

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,  
AND MINING**

**Seventy-Eighth Session  
April 7, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:44 p.m. on Tuesday, April 7, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website: [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Robin L. Titus, Chair  
Assemblyman Jim Wheeler, Vice Chair  
Assemblyman Nelson Araujo  
Assemblywoman Maggie Carlton  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Chris Edwards  
Assemblyman John Ellison  
Assemblyman David M. Gardner  
Assemblyman Ira Hansen  
Assemblyman James Oscarson  
Assemblywoman Heidi Swank

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator James A. Settelmeyer, Senate District No. 17



**STAFF MEMBERS PRESENT:**

Susan E. Scholley, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Donna J. Ruiz, Committee Secretary  
Cheryl L. Williams, Committee Assistant

**OTHERS PRESENT:**

Margaret Flint, representing Nevadans for Responsible Wildlife Management  
Joel Blakeslee, representing Nevada Trappers Association; and Coalition for Nevada's Wildlife  
Trish Swain, Director, TrailSafe Nevada  
Bob Brunner, Director, Coalition for Nevada's Wildlife  
Mel Belding, Private Citizen, Reno, Nevada  
Tyler Turnipseed, Chief Game Warden, Department of Wildlife

**Chair Titus:**

[Roll was taken. Committee policies and procedures were explained.] I am going to open the hearing on Senate Bill 4 (1st Reprint).

**Senate Bill 4 (1st Reprint): Revises requirements for the taking of wild mammals on private property. (BDR 45-89)**

**Senator James A. Settelmeyer, Senate District No. 17:**

Senate Bill 4 (1st Reprint) is a result of what occurred during the interim. Last legislative session, Senate Bill No. 213 of the 77th Session passed out of this house indicating that we should register and number traps. The bill passed out of both bodies. However, in the implementation phase through the Department of Wildlife, the regulations came to the Legislative Commission, as all bills have to do to be implemented. It came to our attention that some of the information we thought we had clearly put on the record did not make it into the amendment, specifically that private property was to be exempt. That created a situation where everyone's mousetrap in their home would have to be numbered. The \$1 mousetrap purchased at the store would require a number be added at a cost of \$5. That seemed to be problematic.

Therefore, by unanimous vote of the Legislative Commission, we moved to defer the implementation of that regulation until such time that the Legislature could have a session in order to try to remedy that problem. We immediately went to the Legal Division of the Legislative Counsel Bureau to address the issue, resulting in S.B. 4 (R1). That is basically what this bill seeks to do.

As you can see within the bill, the first part does not apply to a trap, snare, or similar device used exclusively on private property as marked by *Nevada Revised Statutes* (NRS) 207.200. If you go to that section of the law, it establishes the recommendation or the rules set forth to identify property; either having the top of a post clearly spray painted, marked, or properly fenced. Obviously, your home is private property. That is all clearly delineated in my opinion. There probably will be some individuals trying to add further clarification to that issue and that is fine. We can have that discussion to make sure that it excludes private property.

The municipalities want to make sure they are exempt because otherwise it would be very problematic for them. The Nevada System of Higher Education wants to make sure that they are exclusively exempt, in addition to federal, state, and local governmental agencies.

Again, this is on your own private property; however, if you yourself do not want to trap or do something of that nature, you can always call a professional service. Again, on the basic concept that it is your land, whether you rent it or own it, you have the ability to control trying to regulate rodent problems.

There is another section that we discussed within the bill dealing with a problem on your property where something is destroying your land. It was previously indicated that you first had to get permission from the state. That seems a little ridiculous. If I see a coyote killing my cattle or a beaver causing the destruction of my property and getting me in trouble with the federal water master, rather than seeking prior approval, this allows me to deal with that appropriately if it is causing destruction on my own property. I believe there could be some discussion if we need to fix that aspect of the bill to ensure it is not done for profit. This bill was brought forth to avoid fines and provide for the protection of private property. I will entertain any questions at this time.

