOT receive a do-pass out of your committee.

While we recognize the prerogative of the legislature to consider mandating by statute such things as wildlife regulations, seasons or management, we do not feel it is prudent for this body to do so. <sup>If it so elects,</sup> ~~In entering this arena~~ <sup>it</sup> you will be subjected to increased pressures from the varied interests who hunt or fish. <sup>The Legislature has</sup> ~~You have~~ already by statute provided for a very democratic wildlife season setting and regulatory process namely the county game management boards and the state board of wildlife commissioners. These local and state-wide forums offer sportsmen adequate opportunity to express their feeling, and offer recommendations. Certainly not everyone wins in this democratic process, this we assume caused AB 686 to be introduced.

We do not take issue with the intent of AB 686 as we feel that is a game board - commission problem. We do however recognize that the circumstances of deer tag issuance and use is more complicated than what is expressed in the bill.

Again, we respectfully suggest you not pass this bill out of committee.

Thank you.

An Open Letter to Nevada Deer Hunters:

EXHIBIT E

The proposal by the Nevada Department of Wildlife to eliminate the separate drawing for muzzleloader tags and establish a stratified-type deer hunt for the 1981 season will provide a smaller percentage of hunters in the state a longer opportunity to hunt. This is entirely unreasonable in view of the fact that 1/3 of the residents who applied for deer tags last year were turned down because the quota was oversubscribed. In letters to the County Game Management Boards, dated March 12th and 31st, notifying them of the proposed change, Director Greenley said that one of the reasons for recommending this change was to "provide a greater diversity of opportunity and increase the recreational days allowed for hunting deer." However, if this proposal is passed by the Board of Wildlife Commissioners at their May 16th meeting in Reno, then an even smaller percentage of resident applicants will receive tags this year and in years to come. A similar proposal by the Department for a stratified-type hunt in 1979 was overwhelmingly rejected because of protests by the archery hunters in the state. Anyone who will take time to examine the data on the table compiled from the Department's deer harvest figures will have to agree that this proposal should again be defeated. If the Department and Commissioners are successful in forcing the muzzleloader hunters into a combined drawing for tags this year, then archery hunters will be forced into the same drawing next year either by Department and Commission action or by a class action lawsuit.

When I telephoned Director Greenley a couple of weeks ago, I found out that one of the real reasons for the proposed change was that a legislator from Clark County was threatening to introduce legislation to bring about this change because of complaints by some disgruntled rifle hunters who did not draw tags last year. It appears that some of the rifle hunters look with envy on the fact that archery and muzzleloader applicants have had nearly a 100% chance of drawing a tag during the past three years, yet they do not have the desire or confidence to try this more primitive type of hunting themselves because they know that it will require a lot more time and effort to hunt with these weapons and their chances of success will be greatly decreased. They also fail to realize that because of the lower success ratio the muzzleloader can hunt three years in a row and will only harvest the same number of deer that a rifle hunter will harvest when he gets to hunt two out of every three years. Because of petty jealousy, some apparently want to take away the special opportunity for primitive hunting for those of us who do enjoy the greater challenge, and yet they apparently are ignorant of the fact that the archery and muzzleloader harvests are add-on quotas which have not even affected the total number of tags recommended for rifle hunters.

The elimination of the separate drawings for archery and muzzleloader tags will simply add approximately 2,000 more unsuccessful applicants to the total pool and decrease everyone's chances of getting a tag. Up to the present time the Department has felt that the 200 to 350 deer harvested each year by archers and muzzleloaders does not need to be figured into the total quota of deer tags, and this seems entirely reasonable since it only amounts to 2 or 3% of the total harvest and other entirely uncontrollable factors such as the weather can change the overall success ratio for the deer hunt by as much as 10 to 12% from year to year.

Another factor which may have influenced the Department to recommend the elimination of the separate muzzleloading season is what I have heard described as an "alarming" increase in the success ratio for muzzleloaders from 26% in 1978 and 1979 to 36% in 1980. They apparently failed to recognize the fact that the length of the season was increased from 9 days to 17 days and that on the average the muzzleloader spent nearly 50% more time to get a deer. It is baffling to me as to why there should be any unusual concern by the Department and Commission over a 36% success ratio by dedicated muzzleloading deer hunters when there has been absolutely no concern expressed by them over the 90% success ratio on elk and antelope which rifle hunters enjoy in Nevada.

Another question which is very disturbing to me is why should the Department want to eliminate the separate drawing for muzzleloaders who account for only about 2% of the total deer harvest while they have made no recommendations for changes in the quotas for non-resident hunters who account for 13% of the total harvest? I was astounded to learn that although Nevada has a smaller number of deer harvested annually than do any of our neighboring states, we actually give a much higher percentage of the total tag to non-residents than do any of these states. This is a fact which has apparently been overlooked or ignored by our own Department of Wildlife and the Board of Wildlife Commissioners, but this is what I learned recently when I personally contacted each of the game departments in our neighboring states. Utah has only 6% non-resident hunter and an overall success ratio of only 32% since they limit their deer season to 11 days. Arizona had only 1.5% non-residents and 22% success ratio on deer in 1980. California had less than 0.7% non-resident hunters and a success ratio of less than 9% in 1980 in spite of the fact that the estimated number of mule deer in their state is more than 1.5 million. Oregon had 1.2% non-resident hunters and a 31% success ratio in 1979. Idaho has limited the number of non-resident deer tags to less than 6% and their success ratio has averaged 32% over the last three years.

