

ASSEMBLY BILL NO. 259—ASSEMBLYMAN CLABORN

MARCH 7, 2007

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing wildlife.
(BDR 45-100)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included
in Executive Budget.

~

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

AN ACT relating to wildlife; classifying a wild mountain lion as an unprotected mammal; designating the Department of Wildlife as the Department of Fish and Game; placing the Department under the control of the Board of Wildlife Commissioners; authorizing the Commission to adopt regulations for the hunting, killing or nonlethal control of mountain lions from an aircraft; revising certain provisions relating to the use of a spring gun, set gun or other device for the destruction of a mountain lion; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife. The Department is required to administer the laws of this State relating to wildlife and the provisions of chapter 488 of NRS relating to watercraft and the use of watercraft. (NRS 501.331) **Sections 9 and 27** of this bill designate the Department of Wildlife as the Department of Fish and Game. **Section 27** also places the newly designated Department of Fish and Game under the control of the Board of Wildlife Commissioners.

Existing law requires the Board of Wildlife Commissioners to classify by regulation each species of wildlife within this State as a wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean. Each species of wildlife so classified must be further classified as protected or unprotected. Any wildlife that is classified as protected may be designated as sensitive, threatened or endangered. If it is in the public interest to do so, and upon reasonable public notice and hearing, the Commission may place a species of wildlife within another classification. (NRS



* A B 2 5 9 *

501.110) **Section 25** of this bill specifically classifies a wild mountain lion as an unprotected mammal.

Existing law prohibits a person from intentionally killing or aiding and abetting another person in killing a mountain lion unless the person has a valid tag to hunt the mountain lion and the person hunts the mountain lion in the manner prescribed on the tag. (NRS 501.376) **Section 28** of this bill eliminates the prohibition against hunting a mountain lion without a valid tag and in the manner specified on the tag.

Existing law requires a person who wishes to apply for a restricted nonresident deer tag to complete an application and submit a fee for the tag in the amount of \$300. All such fees collected by the Department must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 502.148) **Section 31** of this bill increases the fee for a restricted nonresident deer tag from \$300 to \$303. **Section 31** also requires the Department to account separately for an amount of money that is equal to \$3 of each fee collected and to use that money only for the control of predatory animals or birds.

In addition to the fee for a restricted nonresident deer tag, existing law imposes fees in various amounts for the issuance of resident and nonresident tags to hunt deer, antelope, elk, bighorn sheep, mountain goat and mountain lion. (NRS 502.250) Existing law further requires the fees so collected to be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. (NRS 501.356) **Section 32** of this bill increases each of those fees by \$3 and requires the Department to account separately for an amount of money that is equal to \$3 of each of those fees and to use that money only for the control of predatory animals or birds. Because **section 25** of this bill classifies a wild mountain lion as an unprotected mammal for which a tag is not required to hunt, **section 32** also eliminates the fees for issuing a resident or nonresident mountain lion tag.

Existing law prohibits a person from killing or attempting to kill any birds or animals from an aircraft unless the person is hunting a coyote, bobcat or raven from the aircraft and the person has a permit authorizing him to hunt the coyote, bobcat or raven issued pursuant to a regulation adopted by the Commission. (NRS 503.005) Existing law further prohibits a person from hunting a big game mammal, except a mountain lion, with any breed of dog. (NRS 503.150) **Section 33** of this bill authorizes the Commission to adopt a regulation authorizing the issuance of a permit to hunt, kill or engage in the nonlethal control of a mountain lion from an aircraft. **Section 34** of this bill eliminates the exception for mountain lions to be hunted with any breed of dog.

Section 36 of this bill appropriates \$200,000 from the State General Fund to the Department of Fish and Game to be used only for managing predatory animals or birds.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 501.003 is hereby amended to read as follows:

501.003 ~~As used in this title, "alternative"~~ **"Alternative livestock"** means the following species, including subspecies, of the



1 family Cervidae, if they are born and reared in captivity and raised
2 on private property to produce meat or other by-products of animals
3 or as breeding stock to produce alternative livestock:

4 1. Fallow deer (Dama dama).

5 2. Reindeer (Rangifer tarandus).

6 **Sec. 3.** NRS 501.005 is hereby amended to read as follows:

7 501.005 ~~{As used in this title, "big"}~~ **"Big"** game mammal"
8 means any game mammal so classified by **a** Commission regulation.

9 **Sec. 4.** NRS 501.010 is hereby amended to read as follows:

10 501.010 ~~{As used in this title, "board"}~~ **"Board"** means the
11 county advisory board to manage wildlife.

12 **Sec. 5.** NRS 501.013 is hereby amended to read as follows:

13 501.013 ~~{As used in this title, "chumming"}~~ **"Chumming"**
14 means the placing in the water of fish, parts of fish or other material
15 upon which fish feed, for the purpose of attracting fish to a
16 particular area in order that they may be taken.

17 **Sec. 6.** NRS 501.015 is hereby amended to read as follows:

18 501.015 ~~{As used in this title, "closed"}~~ **"Closed"** season" means
19 all periods except those designated as "open season." During any
20 such season it is unlawful to fish, to hunt game mammals or game
21 birds or to hunt or trap fur-bearing mammals. There is no closed
22 season on those species of wild mammals or wild birds classified as
23 unprotected.

24 **Sec. 7.** NRS 501.020 is hereby amended to read as follows:

25 501.020 Except as otherwise provided in NRS 504.430 to
26 504.490, inclusive, ~~{as used in this title, unless the context otherwise~~
27 ~~requires,}~~ "Commission" means the Board of Wildlife
28 Commissioners.

