
ASSEMBLY BILL NO. 173—ASSEMBLYMAN SHERER

MARCH 7, 2005

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises area in which person is authorized to hunt
with certain game tags. (BDR 45-992)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 wildlife; revising the area in which a person is
authorized to hunt with certain game tags; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Board of Wildlife Commissioners to establish a
2 program to issue special incentive elk tags and compensatory deer and antelope
3 tags to owners, lessees or managers of private land in certain circumstances.
4 Hunting with a special incentive elk tag must be done in the unit or units within the
5 management area or areas in which the private land is located. (NRS 502.142)
6 Hunting with a compensatory deer and antelope tag must be done on the private
7 land of the owner, lessee or manager to whom the tag is issued or in the unit or
8 units within the management area or areas in which the private land is located.
9 (502.145) The Board is also authorized to establish a program for issuing special
10 incentive deer tags to owners, lessees and managers of private land in certain
11 circumstances. Hunting with that type of tag must be done on the private land of the
12 owner, lessee or manager to whom the tag is issued. (NRS 502.143)

13 This bill revises and makes consistent the description of the area in which the
14 holder of any of those tags may hunt to include the private land of the owner, lessee
15 or manager and any surrounding area which extends not more than 1 mile from the
16 private land.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 502.142 is hereby amended to read as follows:
2 502.142 1. The Commission shall adopt regulations to
3 establish a program pursuant to which the Department will issue
4 special incentive elk tags. The regulations must:
5 (a) Set forth the application and annual review processes for the
6 issuance of special incentive elk tags.
7 (b) Require that an application for a special incentive elk tag
8 must be accompanied by:
9 (1) The fee charged for an elk tag pursuant to NRS 502.250;
10 and
11 (2) Any administrative fee charged in connection with the
12 issuance of an elk tag pursuant to this chapter.
13 (c) Provide for the issuance of a special incentive elk tag only to
14 a person who:
15 (1) Lawfully owns, leases or manages private land within an
16 actual elk use area; and
17 (2) If that private land blocks reasonable access to adjacent
18 public land, provides reasonable access through the private land to
19 allow a person or hunting party possessing a valid elk tag to hunt elk
20 on the adjacent public land.
21 (d) Establish criteria for the issuance of special incentive elk
22 tags based upon:
23 (1) The number of elk using private land controlled by the
24 applicant;
25 (2) The number of days the elk use private lands of the
26 applicant in a calendar year;
27 (3) The total number of elk; and
28 (4) Limiting the number of special incentive elk tags issued
29 in each calendar year to not more than one-half of the bull elk tags
30 issued in that calendar year,
31 ↪ within the actual elk use area in the unit or units of the
32 management area or areas in which the private land is located.
33 (e) Provide that special incentive elk tags are valid for both
34 sexes of elk.
35 (f) Prohibit a person who has, within a particular calendar year,
36 applied for or received compensation pursuant to NRS 504.165 as
37 reimbursement for damage caused by elk to private land from
38 applying, within the same calendar year, for a special incentive elk
39 tag for the same private land.
40 (g) Allow a group of owners, lessees and managers of private
41 land to qualify for a special incentive elk tag for their combined
42 lands.



(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the Commission for 1997.

(i) Provide that a person to whom a special incentive elk tag is issued by the Commission pursuant to this section may:

(1) If he holds a valid hunting license issued by this State, use the special incentive elk tag himself; or

(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this State at any price upon which the parties mutually agree.

(j) Require that a person who is issued a special incentive elk tag must hunt:

(1) During the open season for elk.

(2) In the ~~unit or units within the management area or areas in which~~ *area which includes* the private land ~~is located.~~ *and any surrounding area which extends not more than 1 mile from the private land.*

(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the Department regarding the issuance of such tags.

2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the Department.

Sec. 2. NRS 502.143 is hereby amended to read as follows:

502.143 1. The Commission may adopt regulations establishing a program pursuant to which the Department may issue special incentive deer tags to owners, lessees and managers of private land in this State for use ~~on~~ *in the area which includes* the private land of ~~such~~ *the* owners, lessees or managers ~~and any surrounding area which extends not more than 1 mile from the private land.~~

2. The regulations must:

(a) Require that the owner, lessee or manager who is lawfully in control of private land must, before he is issued a special incentive deer tag:

(1) Allow the hunting and viewing of wildlife on his land by the general public; or

(2) Enter into a cooperative agreement with the Department to improve deer or other wildlife habitat on his land.

(b) Allow the owner, lessee or manager to sell any special incentive deer tag that he is issued pursuant to the program.

Sec. 3. NRS 502.145 is hereby amended to read as follows:

502.145 1. An owner, lessee or manager of private land in this State may apply to the Department for the issuance to him of one or more deer or antelope tags as provided in this section. The



1 tags must be issued as compensation for damage caused by deer or
2 antelope to the private land or to any improvements thereon.

3 2. An application made pursuant to this section must:

4 (a) Be made in the form prescribed by the Department;

5 (b) Establish to the satisfaction of the Department that the
6 applicant has sustained damage of the kind described in
7 subsection 1; and

8 (c) Be accompanied by the fee charged for the tags pursuant to
9 NRS 502.250 and any fee charged for administrative costs.

10 3. The Department shall review the application, may conduct
11 any investigation it deems appropriate and, if it approves the
12 application, shall issue to the applicant not more than one tag for
13 each 50 animals present on the private land owned, leased or
14 managed by the applicant. Both deer and antelope tags may be
15 issued to an applicant.

16 4. A tag issued as compensation for damage pursuant to this
17 section:

18 (a) May be used by the owner, lessee or manager of the private
19 land if he holds a valid Nevada hunting license, or may be sold by
20 that person to any holder of a valid Nevada hunting license at any
21 price mutually agreed upon;

22 (b) Except as otherwise provided in subparagraph (2) of
23 paragraph (c), must be used ~~on~~ **in the area which includes** the
24 private land ~~for in the unit or units within the management area or~~
25 ~~areas in which~~ **and any surrounding area which extends not more**
26 **than 1 mile from** the private land ; ~~is located;~~ and

27 (c) May only be used during:

28 (1) The open season for the species for which the tag is
29 issued; or

30 (2) A season prescribed by regulation of the Commission for
31 the use of such tags only on the private land.

32 5. As a condition of receiving a tag from the Department
33 pursuant to this section, an owner, lessee or manager who is
34 lawfully in control of private land that blocks access to adjacent
35 public land must provide access to the public land during the
36 hunting season to a person or hunting party with a tag for the
37 purpose of hunting on the public land.

38 6. Insofar as they are consistent with this section, the
39 provisions of this title and of the regulations adopted by the
40 Commission apply to the issuance and use of tags pursuant to this
41 section. The Commission:

42 (a) Shall by regulation establish the maximum number of tags
43 which may be issued annually by the Department pursuant to this
44 section, which must not exceed 1.5 percent of the total number of



1 deer and antelope tags which are authorized for issuance annually
2 throughout the State; and

3 (b) May adopt any other regulations it deems necessary to carry
4 out the provisions of this section.

5 7. The Director shall, not later than the fifth calendar day of
6 each regular session of the Legislature, submit to the Director of the
7 Legislative Counsel Bureau for distribution to the Legislature a
8 report summarizing the activities of the Department taken pursuant
9 to the provisions of this section during the preceding biennium,
10 including any problems associated with the issuance and use of tags
11 authorized by this section and any recommendations for correcting
12 those problems.