**Assemblyman Ellison:**

Can people still remove predators like coyotes, mountain lions, or whatever, that are on their private land if the animals are attacking their livestock?

**Senator Settelmeyer:**

Not necessarily. There are times when the Department of Wildlife will require a permit prior to the removal of that predator.

**Assemblyman Ellison:**

Well, then I am in violation quite a bit. When we have coyotes or whatever chasing livestock, or even dogs, they die of lead poisoning.

**Senator Settelmeyer:**

We do have a warden in the audience, so I am a witness now, Mr. Turnipseed.

**Assemblyman Ellison:**

That is the way we have always looked at it if predators were killing livestock. For years, my children's 4-H projects were attacked and killed by wild dogs; they were not killed by coyotes—they were killed by dogs. We ended up disposing of them. I thought you could do that anyway. I have never heard of such a thing that you could not protect your livestock. Even the sheriff's department has told us that if you have predators on your private land, you have the right to shoot them.

**Senator Settelmeyer:**

Thank you for that concern, Assemblyman Ellison. You can talk to Senator Goicoechea; he wanted that clause inserted due to other issues that have happened in your neck of the woods. Sometimes the police department and the Department of Wildlife do not always agree.

**Assemblyman Ellison:**

It is always good to put it in the language, and then it is always there.

**Chair Titus:**

Are there any further comments? [There were none.] We will take testimony in favor of S.B. 4 (R1).

**Margaret Flint, representing The Nevadans for Responsible Wildlife Management:**

I spent some time with Senator Settelmeyer working on some language on this bill to be sure that the property would be properly posted or fenced. Our main concern was for people out running around with their dogs or their children who see something posted as private property that it is properly fenced. Those are areas that we would not normally go into. On behalf of Nevadans for Responsible Wildlife Management, we support Senator Settelmeyer on this bill.

**Joel Blakeslee, representing Nevada Trappers Association; and Coalition for Nevada's Wildlife:**

We support this bill as it is written. It is important for livestock owners and private property owners to be able to protect themselves from animals. Senator Settelmeyer spoke about what happened since the last session when we tried to implement Senate Bill No. 213 of the 77th Session. It was fraught with problems and questions. We spent hours in discussions because the trap registration is a flawed concept. The important thing to understand is that when the trap registration was put in place, it was put in place to protect

trappers, not to punish trappers. The way it was explained to me in 1979, was when furs were very valuable, we had to register traps in order to protect the traps and the valuable fur from thieves. Somewhere along the line that changed. I support this bill.

**Trish Swain, Director, TrailSafe Nevada:**

I am the Director of TrailSafe Nevada with 1,400 subscribers. We support this bill. We had some questions earlier when we heard it in the Senate. The primary consideration for us is, will this bill ultimately help animals? Because the outcome will be registration numbers on traps used for commercial trapping, we see this as beneficial. Through meetings with the sponsor, we have come to this agreement. There has been a rocky road to re-establishing trap registration, as you heard described earlier by the sponsor. In June 2013, Senate Bill No. 213 of the 77th Session reinstated mandatory trap registration, which became part of statute in NRS 503.452. Therefore, it is the law to register traps or get a number assigned for the trap by the Department of Wildlife. The Department of Wildlife proceeded to assign numbers to trappers between June and October 2013, but then regulation R017-13 was held up by the Legislative Commission. We know that it is going to be heard again after this session, and it is our sincere and urgent hope that it will be amended to the point where it will empower us to continue getting trap registration on the road. You will hear some amendments possibly brought up today. As long as the basic intent is not changed, and as long as the basic intent is to possibly exempt some classes of people but to continue to seek this regulation to be enacted and brought before the Legislative Commission in June and hopefully passed at that time, then we are certainly in favor of it. [Ms. Swain presented prepared testimony which was used as talking points during her testimony ([Exhibit C](#))].

