

SENATE BILL NO. 211—SENATOR O’CONNELL

FEBRUARY 17, 1999

Referred to Committee on Natural Resources

SUMMARY—Makes various changes to provisions concerning animals. (BDR 45-718)

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~{omitted material}~~ is material to be omitted.

AN ACT relating to animals; revising the provisions relating to nominations for appointments to and the qualifications of certain members of the board of wildlife commissioners; requiring the board to establish its policies and regulations according to principles of sound scientific management; requiring the board of wildlife commissioners to approve the budget of the division of wildlife of the state department of conservation and natural resources; requiring the division to contract with a private entity to conduct a drawing to award tags for special seasons; prohibiting a person from willfully and unjustifiably killing, injuring or interfering with an animal used in certain events; providing a penalty; 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 501.171 is hereby amended to read as follows:
2 501.171 1. ~~{A county advisory board to manage wildlife}~~ ***Each***
3 ***board*** shall submit written nominations for appointments to the commission
4 upon the request of the governor and may submit nominations at any other
5 time.
6 2. After consideration of the written nominations submitted by ~~{a~~
7 ~~county advisory board to manage wildlife}~~ ***those boards*** and any additional
8 candidates for appointment to the commission, the governor shall appoint
9 to the commission:
10 (a) One member who is ***a certified public accountant certified pursuant***
11 ***to chapter 628 of NRS and*** actively engaged in ~~{the conservation of~~
12 ~~wildlife;}~~ ***accounting;***
13 (b) One member who is actively engaged in farming;
14 (c) One member who is actively engaged in ranching;

- 1 (d) One member who represents the interests of the general public; and
- 2 (e) Five members who during at least 3 of the 4 years immediately
- 3 preceding their appointment held a resident license to fish or hunt, or both,
- 4 in Nevada.

5 3. The governor shall not appoint to the commission any person who

6 has been convicted of:

7 (a) A gross misdemeanor for a violation of NRS 501.376, 502.060 or

8 504.395; or

9 (b) Two or more violations of the provisions of chapters 501 to 504,

10 inclusive, of NRS,

11 during the previous ~~10~~ 5 years.

12 4. Not more than three members *of the commission* may be from the

13 same county whose population is 400,000 or more, not more than two

14 members may be from the same county whose population is 100,000 or

15 more but less than 400,000, and not more than one member may be from

16 the same county whose population is less than 100,000.

17 5. The commission shall annually select a chairman and a vice

18 chairman from among its members. A person shall not serve more than two

19 consecutive terms as chairman.

20 **Sec. 2.** NRS 501.171 is hereby amended to read as follows:

21 501.171 1. Each board shall submit ~~written nominations for~~

22 ~~appointments to the commission upon the request of the governor and may~~

23 ~~submit nominations at any other time.~~

24 ~~—2.— After consideration of the written nominations submitted by those~~

25 ~~boards and any additional candidates for appointment to the commission,~~

26 ~~the] to the governor, in writing, the names of persons it wishes to~~

27 ~~nominate for the appointments made to the commission pursuant to~~

28 ~~paragraph (e) of subsection 2. A county advisory board shall not~~

29 ~~nominate a candidate for appointment to the commission if the candidate~~

30 ~~does not have the qualifications required pursuant to this section.~~

31 2. The governor shall appoint to the commission:

32 (a) One member who is a certified public accountant certified pursuant

33 to chapter 628 of NRS and actively engaged in accounting;

34 (b) One member who is actively engaged in farming;

35 (c) One member who is actively engaged in ranching;

36 (d) One member who represents the interests of the general public; and

37 (e) ~~Five~~ **From the nominations submitted pursuant to subsection 1,**

38 **five** members who during at least 3 of the 4 years immediately preceding

39 their appointment held a resident license to fish or hunt, or both, in Nevada.

40 3. The governor shall not appoint to the commission any person who

41 has been convicted of:

42 (a) A gross misdemeanor for a violation of NRS 501.376, 502.060 or

43 504.395; or

(b) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS, during the previous 5 years.

4. Not more than three members of the commission may be from the same county whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.

5. The commission shall annually select a chairman and a vice chairman from among its members. A person shall not serve more than two consecutive terms as chairman.

Sec. 3. NRS 501.181 is hereby amended to read as follows:

501.181 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 this state.

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

2. Guide the division 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 mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, 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.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the administrator 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.

(e) The control of nonresident hunters.

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

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

(h) The revocation of licenses issued pursuant to this Title to any person who is convicted of a violation of any provision of this Title or any regulation adopted pursuant thereto.

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

3 (a) Regular and special seasons for hunting game mammals and game
4 birds, for hunting or trapping fur-bearing mammals and for fishing, the
5 daily and possession limits, the manner and means of taking wildlife,
6 including, but not limited to, the sex, size or other physical differentiation
7 for each species, and, when necessary for management purposes, the
8 emergency closing or extending of a season, reducing or increasing of the
9 bag or possession limits on a species, or the closing of any area to hunting,
10 fishing or trapping. The regulations must be established after first
11 considering the recommendations of the division, the county advisory
12 boards to manage wildlife and ~~others~~ **other persons** who wish to present
13 their views at an open meeting. Any regulations relating to the closure of a
14 season must be based upon scientific data concerning the management of
15 wildlife. The data upon which the regulations are based must be collected
16 or developed by the division.