It is apparent that we have had a disproportionate amount of our deer harvested by non-resident hunters in recent years while at the same time Nevada's population and number of resident hunters have increased to the point that our rifle hunters will be successful in drawing a deer tag on the average of only two years out of every three. It has been Department and Commission policy for many years to allot 10% of our deer tags and big horn sheep tags to non-resident hunters, but it appears that this was just a nice round figure which was picked out of the air without any regard for the prevailing policies of our neighboring states. I am certainly not in favor of eliminating non-resident hunters from Nevada, but I feel that the time has come when we must consider limiting their numbers to 4 or 5% of the total in view of the fact that our resident quota is being so oversubscribed.

The amount of income generated for the Department of Wildlife by the sale of non-resident licenses and tags would be decreased if the quota is reduced, but I am confident that hunters in our state would much prefer to see the resident tag fees increased by another two or three dollars each to make up this difference in revenue if it would mean giving them a chance at another 1,200 deer tags. Also, the fees for the non-resident tags should probably be increased significantly above what they are because at the present time they are a real bargain considering the fact that the average success ratio here in Nevada for non-residents is anywhere from two to seven times greater than the success ratios in the surrounding states.

I hope these facts and figures will cause the deer hunters of Nevada to realize that eliminating the separate drawings for the muzzleloader and archery seasons will not help in the slightest way to improve their chances of drawing a deer tag, but instead will actually decrease the chances for everyone. If you feel as I do that there should be a decrease in the percentage of non-resident tags and perhaps a decrease in the length of the general deer hunt to three weeks so as to allow more hunters an opportunity to hunt, then let your voice be heard. Call or write the Department of Wildlife and State Board of Wildlife Commissioners at P.O. Box 10678, Reno, NV 89520 or phone 784-6214. Also, let your representatives in the State Legislature know how you feel about these things since they are presently in session. Above all, attend the public meetings of the County Game Management Boards which must be held before they submit their recommendations to the Commission, and if possible attend the public meeting of the Commission in Reno on May 16th when the deer season and quotas will be set.

The only way we can prevent the situation for our resident deer hunters from becoming worse is for everyone to speak up now!

*Bruce W. Wilkin md*

Bruce W. Wilkin, M.D., Member  
White Pine County Game Management Board 621



NEVADA MULE DEER HARVEST 1978-1980

E/1

	Total Hunters	Total Harvest	Percent Success	% of Total Hunters	% of Total Harvest	Hunter Effort Days/Buck	
1978	RESIDENT						
	Rifle	18,253	8,714	47%	85.6%	85.7%	10.2
	Muzzle Loader	298	78	26%	1.4%	0.76%	13.2
	Archery	588	72	12%	2.7%	0.71%	70.4
	NON-RESIDENT						
	Rifle	1,966	1,269	64%	9.2%	12.5%	7.7
Archery	206	36	17%	.9%	0.35%	35.1	
	<u>21,311</u>	<u>10,169</u>					
1979	RESIDENT						
	Rifle	19,627	9,342	56%	85.4%	85%	8.4
	Muzzle Loader	428	113	26%	1.9%	1%	15.5
	Archery	717	97	14%	3.1%	1%	55.4
	NON-RESIDENT						
	Rifle	2,057	1,413	69%	8.9%	13%	7.1
Archery	155	35	23%	.7%	.3%	29.1	
	<u>22,984</u>	<u>11,000</u>					
1980	RESIDENT						
	Rifle	17,298	8,813	51%	81.9%	84.4%	9.3
	Muzzle Loader	645	233	36%	3.1%	2.2%	12.1
	Archery	1,054	124	12%	5%	1.2%	39.7
	NON-RESIDENT						
	Rifle	1,944	1,238	64%	9.2%	11.9%	7.4
Archery	162	39	24%	.8%	.4%	25.8	
	<u>21,103</u>	<u>10,447</u>					
AVERAGE	1978-1980 THREE YEAR AVERAGE						
	RESIDENT						
	Rifle			51%	84.3%	85%	9.3
	Muzzle Loader			29%	2.1%	1.3%	13.6
	Archery			12.5%	3.6%	1%	55.2
	NON-RESIDENT						
Rifle			66%	9.1%	12.5%	7.4	
Archery			21%	.8%	.36%	30.0	

Muzzle Loading season was 9 days in 1978 and 1979 and was 17 days in 1980.  
 Archery season averages 4 weeks in length.  
 Rifle season averages 4 to 5 weeks in length.



1. Circle your choice of A or B.

A. Department of Wildlife's Quota Recommendation for 1981 deer season:

20,000	5 Shot Rifle Tags
1,250	Archery Tags
0	Muzzleloader Tags, but stratified-type season proposed in which all holders of rifle tags could hunt with a muzzleloader from September 22 through September 27 and if unsuccessful could still hunt during the general season with any legal weapon.
21,250	

NON-RESIDENT QUOTA

2,130	Rifle Tags
250	Archery Tags
0	Muzzleloader Tags, same option as above
2,380	

98% B. Dr. Wilkie's recommendations for 1981 deer season:

RESIDENT QUOTA

21,236	Rifle Tags
1,250	Archery Tags
1,000	Muzzleloader Tags with season shortened from 17 days last year to 14 days this year, and open from September 19 through October 2 if approved by survey of majority of muzzleloaders. Both of these factors should tend to decrease the success ratio slightly from last year.
23,486	

NON-RESIDENT QUOTA

250	Rifle Tags
250	Archery Tags
100	Muzzleloader Tags
1,250	

The increase in total resident tags by 2,000 is achieved by taking 1,250 non-resident rifle tags from the Department's recommendations so this should produce the same overall total deer harvest because of the lower success ratio for resident hunters as compared to non-resident hunters.