**Bob Brunner, Director, Coalition for Nevada's Wildlife:**

I just wanted to say that I support S.B. 4 (R1) so that individuals can protect their private property.

**Mel Belding, Private Citizen, Reno, Nevada:**

I support the bill, and I appreciate Senator Settlemeyer bringing it.

**Chair Titus:**

Is there any further testimony in favor of S.B. 4 (R1)? [There was none.] Is there anyone opposed to S.B. 4 (R1)? [There was no one.] Is there any neutral testimony?

**Tyler Turnipseed, Chief Game Warden, Department of Wildlife:**

Speaking from a Nevada Department of Wildlife standpoint, we are neutral on the bill. I fully appreciate Senator Settlemeyer's efforts to clarify this problem that popped up in the last session in defining the difference between trapping for fur versus mousetraps, gopher traps, and that sort of thing. We did come up with a concern just recently that quite honestly I failed to consider on the Senate side. I apologize for not speaking to Senator Settlemeyer about this before.

We have several permits that we issue through the Department of Wildlife to researchers, graduate students at a university, or commercial-type trappers. We issue those permits through our special licenses and permitting office, and those could include things like scientific collection permits, commercial collection permits, and that sort of thing. Those run the gamut from people who would be trapping small mammals, such as mice or rodents to do a study of some kind. Essentially, we have to grant permits for those types of studies, and we just want to make sure it was clear that you consider exempting them from the trap registration requirement. I can answer specific questions on those if you would like.

One possible amendment could be adding a subsection under section 2 that says, "For the take of mammals" or probably even broader, "For the take of animals under a permit issued by the Nevada Department of Wildlife." That would be scientific collection permits, commercial collection permits, anything I would assume was not the intent of the bill. Again, I apologize to Senator Settlemeyer for not discussing this with him sooner.

Section 2 of the bill would eliminate the requirement for a private property owner to first obtain a permit from the Department before taking or killing a fur-bearing mammal which is destroying any property or injuring any person at any time in any manner. We support that effort. There are a few things already in statute that would exempt that, but this would further clarify it. I would be happy to answer any questions, specifically Assemblyman Ellison's questions about existing authority. [Mr. Turnipseed provided comments used in his neutral testimony ([Exhibit D](#)).]

**Chair Titus:**

Any questions for Chief Game Warden Turnipseed? [There were none.] Is there any other neutral testimony on S.B. 4 (R1)? [There was none.] I will ask the sponsor of the bill to come back if he has any closing comments. [He had none.]

I would be curious, Senator Settlemeyer, if you would not mind a moment with Chief Game Warden Turnipseed's amendment. Is that something that you would entertain?

**Senator Settlemeyer:**

I have no problem with the concept of elimination of the trap requirement to take mammals under a permit issued by the Department of Wildlife. I thought it was actually covered by the exemption for local or state governments and for an issue for rodent control. I thought that was clearly covered by that amendment. If it needs further clarification, I have no problem with that.

**Chair Titus:**

Are there any other questions for the sponsor? [There were none.] If there is no further neutral testimony, I will close the hearing on S.B. 4 (R1) and open the floor to public comment. Seeing no public comment, the meeting is adjourned [at 2:01 p.m.].

RESPECTFULLY SUBMITTED:

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Donna J. Ruiz  
Committee Secretary

APPROVED BY:

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Assemblywoman Robin L. Titus, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Natural Resources, Agriculture, and Mining

**Date:** April 7, 2015

**Time of Meeting:** 1:44 p.m.

| Bill   | Exhibit | Witness / Agency                         | Description       |
|--------|---------|--|-------------------|
|        | A       |  | Agenda            |
|        | B       |  | Attendance Roster |
| S.B. 4 | C       | Trish Swain, TrailSafe Nevada            | Talking points    |
| S.B. 4 | D       | Tyler Turnipseed, Department of Wildlife | Neutral Testimony |