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

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

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

24 5. Adopt regulations requiring the division to make public, before
25 official delivery, its proposed responses to any requests by federal agencies
26 for its comment on drafts of statements concerning the environmental effect
27 of proposed actions or regulations affecting public lands.

28 6. Adopt regulations:

29 (a) Governing the provisions of the permit required by NRS 502.390
30 and for the issuance, renewal and revocation of such a permit.

31 (b) Establishing the method for determining the amount of an
32 assessment and the time and manner of payment, necessary for the
33 collection of the assessment required by NRS 502.390.

34 7. Designate those portions of wildlife management areas for big game
35 mammals that are of special concern for the regulation of the importation,
36 possession and propagation of alternative livestock pursuant to NRS
37 576.129.

38 ***In establishing policies or adopting regulations pursuant to this section,***
39 ***the commission shall, to the greatest extent practicable, use principles of***
40 ***sound scientific management.***

41 **Sec. 4.** NRS 501.337 is hereby amended to read as follows:

42 501.337 The administrator shall:

43 1. Carry out the policies and regulations of the commission.

1 2. Direct and supervise all administrative and operational activities of
2 the division, and all programs administered by the division as provided by
3 law. Except as otherwise provided in NRS 284.143, the administrator shall
4 devote his entire time to the duties of his office and shall not follow any
5 other gainful employment or occupation.

6 3. Within such limitations as ~~may be~~ provided by law, organize the
7 division and, from time to time with the consent of the commission, alter
8 the organization. The administrator shall reassign responsibilities and
9 duties as he ~~may deem~~ **deems** appropriate.

10 4. Appoint or remove such technical, clerical and operational staff as
11 the execution of his duties and the operation of the division may require,
12 and all those employees are responsible to him for the proper carrying out
13 of the duties and responsibilities of their respective positions. The
14 administrator shall designate a number of employees as game wardens and
15 provide for their training.

16 5. Submit technical and other reports to the commission as may be
17 necessary or as may be requested, which will enable the commission to
18 establish policy and regulations.

19 6. Prepare the biennial budget of the division consistent with the
20 provisions of this Title and chapter 488 of NRS and submit it to the
21 commission for its review and ~~comment.~~ **approval.**

22 7. Administer real property assigned to the division.

23 8. Maintain full control, by proper methods and inventories, of all
24 personal property of the state acquired and held for the purposes
25 contemplated by this Title and by chapter 488 of NRS.

26 9. Act as nonvoting secretary to the commission.

27 **Sec. 5.** NRS 501.356 is hereby amended to read as follows:

28 501.356 1. Money received by the division from:

29 (a) The sale of licenses;

30 (b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

31 (c) Remittances from the state treasurer pursuant to the provisions of
32 NRS 365.535;

33 (d) Appropriations made by the legislature; and

34 (e) All other sources, except money derived from the forfeiture of any
35 property described in NRS 501.3857 or money deposited in the wildlife
36 heritage trust account pursuant to NRS 501.3575,
37 must be deposited with the state treasurer for credit to the wildlife account
38 in the state general fund.

39 2. The interest and income earned on the money in the wildlife
40 account, after deducting any applicable charges, must be credited to the
41 account.

1 3. Except as otherwise provided in subsection 4, the division may use
2 money in the wildlife account only to carry out the provisions of this Title
3 and chapter 488 of NRS and as provided in NRS 365.535, and the money
4 must not be diverted to any other use.

5 4. Except as otherwise provided in NRS 502.250, 502.310 and
6 504.155, all fees for the sale or issuance of stamps, tags, permits and
7 licenses that are required to be deposited in the wildlife account pursuant to
8 the provisions of this Title must be accounted for separately and ~~may~~
9 **must** be used only for the management of ~~[wildlife.]~~ **game fish, game**
10 **birds, game mammals, fur-bearing mammals and the control of**
11 **predatory animals.**

12 **Sec. 6.** Chapter 502 of NRS is hereby amended by adding thereto a
13 new section to read as follows:

14 **1. Before issuing tags for a special season to applicants for those**
15 **tags, the division shall contract with a private entity to conduct a drawing**
16 **to award the tags. The drawing must be conducted using a computer**
17 **program that awards tags based on a random order of selection. The**
18 **division shall solicit bids for the contract in accordance with state law.**

19 **2. The division shall:**

20 **(a) Provide to the private entity to whom a contract is awarded**
21 **pursuant to the provisions of subsection 1 any applications for tags,**
22 **documents or other information required by the private entity to conduct**
23 **the drawing; and**

24 **(b) Otherwise cooperate with the private entity in conducting the**
25 **drawing.**