QUESTION 2. Circle your vote 80% YES NO

Leave the basic structure of the seasons as outlined in Question 1 but decrease the length of the rifle season to 7 or 10 days so as to decrease the success ratio and allow more people the opportunity to hunt.

QUESTION 3. Circle your vote 67% YES NO

Are you willing to see a change in this state to try a split season hunt for the general rifle season in which we could have three periods of approximately 4-7 days each? This would amount to total deer hunting of only 12-21 days and should decrease the overall success ratio from 50% to around 30%. By doing this we could allow all residents opportunity to hunt during one of these periods of the deer season. Between each of these hunting periods we would have a closed period of 7 to 10 days, so this would give the hunters in each group a chance to hunt on an opening day. Only 1/3 of the total hunters in the state would be eligible to hunt in each of these periods. The quota recommendations for each management unit would still be calculated according to the desired harvest estimates of the Department of Wildlife. As an example if the length of season we could have this year, consider the following:

- Period A - October 3rd through October 4th
- Period B - October 17th through October 22nd
- Period C - October 31st through November 5th

With the recommendations for the Nevada deer hunters we could collect the harvest data for the 1981 season using this type of hunt, and if we find that the success ratio is higher or lower than 30-35, then we can make the necessary adjustments in the recommendations for the hunts of the following years by adding or subtracting a day or two to or from the length of each period. Overall, I believe this type of hunt would be desired by the majority of deer hunters in the state so that by reducing the overall success ratio from an average of 50% to an average of only 30% we could allow all the hunters in the state an opportunity to hunt each year while still harvesting only the desired number of deer. Applicants should list their order of preference for Period A, B, or C each year and these would be allotted by drawing.

QUESTION 4. Please indicate here your order of preference in choice of:

1. A or B **OMIT** 2. YES or NO 3. YES or NO

QUESTION 5. Circle your vote: **80%** YES NO

Would you be in favor of allowing the harvest of 5 to 10% does in the quotas of selected areas where it is felt that the numbers of animals are reaching or exceed the carrying capacity of the available habitat? This would be done in order to prevent an excessive number of deer being lost and consequently wasted because of winter kill during a hard winter. These recommendations for the doe harvest quota would come from the game biologists of the Department of Wildlife and must receive the approval of the local County Game Management Boards and the State Board of Wildlife Commissioners before they could be put into effect.

QUESTION 6. Circle your vote: **98%** YES NO

Do you feel the Department of Wildlife should be expanding the big game resources for the State of Nevada by actively pursuing a program of transferring surplus elk and antelope to all possible available habitat in the state instead of just maintaining the status quo as we have been doing on these species for the past several years?

QUESTION 7. Circle your vote: YES **97%** NO

Do you feel that the State Board of Wildlife Commissioners as presently made up is correctly representing the views and desires of the residents and hunters of Nevada?

QUESTION 8. Circle your vote: **99%** YES NO

Have you ever hunted deer in Nevada or do you intend to hunt deer in Nevada?

Please transfer the answers to the above questions to this sheet and return to: Bruce W. Wilkin M.D., P.O. Box 286, East Ely, NV 89315

QUESTION 1. A or B	QUESTION 5. YES or NO
QUESTION 2. YES or NO	QUESTION 6. YES or NO
QUESTION 3. YES or NO	QUESTION 7. YES or NO
QUESTION 4. _____	QUESTION 8. YES or NO

Name \_\_\_\_\_

Address \_\_\_\_\_

City or Town \_\_\_\_\_

Signature \_\_\_\_\_

Please indicate here the number of non-hunting members of your immediate family who are eligible to vote in Nevada. \_\_\_\_\_

Please indicate here the number of hunters in your family who have not filled out separate questionnaire and are not yet eligible to vote. \_\_\_\_\_



Nevada  
Department  
Of  
Wildlife

JOSEPH C. GREENLEY  
DIRECTOR

ROBERT LIST  
GOVERNOR

EXHIBIT G

1100 VALLEY ROAD

P.O. BOX 10678

RENO, NEVADA 89520

TELEPHONE (702) 784-6211

May 21, 1981

Senator Norman D. Glaser, Chairman  
Natural Resources Committee  
Legislative Bldg., Rm. 325  
Carson City, NV 89710

Dear Senator Glaser:

I respectfully request your opposition to AB 686, a bill legislating the use of deer tags in the general\* hunt and the special hunt for muzzleloaders. Specifically, this bill stipulates that a deer tag awarded to a person for the general\* hunt may be used in the special hunt for muzzleloaders if a deer is not killed in the general\* hunt. Also that a tag issued to a person for the special muzzleloader hunt may be used in the general hunt if a deer is not killed in the muzzleloader hunt.

The major concern over this bill is the fact that it preempts the authority of the Board of Wildlife Commissioners to regulate the use of deer tags in special muzzleloader seasons and general controlled deer seasons. This authority is granted specifically in Section 501.181 NRS (enclosed) which states in essence that the Commission shall establish regulations including the manner and means of taking wildlife and the manner of using tags. Other references to the Commission's authority relating to this issue include Sections 502.160 NRS, use of tags and 501.085 NRS, special seasons (enclosed).


