

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Amendment No. 935

Assembly Amendment to Senate Bill No. 420 First Reprint

(BDR 45-1254)

Proposed by: Committee on Ways and Means

Amendment Box: Replaces Amendment No. 924. Conflicts with Amendment No. 936.

Resolves Conflicts with: N/A

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of SB420 R1 (§§ 7, 11, 12, 14, 21-24, 28, 30-36, 40, 42).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.7, following sec. 3, to read as follows:

“Sec. 3.3. NRS 501.171 is hereby amended to read as follows:

501.171 1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

KEL/BAW

Date: 5/28/2003

S.B. No. 420—Makes various changes relating to Division of Wildlife of State Department of Conservation and Natural Resources.

- (a) One member who is actively engaged in the conservation of wildlife;
- (b) One member who is actively engaged in farming;
- (c) One member who is actively engaged in ranching;
- (d) One member who represents the interests of the general public; and
- (e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

3. The Governor shall not appoint to the Commission any person who has been convicted of:

- (a) A ***felony or*** gross misdemeanor for a violation of NRS 501.376 ; [~~502.060 or 504.395; or~~]
- (b) A ***gross misdemeanor for a violation of NRS 502.060 or 504.395; or***
- (c) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS,

FLUSH during the previous 10 years.

4. Not more than three members 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. 3.7. NRS 501.172 is hereby amended to read as follows:

501.172 1. A member of the Commission may be removed from office for just cause.

2. A member of the Commission must be removed from office for:

- (a) A conviction of a ***felony or*** gross misdemeanor for a violation of NRS 501.376 ; [~~502.060 or 504.395; or~~]

(b) *A conviction of a gross misdemeanor for a violation of NRS 502.060 or 504.395; or*

(c) Two or more convictions of violating the provisions of chapters 501 to 504, inclusive, of NRS.”.

Amend the bill as a whole by renumbering sec. 4.5 as sec. 4.3 and adding a new section designated sec. 4.7, following sec. 4.5, to read as follows:

“Sec. 4.7. NRS 501.376 is hereby amended to read as follows:

501.376 1. ~~[Any person who unlawfully kills or possesses]~~ *Except as otherwise provided in this section, a person shall not intentionally kill or aid and abet another person to kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear [without a valid tag is guilty of a gross misdemeanor. This subsection does not prohibit the killing of such an animal if necessary to protect the life or property of any person in imminent danger of being attacked by such an animal.*

— 2.] :

(a) *Outside of the prescribed season set by the Commission for the lawful hunting of that animal;*

(b) *Through the use of an aircraft, helicopter or motor-driven vehicle in violation of NRS 503.010;*

(c) *By a method other than the method prescribed on the tag issued by the Division for hunting that animal;*

(d) *In a manner, during a time or in a place otherwise prohibited by a specific statute or a regulation adopted by the Commission; or*

(e) Without a valid tag issued by the Division for hunting that animal. A tag issued for hunting any ~~[big game mammal]~~ *animal* specified in *this* subsection ~~[H]~~ is not valid if knowingly used by a person:

~~[(a)]~~ (1) Other than the person specified on the tag;

~~[(b)]~~ (2) Outside of the management area or other area specified on the tag;

~~[(c)]~~ Outside of the dates established by the Commission for the lawful taking of the big game mammal specified on the tag;

~~—(d) Outside of the hours set pursuant to NRS 503.140 for the lawful hunting of the big game mammal specified on the tag; or~~

~~—(e)] or~~

(3) If the tag was obtained by a false or fraudulent representation.

2. *The provisions of subsection 1 do not prohibit the killing of an animal specified in subsection 1 if:*

(a) The killing of the animal is necessary to protect the life or property of any person in imminent danger of being attacked by the animal; or

(b) The animal killed was not the intended target of the person who killed the animal and the killing of the animal which was the intended target would not violate the provisions of subsection 1.

3. *A person who violates the provisions of subsection 1 shall be punished for a category E felony as provided in NRS 193.130 or, if the court reduces the penalty pursuant to this subsection, for a gross misdemeanor. In determining whether to reduce the penalty, the court shall consider:*

(a) The nature of the offense;

H-4067

(b) The circumstances surrounding the offense;

(c) The defendant's understanding and appreciation of the gravity of the offense;

(d) The attitude of the defendant towards the offense; and

(e) The general objectives of sentencing.

4. A person shall not willfully possess any animal specified in subsection 1 if the person knows the animal was killed in violation of subsection 1 or the circumstances should have caused a reasonable person to know that the animal was killed in violation of subsection 1.

5. A person who violates the provisions of subsection 4 is guilty of a gross misdemeanor."

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 501.388 is hereby amended to read as follows:

501.388 1. The Commission may, in addition to any suspension, revocation or other penalty imposed pursuant to any other provision of this title:

(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear ~~[without a valid tag,~~ in violation of NRS 501.376, and may:

(1) Refuse to issue any new license to the convicted person for any period not to exceed 3 years; and

H-5067

(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the Commission.”.

Amend sec. 45, page 24, line 4, after “4.” by inserting:

“Sections 3.3, 3.7, 4.7 and 5.5 of this act become effective on October 1, 2003.

5.”.

Amend sec. 45, page 24, line 6, by deleting:

“5. Sections 4.5,” and inserting:

“6. Sections 4.3,”.

Amend sec. 45, page 24, line 8, by deleting “6.” and inserting “7.”.

Amend the title of the bill to read as follows:

“AN ACT relating to wildlife; revising provisions relating to the qualifications of members of the Board of Wildlife Commissioners; revising provisions governing the killing or possessing of certain animals; authorizing the Division of Wildlife of the State Department of Conservation and Natural Resources under certain circumstances to suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document of a person who fails to pay a civil penalty timely; prohibiting certain persons from hunting certain upland game birds under certain circumstances; imposing and revising certain fees; creating the Wildlife Obligated Reserve Account in the State General Fund; requiring the Commission to adopt certain regulations; providing penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to wildlife. (BDR 45-1254)”.

H-7067