26 **3. Within 10 days after the drawing is completed, the private entity**
27 **shall submit the results of the drawing to the division for the issuance of**
28 **tags to the applicants who are awarded tags pursuant to the drawing. The**
29 **division shall not issue a tag pursuant to the provisions of this section to**
30 **a person who not has been awarded a tag in accordance with the**
31 **provisions of this section.**

32 **4. If a private entity does not qualify for an award of the contract**
33 **specified in subsection 1, the division shall conduct a drawing to award**
34 **tags for a special season in the manner set forth in the regulations**
35 **adopted by the commission pursuant to the provisions of subsection 5.**

36 **5. The commission shall adopt such regulations as are necessary to**
37 **carry out the provisions of this section. The regulations must include,**
38 **without limitation:**

39 **(a) The requirements for a private entity to qualify for an award of a**
40 **contract specified in subsection 1;**

41 **(b) The provisions required to be included in the contract; and**

1 **(c) The manner in which the division must conduct a drawing**
2 **specified in subsection 1 if a private entity does not qualify for an award**
3 **of the contract.**

4 **Sec. 7.** Chapter 574 of NRS is hereby amended by adding thereto a
5 new section to read as follows:

6 ***A person who willfully and unjustifiably:***

7 ***1. Kills, injures or tampers or interferes with an animal belonging to***
8 ***another person that is used in an exhibition, show, contest or other event***
9 ***in which the skill, breeding or stamina of the animal is judged or***
10 ***examined; or***

11 ***2. Sets on foot, instigates, engages in or in any way furthers an act by***
12 ***which an animal specified in subsection 1 is killed, injured or tampered***
13 ***or interfered with,***
14 ***is guilty of a category E felony and shall be punished in accordance with***
15 ***the provisions of NRS 193.130.***

16 **Sec. 8.** NRS 574.050 is hereby amended to read as follows:

17 574.050 As used in NRS 574.050 to 574.200, inclusive ~~it is~~, **and**
18 **section 7 of this act:**

19 **1. "Animal"** does not include the human race, but includes every other
20 living creature.

21 **2. "Torture" or "cruelty"** includes every act, omission or neglect,
22 whereby unjustifiable physical pain, suffering or death is caused or
23 permitted.

24 **Sec. 9.** NRS 574.100 is hereby amended to read as follows:

25 574.100 Except ***as otherwise provided in section 7 of this act or in***
26 **any case involving a willful or malicious act for which a greater penalty is**
27 **provided by NRS 206.150, a person who:**

28 **1. Overdrives, overloads, tortures or cruelly beats or unjustifiably**
29 **injures, maims, mutilates or kills any animal, whether belonging to himself**
30 **or to another;**

31 **2. Deprives any animal of necessary sustenance, food or drink, or**
32 **neglects or refuses to furnish it such sustenance or drink;**

33 **3. Causes, procures or permits any animal to be overdriven,**
34 **overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed,**
35 **mutilated or killed, or to be deprived of necessary food or drink;**

36 **4. Willfully sets on foot, instigates, engages in, or in any way furthers**
37 **an act of cruelty to any animal, or any act tending to produce such cruelty;**
38 **or**

39 **5. Abandons an animal in circumstances other than those prohibited in**
40 **NRS 574.110,**
41 **is guilty of a misdemeanor.**

42 **Sec. 10.** The amendatory provisions of this act do not apply to
43 offenses that were committed before October 1, 1999.

1 **Sec. 11.** Notwithstanding any other provision of law, the term of office
2 of a member of the board of wildlife commissioners who was appointed to
3 the board pursuant to paragraph (a) of subsection 2 of NRS 501.171 before
4 October 1, 1999, expires on that date. As soon as practicable after that date,
5 the governor shall appoint a member who is qualified pursuant to that
6 paragraph to an initial term that expires on February 1, 2003.

7 **Sec. 12.** Notwithstanding any other provision of law, the term of office
8 of a member of the board of wildlife commissioners who:

9 1. Was appointed to the board pursuant to paragraph (e) of subsection
10 2 of NRS 501.171 before October 1, 2001; or

11 2. Is appointed or reappointed to the board pursuant to paragraph (e) of
12 subsection 2 of NRS 501.171 on or after October 1, 2001, but before
13 January 15, 2003,
14 expires on January 15, 2003.

15 **Sec. 13.** As soon as practicable after January 15, 2003, the governor
16 shall appoint the following five successor members who are qualified
17 pursuant to paragraph (e) of subsection 2 of NRS 501.171 to the board of
18 wildlife commissioners:

19 1. One member whose term begins on January 15, 2003, and expires on
20 February 1, 2004.

21 2. Two members whose terms begin on January 15, 2003, and expire
22 on February 1, 2005.

23 3. Two members whose terms begin on January 15, 2003, and expire
24 on February 1, 2006.

25 **Sec. 14.** 1. This section and sections 1 and 3 to 11, inclusive, of this
26 act become effective on October 1, 1999.

27 2. Sections 2, 12 and 13 of this act become effective on January 15,
28 2003.