The issue addressed in this legislation was thoroughly aired throughout the state this month through the County Game Management Boards at their public hearings and at the Commission public hearing.

Based upon the public input, the Commission opted to retain the previous regulation for a separate muzzleloader season and quota with those tags and the general controlled hunt tags being valid only in their respective hunts. The Commission does recognize that the current system needs refinement to maintain the integrity of the deer management program from both a biological and hunting opportunity standpoint. The Department is in the process of developing policy plans addressing these issues for adoption, after thorough public review, before the next years deer seasons are established.

\*General hunts are not defined in NRS. All current deer seasons are special seasons because they are controlled by a tag quota; however, the primary deer season is commonly referred to as the general controlled hunt. Any legal weapon may be used in this hunt which includes most rifles, certain handguns, and long bow and arrow.

I urge you not to pass any legislation, such as AB 686, which would impare the ability of the Commission to manage the state's wildlife resources or respond to changing conditions and public desires. Your favorable consideration in this matter will be greatly appreciated.

Sincerely,

  
Joseph C. Greenley  
Director

JCG:mp

cc: Commissioners  
County Game Board Chairmen

**501.181 Duties of commission; regulations. The commission shall:**

**1. Establish broad policies for:**

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of the state.

(c) The promotion of uniformity of laws relating to such policy matters.

**2. Guide the department in its administration and enforcement of the provisions of this Title and of chapter 488 of NRS by the establishment of such policies.**

**3. Establish policies for areas of interest including:**

(a) The management of big and small game animals, upland and migratory game birds, fur-bearing animals, game fish, and protected and unprotected animals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife; the entry, access to, and occupancy and use of such property, including leases of grazing rights; sale of agricultural products; and requests by the director to the state land registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(d) The control of nonresident hunters.

(e) The introduction, transplanting or exporting of wildlife.

(f) Cooperation with federal, state and local agencies on wildlife and boating programs.

(g) The establishment and operation of private and commercial game farms, hunting preserves, hatcheries and guide services.

(h) The hunting, fishing or trapping privileges of any person convicted of two violations within a 5-year period.

**4. Establish regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including:**

(a) Regular and special seasons for hunting game animals and game birds, for hunting or trapping fur-bearing animals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. Such regulations must be established after first considering the recommendations of the department, the county game management boards and others who wish to present their views at an open meeting.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued to nonresidents for big game and, if necessary, other game species for the regular and special seasons.

**5. Adopt regulations requiring the department to make public, prior to official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.**

(Added to NRS by 1969, 1557; A 1977, 1229; 1979, 891)

2. The commission shall designate the number of tags for any species which may be obtained by any one person, and it shall be unlawful for any person to obtain tags for his use in excess of this number, or to use or possess tags issued to any other person, or to transfer or give tags issued to him to any other person.

[Part 86:101:1947; A 1949, 292; 1951, 494; 1955, 242]—(NRS A 1971, 1539)

**502.150 Unlawful possession without attached tag; unlawful removal of tag.**

1. Whenever tags are required for any species of wildlife, it is unlawful to have any of that species in possession without the tag attached thereto and such possession without an attached tag is prima facie evidence that the game is illegally taken and possessed.

2. It is unlawful to remove any tag from any wildlife for reuse or to be in possession of excess tags or used tags.

3. Whenever tags are required for any species of fur-bearing animal, possession of a pelt of that species without the tag attached thereto is prima facie evidence that such pelt is illegally taken and possessed.

[Part 86:101:1947; A 1949, 292; 1951, 494; 1955, 242]—(NRS A 1969, 1354)

**502.160 Form of tags; commission regulations concerning use.**

1. The department shall designate the form of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom issued. Each tag shall show the game for which it may be used, the year, and, whenever necessary, the management area in which it may be used.

2. The commission may make any regulation necessary relative to the manner of using, attaching, filling out, punching, inspecting, validating or reporting such tags. It is unlawful for any person to fail to abide by any such regulation.

[Part 86:101:1947; A 1949, 292; 1951, 494; 1955, 242]—(NRS A 1969, 1354; 1971, 1539)

**502.170 Tags to be issued only to holders of valid licenses.** Tags shall be issued only to holders of valid hunting licenses or trapping licenses and whenever the possession of tags is a requisite to the hunting or trapping of any species, then the acquisition of a hunting license or trapping license shall be required, regardless of age.

[Part 86:101:1947; A 1949, 292; 1951, 494; 1955, 242]—(NRS A 1969, 1355)

**502.180 Tags for hunting deer in regular season: Issuance to Nevada residents.** Tags for hunting deer in regular season shall be issued to residents of the State of Nevada and may be used in any area in the state during such regular season, and may not be limited in

## WILDLIFE ADMINISTRATION

501.097

**501.073 "Person" defined.** As used in this Title, "person" means an individual, partnership, firm, corporation, association or other entity.

(Added to NRS by 1969, 1350)

**501.080 "Regular season" defined.** As used in this Title, "regular season" means an open season for which tags are placed on general sale without limit as to the number of resident hunters who may participate, and which shall be statewide in extent, except for variation in date between districts or the reservation of any area for special management as a special season. The number of nonresident tags may be limited by district in a regular season.

[Part 6:101:1947; A 1949, 292; 1951, 544]

**501.085 "Special season" defined.** As used in this Title, "special season" means an open season for which tags are placed on restricted sale to residents and nonresidents, whereby only a certain number may be issued, as determined by lot or otherwise. Special seasons are those designed for special management or control not possible in regular seasons.

[Part 6:101:1947; A 1949, 292; 1951, 544]

**501.090 "Trapping" defined.** As used in this Title, the words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wild animal or wild bird and every act of assistance to any person in so doing.

[3:101:1947; 1943 NCL § 3035.03]—(NRS A 1969, 1346)

**501.095 "Upland game birds" defined.** As used in this Title, "upland game birds" means any birds so classified by commission regulation.

[Part 1:101:1947; 1943 NCL § 3035.01]—(NRS A 1959, 361; 1969, 1347)

**501.096 "Vessel" defined.** As used in this Title, "vessel" means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.

(Added to NRS by 1979, 899)

**501.097 "Wildlife" defined.** As used in this Title, "wildlife" means any wild animal, wild bird, fish, reptile or amphibian found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

(Added to NRS by 1969, 1350)

- James R Wright 1190 Akard Dr. Reno, N. 8950
- Ramona M. Wright 1190 Akard Dr Reno Nev :
- Dale P. Seaman 456 Smithridge Reno 8
- Michael Fern 4455 March Reno, NV 8950
- Ray J. Boehlert 11432 Aldes St. Reno NV. 8950
- Phil Slat 6204 Meadowood Cir<sup>th</sup> Reno NV 8950
- Paul M. Slat 6200 Meadowood Cir<sup>th</sup> 511 Reno, NV 8950
- Walter B Taylor 265 E. Charleston Tallon. 89
- Carl R. Baker 5376 Sidemill Dr Sparks 8
- Joseph P. Slat 2739 E. Leonard Dr. Sparks 8
- Ch. Grew 170 Koontz Ln<sup>th</sup> 52 Carson NV 89
- Ray Slat 11430 Amber Reno Nev.
- Stephen L Hill 6502 West Stagline Reno 89
- Sammi Miller 420 K. St. Sparks, NV 8940
- Jeany Benderman 43 LaRue St. Reno, Nev.
- Rosemarie Bailey 5471 Yukon Dr. In Valley
- Jackie Nicholas 5776 Parkside Pl. Sun. Lake
- Robbie Giese 3410 Neil Rd. Reno NV
- David Giese " " " " " "
- Frank Mueller 13743 Virginia Foothills Reno NV
- Lawrence J. Kopp P.O. Box 5325 Reno, NV. 89503
- Frank Fattos 3885<sup>th</sup> Reno Nev. 89502
- Jan Fulton 3885 Neil Rd. Reno, NV. 8950
- Kenna H Boyer 1755 Carlin St. Reno NV. 8950
- Jane Hammond 6750 Peppermint St. Reno, NV. 8950
- Bob Campbell 400 Old Ophi Ho Co Nevada 89701
- Gayle Weatherman 8785 W. Howard S. I. Sq. N. 8970
- Jan Fulton 3885 Neil Rd Reno Nev 89502



Petition Against A.B. 686 Signed at  
Lakes Crossing 3 day condo was. 5/25/81

EXHIBIT H

Ray Martin 4440 Grove St Reno Nev  
Richard Lee 1253 Kinnetha Cir. Reno NV.  
Bobby Davidson 6750 PEPPERMINT DR. RENO, NV. 895  
R. L. Caldwell 1435 NANNETTE " " 895  
Jay Austin 1643 Auction RD. Fallon Nev. 894  
Robert Borden 1000 SUNSET DR FALLON NV. 8940  
H.I.T.W. Erich Kissick 760 CLEVELAND ST FALLON, NEV 89.  
Dennis V. Millly 1280 GENTRY WAY 3941 RENO NV. 895  
Maurice S. Kissick 760 Cleveland St Fallon, NV 894  
Cecil J. Johnson 5776 PARKER PL Sun Valley NV. 895  
Walt Clark 401 CANYON WY. #47 SPARKS NEV. 8943  
Bernie C. Fowler 253 E. CORKILL LN FALLON NEV 8940  
Kroy. ~~Johnson~~ 8785 U.S. 50 Silver Springs Nev 8942  
Larry Reid 5522 PARKER Sun Valley Nev. 89431  
H.C. Wilson 3520 PEARL DR Sun Valley Nev 89431  
E. J. Bennett 285 L ST Hawthorne Nev. 89415  
B. J. ~~Johnson~~ 3382 YACK LANE Fallon Nev. 89400  
Gary B. Rosemore 6455 Lakeview Drive Fallon NEV 89406  
Royal J. Woodard 240 S ADA Fallon, Nev 89406  
Rogers ~~Johnson~~ 445 Spruce Genesee NV 89409  
Karl ~~Johnson~~ Box 1111 Hawthorne NV 894  
W.E. Blackburn 5531 Solina Rd Fallon Nev 89406  
- ~~Johnson~~ 189 West 7th Ave, Sun Valley NV 8  
Faulyn Moore 189 West 7th Ave, Sun Valley NV. 89  
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Keith A. Culling 5624 parcel de Sparks, nev 8943  
- ~~Johnson~~ 3920 CLARE AVE #96 Reno NV. 89502  
Mike Wright 449 Auburn St - Winnemucca NV. 89  
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Drew E. Frank P.O. Box 1084 Carson City Nev. 89701

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
CAPITOL COMPLEX  
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-563

KEITH ASHWORTH, *Senator, Chairman*  
Arthur J. Palmer, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-563

DONALD R. MELLO, *Assemblyman, Chairman*  
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FRANK W. DAYKIN, *Legislative Counsel* (702) 885-563  
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-563  
ANDREW P. GROSE, *Research Director* (702) 885-563

May 26, 1981

EXHIBIT I

M E M O R A N D U M

TO: Senator Norman Glaser

FROM: Robert Erickson, Senior Research Analyst *Bob Erickson*

SUBJECT: Summary of Assembly Bill 604

Assembly Bill 604 (second reprint) permits the distribution of money from federal mineral leases in excess of state projections to impacted counties and for studies and projects relating to alternate sources of energy.

Lines 13 through 16 indicate the amount of money in the state budget for the next biennium to be provided from federal mineral leases. These figures represent significant projected increases over past years. For example, in 1979, Nevada received \$6.6 million, while \$7.2 million was received in 1980. Assembly Bill 604, using current state projections for this revenue source, basically provides for the distribution of money in excess of these projections.

As a little bit of background, Nevada and other public land states receive 50 percent of all revenue taken in by the Federal Government (BLM) from oil, gas, and geothermal leasing on public lands. This revenue currently goes into the state distributive school fund as provided by NRS 387.065.

Section 1 of A.B. 604, which does not become effective until July 1, 1983, provides that after that date all federal mineral leasing revenue is to be deposited in the state distributive school fund.

Section 2 of A.B. 604 repeals NRS 387.065, which is similar to the language contained in section 1 of this bill.

Section 3 of the bill provides for the distribution of \$9.5 million in fiscal year 1981-82 and \$10.5 million in fiscal year 1982-83 to the distributive school fund. Any revenue from federal mineral leasing in excess of these amounts is to be distributed as follows:

Fifty percent to counties from which the minerals were originally extracted; and 50 percent to the department of energy for use as grants to state agencies and political subdivisions of the state.

Section 4 of A.B. 604 requires the state treasurer to apportion money as specified in the bill and also requires eligible counties to use any funds received for roads, schools, public services and facilities, and planning.

Section 5 of the bill provides the various types of studies, projects, research, planning and loans which are eligible for grants through the department of energy. Money is to be distributed under this section without regard for the original county of origin of this mineral revenue, and final approval of all grants by the interim finance committee is required. Any money received by the department of energy which has not been granted by the end of the fiscal year in which it was received must be placed in the distributive school fund.

Sections 6 and 7 basically provide that this program is to run from July 1, 1981, to June 30, 1983. After June 30, 1983, all money received from federal mineral leases is to be placed in the distributive school fund.

REE/llp:5.2.AB604.1



# League of Women Voters of Nevada

EXHIBIT J

AB 604

The League of Women Voters of Nevada supports AB 604. Initially, League interest in the bill was spurred through interest in a source of grant money to fund alternate energy research, development and demonstration projects. In the League's national energy position top priority is given to renewable resources, especially solar heating and cooling, bioconversion and wind. On the state level, the League echoes this position and encourages the utilization of geothermal as well. We live in a state that imports almost 90% of its energy. The League feels it is necessary to reduce our dependence on other states by promoting Nevada's own primary resources. AB 604, more than any other piece of legislation this session, backs the commitment to energy development with a potential source of grant money.

In looking further into the bill, the League also supports the use of monies from federal mineral land leases to mitigate the adverse impacts on a county from geothermal, oil, gas, and mineral exploration and development. <sup>I would like to develop an anal</sup> I believe all would agree that there are economic, social, and environmental impacts from a project such as the MX system. The League as well as most legislators also believe that since this project would benefit the nation as a whole, the Federal government should help financially in offsetting these adverse impacts. On a much smaller scale, energy development <sup>on Federal lands</sup> can also impact an area. Since the state as a whole benefits from such a development, it would seem appropriate that some of the monies derived from such development be returned to the counties to offset their adverse impacts.

The League urges your support of AB 604.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

**A. B. 428**

**ASSEMBLY BILL NO. 428—ASSEMBLYMEN REDELSPERGER,  
DINI, RACKLEY, POLISH, SCHOFIELD, JEFFREY, RHOADS,  
MELLO AND DUBOIS**

APRIL 2, 1981

Referred to Committee on Economic Development and  
Natural Resources

**SUMMARY—**Makes various changes to law relating to administration of  
underground water by state engineer. (BDR 48-1241)

**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; establishing priorities among certain applicants to appropriate water; altering the method of establishing and dissolving ground water boards; 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 533 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *When two or more applications are made to appropriate underground*  
4 *water for irrigation purposes from what appears to the state engineer to*  
5 *be the same basin he shall observe the following order of priority in act-*  
6 *ing upon them, according to the status of the applicant and the intended*  
7 *place of use:*  
8 1. *An owner of land for use on that land.*  
9 2. *An owner of land for use on adjacent land for which he intends to*  
10 *file an application under the Carey Act or the Desert Land Entry Act, 43*  
11 *U.S.C. §§ 321, et seq.*  
12 3. *Any other person whose application is preparatory to proceeding*  
13 *under the Carey Act or the Desert Land Entry Act.*  
14 SEC. 2. NRS 534.030 is hereby amended to read as follows:  
15 534.030 1. Upon receipt by the state engineer of a petition request-  
16 ing him to administer the provisions of this chapter as relating to desig-  
17 nated areas, signed by not less than 40 percent of the appropriators of  
18 record in the office of the state engineer, in any particular basin or  
19 portion therein, [having a legal right to appropriate underground water  
20 therefrom,] he shall:



1 (a) Cause to be made the necessary investigations to determine if  
2 such administration would be justified.

3 (b) If his findings are affirmative, designate [such] the area by basin,  
4 or portion therein, and [shall] make an official order describing the  
5 boundaries by legal subdivision as nearly as possible.

6 (c) Proceed with the administration of this chapter. [as provided for  
7 herein.]

8 2. In the absence of such a petition from the owners of wells in a  
9 ground water basin which the state engineer [has] considers to be in  
10 need of administration, he shall hold a public hearing within the basin  
11 to take testimony from those owners to determine whether administration  
12 of that basin is justified. If the basin is found, after due investigation, to  
13 be in need of administration [as relating to designated areas,] the state  
14 engineer may [upon his own motion] enter an order in the same manner  
15 as if a petition, as described in subsection 1, had been received.

16 3. [Such] The order of the state engineer may be reviewed by the  
17 district court of the county pursuant to NRS 533.450.

18 4. Such supervision [shall] must be exercised on all wells tapping  
19 artesian water or water in definable underground aquifers drilled [sub-  
20 sequent to] after March 22, 1913, and on all wells tapping percolat-  
21 ing water, the course and boundaries of which are incapable of  
22 determination, drilled subsequent to March 25, 1939, except those wells  
23 coming under the provisions of NRS 534.180.

24 5. Within any ground water basin which has been designated or  
25 which may hereafter be so designated by the state engineer, except  
26 ground water basins subject to the provisions of NRS 534.035, and  
27 wherein a water conservation board has been created and established or  
28 wherein a water district has been created and established by law to fur-  
29 nish water to an area or areas within the basin or for ground water con-  
30 servation purposes, the state engineer, [in his discretion and] in the  
31 administration of the ground water law, [is hereby authorized and  
32 directed to] shall avail himself of the services of the governing body of  
33 [such] the water district or the water conservation board, or either or  
34 both of them, in an advisory capacity. [Upon request of the state  
35 engineer, the] The governing body or water board shall furnish such  
36 advice and assistance to the state engineer as [he may deem] is  
37 necessary for the purpose of the conservation of ground water within the  
38 areas affected. The services of [such] the governing body or water con-  
39 servation board [shall] must be without compensation from the state,  
40 and the services so rendered [shall] must be upon reasonable agree-  
41 ments effected with and by the state engineer.

42 SEC. 3. NRS 534.035 is hereby amended to read as follows:

43 534.035 1. In each area designated as a ground water basin by the  
44 state engineer pursuant to the provisions of NRS 534.030, [which  
45 area is located entirely within one county,] the board of county commis-  
46 sioners may recommend to the state engineer that he establish a ground  
47 water board. [may be established as provided in this section.] The state  
48 engineer shall determine whether or not a ground water board [shall]  
49 is to be established and may direct [such] its establishment by order.

50 2. If a ground water board is established, the governing bodies of all

1 the [incorporated] cities and towns within the designated area, the  
2 board of county commissioners of [the] each county in which the area  
3 is located, and the governing body of any water district in which the  
4 area is included, or partly included, shall each submit a list of names of  
5 residents of the area to the governor, who shall appoint seven members  
6 of the board. At least one member must be appointed from each list.

7 3. After the initial terms, the term of office of each member of the  
8 board is 4 years. The board shall elect one member as chairman and one  
9 member as secretary to serve as such at the pleasure of the board.

10 4. The board shall maintain its headquarters at the county seat of the  
11 county in which the designated area is located, [and] or if the area lies  
12 in more than one county, in the county seat of one of the counties in  
13 which the area is located. The board shall hold meetings at such times  
14 and places as it may determine. Special meetings may be called at any  
15 time by the secretary at the request of any four members, or by the chair-  
16 man, upon notice specifying the matters to be acted upon at the meeting.  
17 No matters other than those specified in the notice may be acted upon at  
18 that meeting unless all members are present and consent thereto.

19 5. A majority of the board constitutes a quorum, and the board shall  
20 act only by a majority of those present.

21 6. For each day's attendance at each meeting of the ground water  
22 board, or for each day when services are actually performed for the  
23 ground water board, the members are entitled to receive per diem and  
24 travel allowances provided by law. Claims for those expenses must be  
25 paid as provided in subsection 6 of NRS 534.040.

26 7. The state engineer shall not approve any application or issue any  
27 permit to drill a well, appropriate ground water, [or] change the place  
28 or manner of use or the point of diversion of water within the designated  
29 area, adopt any related regulations or enter any related orders until he  
30 has conferred with the board and obtained its written advice and rec-  
31 ommendations. [with respect thereto.]

32 8. It is the intention of the legislature that the state engineer and  
33 the board be in agreement whenever possible, but, for the purpose of  
34 fixing responsibility to the governor, if there is any disagreement between  
35 the state engineer and the board, the views of the state engineer [shall]  
36 prevail. A written report of any such disagreement must be made imme-  
37 diately to the governor by the state engineer and the board.

38 9. Any ground water board may request from the state engineer or  
39 any other state, county, city or district agency such technical information,  
40 data and advice as it may require to perform its functions, and the  
41 state engineer and such other agencies shall, within the resources available  
42 to them, furnish such assistance as may be requested.

43 10. The [state engineer] governor may dissolve the ground water  
44 board by order if he determines that the future activities of the board are  
45 likely to be insubstantial.



(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

**A. B. 604**

ASSEMBLY BILL NO. 604—ASSEMBLYMEN REDELSPERGER,  
POLISH, RACKLEY, RHOADS, MARVEL AND RUSK

MAY 4, 1981

Referred to Committee on Government Affairs

SUMMARY—Provides for distribution of money from Federal Government for mineral leases. (BDR 26-1509)

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 federal lands; providing for the distribution of money received by the state from the Federal Government as its share of proceeds of mineral leases; 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 328 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 *All money derived from bonuses, royalties and rentals under the Act*  
4 *of Congress entitled "An Act to promote the mining of coal, phosphate,*  
5 *oil, oil shale, gas and sodium on the public domain," approved February*  
6 *25, 1920, must be received by the state treasurer and deposited in the*  
7 *state distributive school fund.*  
8 SEC. 2. NRS 387.065 is hereby repealed.  
9 SEC. 3. 1. The following amounts received from the Federal Gov-  
10 ernment from sales, royalties, bonuses or leases of or from coal, geo-  
11 thermal, oil, gas and mineral lands must be deposited in the state distrib-  
12 utive school fund.  
13 (a) In the fiscal year beginning on July 1, 1981, and ending on June  
14 30, 1982, the first \$9,500,000; and  
15 (b) In the fiscal year beginning on July 1, 1982, and ending on June  
16 30, 1983, the first \$10,500,000.  
17 2. Any amount greater than the amounts specified in subsection 1  
18 must be distributed as follows:  
19 (a) Fifty percent to the counties from which the resources were or are  
20 to be extracted; and  
21 (b) Fifty percent to the department of energy for distribution as grants  
22 to state agencies, counties, cities and districts located in areas which have



1 potential to produce or are known to contain coal, oil, gas or geothermal  
2 resources.

3 SEC. 4. 1. The state treasurer shall apportion the money which is  
4 payable to the counties pursuant to section 3 of this act by determining  
5 the portion of the money received from the Federal Government which  
6 is attributable to activities being carried on in each county. If an activity  
7 is being carried out on land in more than one county, each of those  
8 counties must be given a share of the proceeds of that activity in the  
9 same proportion that the land affected in the county bears to the entire  
10 area of the land affected.

11 2. The state treasurer shall pay the amount apportioned to each  
12 county to the treasurer of that county for deposit in the general fund of  
13 the county treasury.

14 3. Money paid to a county pursuant to this section may be used for:  
15 (a) Construction and maintenance of public roads;  
16 (b) Support of public schools;  
17 (c) Public services and facilities; and  
18 (d) Planning.

19 SEC. 5. 1. Money which is allocated to the department of energy  
20 pursuant to section 3 of this act must be distributed in the form of grants  
21 to state agencies and to political subdivisions of the state for:

22 (a) Projects to demonstrate uses of geothermal energy, solar energy,  
23 energy from wind, biomass and other sources, and small hydroelectric  
24 generating facilities;

25 (b) Research to stimulate the use and production of energy from  
26 alternate sources;

27 (c) Projects designed to assess the potential of alternate sources of  
28 energy to supply existing or future needs, including assessments of  
29 specific sites for specific public or private applications, including explora-  
30 tion, drilling, measuring and observation necessary to confirm the pres-  
31 ence, nature and extent of a source of energy;

32 (d) Projects to increase available fossil fuels, synthetic fuel and elec-  
33 tricity, and to increase the stability of supplies of those fuels and sources  
34 of energy;

35 (e) Studies of possible social, economic and environmental effects of  
36 the use of alternate sources of energy, and means of mitigating them;

37 (f) Development of state and local plans for the development and use  
38 of alternate sources of energy;

39 (g) Projects for converting existing public facilities to employ alternate  
40 sources of energy; and

41 (h) Establishing systems for providing loans with low interest and  
42 forgivable loans to stimulate the use of alternate sources of energy.

43 2. The governing body of any political subdivision of the state may  
44 apply for a grant pursuant to this section.

45 3. The director of the department of energy shall recommend the dis-  
46 tribution of money in grants pursuant to this section without regard for  
47 the county from which the money was originally derived.

48 4. The director of the department of energy shall review all applica-  
49 tions for grants and forward his recommendations to the interim finance

1 committee. No money may be committed in a grant until the grant is  
2 approved by the interim finance committee.

3 5. A political subdivision which receives a grant pursuant to this  
4 section shall maintain an account or fund separate from other accounts  
5 and funds for the grant, and expend the money for purposes set forth  
6 in subsection 1.

7 6. Any money received by the department of energy pursuant to this  
8 section which has not been granted at the end of the fiscal year in which  
9 it was received must be deposited in the state distributive school fund.

10 SEC. 6. Sections 4 and 5 of this act expire by limitation on June 30,  
11 1983.

12 SEC. 7. 1. Section 1 of this act shall become effective on July 1,  
13 1983.

14 2. The remaining sections of this act shall become effective on July  
15 1, 1981.