29 **Sec. 8.** NRS 501.023 is hereby amended to read as follows:

30 501.023 ~~{As used in this title, "county,"}~~ **"County,"** when
31 appearing alone or in the reference framework of county advisory
32 board to manage wildlife, board of county commissioners or any
33 county officer, includes and applies to Carson City.

34 **Sec. 9.** NRS 501.024 is hereby amended to read as follows:

35 501.024 ~~{As used in this title,}~~ "Department" means the
36 Department of ~~{Wildlife.}~~ **Fish and Game.**

37 **Sec. 10.** NRS 501.026 is hereby amended to read as follows:

38 501.026 ~~{As used in this title,}~~ "Director" means the Director
39 of the Department.

40 **Sec. 11.** NRS 501.030 is hereby amended to read as follows:

41 501.030 ~~{As used in this title, the}~~ **The** words "to fish" and
42 their derivatives, "fishes," "fishing" and "fished," mean catching,
43 taking, capturing, killing, injuring or crippling of a fish or game
44 amphibian, and every attempt to do so.



1 **Sec. 12.** NRS 501.035 is hereby amended to read as follows:
2 501.035 ~~[As used in this title, “fur bearing]~~ **“Fur-bearing**
3 mammal” means any mammal so classified by **a** Commission
4 regulation.

5 **Sec. 13.** NRS 501.037 is hereby amended to read as follows:
6 501.037 ~~[As used in this title, “game]~~ **“Game** amphibian”
7 means any amphibian so classified by **a** Commission regulation.

8 **Sec. 14.** NRS 501.045 is hereby amended to read as follows:
9 501.045 ~~[As used in this title, “game]~~ **“Game** fish” means any
10 fish so classified by **a** Commission regulation.

11 **Sec. 15.** NRS 501.046 is hereby amended to read as follows:
12 501.046 ~~[As used in this title, “game]~~ **“Game** mammal” means
13 any mammal so classified by **a** Commission regulation.

14 **Sec. 16.** NRS 501.047 is hereby amended to read as follows:
15 501.047 ~~[As used in this title, “game]~~ **“Game** warden” means
16 any person authorized by the Director to enforce the provisions of
17 this title and ~~[of]~~ chapter 488 of NRS.

18 **Sec. 17.** NRS 501.050 is hereby amended to read as follows:
19 501.050 ~~[As used in this title, the]~~ **The** words “to hunt” and
20 their derivatives, “hunting” and “hunted,” mean to search for,
21 pursue or attract wild mammals or birds for the purpose and with the
22 means of capturing, injuring or killing them, every attempt to
23 capture, injure or kill wild mammals or birds, and every act of
24 assistance to any other person in capturing, injuring or killing ~~[such]~~
25 **those** mammals or birds.

26 **Sec. 18.** NRS 501.055 is hereby amended to read as follows:
27 501.055 ~~[As used in this title, “migratory]~~ **“Migratory** game
28 birds” means any birds so classified by **a** Commission regulation.

29 **Sec. 19.** NRS 501.065 is hereby amended to read as follows:
30 501.065 ~~[As used in this title, “open]~~ **“Open** season” means
31 that period designated pursuant to the provisions of this title during
32 which it is legal to fish or to hunt game mammals or game birds or
33 to hunt or to trap fur-bearing mammals. ~~[Such]~~ **The** period includes
34 the first day and last day designated. There is no open season on
35 those species of wildlife classified as protected.

36 **Sec. 20.** NRS 501.088 is hereby amended to read as follows:
37 501.088 ~~[As used in this title, unless the context otherwise~~
38 ~~requires, the]~~ **The** words “to take” and their derivatives, “took,”
39 “taken” and “taking,” when used in reference to wildlife, mean to
40 kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare
41 or net, and every attempt to do so.

42 **Sec. 21.** NRS 501.090 is hereby amended to read as follows:
43 501.090 ~~[As used in this title, the]~~ **The** words “to trap” and
44 their derivatives, “trapping” and “trapped,” mean to set or operate
45 any device, mechanism or contraption that is designed, built or



made to close upon or hold fast any wild mammal or wild bird and every act of assistance to any person in so doing.

Sec. 22. NRS 501.095 is hereby amended to read as follows:

501.095 ~~[As used in this title, "upland"]~~ **"Upland** game birds" means any birds so classified by **a** Commission regulation.

Sec. 23. NRS 501.096 is hereby amended to read as follows:

501.096 ~~[As used in this title, "vessel"]~~ **"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.

Sec. 24. NRS 501.097 is hereby amended to read as follows:

501.097 ~~[As used in this title, "wildlife"]~~ **"Wildlife"** means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 25. NRS 501.110 is hereby amended to read as follows:

501.110 1. For the purposes of this title, wildlife must be classified as follows:

(a) Wild mammals, which must be further classified as ~~[either]~~ game mammals, fur-bearing mammals, protected mammals or unprotected mammals.

(b) Wild birds, which must be further classified as ~~[either]~~ game birds, protected birds or unprotected birds. Game birds must be further classified as upland game birds or migratory game birds.

(c) Fish, which must be further classified as ~~[either]~~ game fish, protected fish or unprotected fish.

(d) Reptiles, which must be further classified as ~~[either]~~ protected reptiles or unprotected reptiles.

(e) Amphibians, which must be further classified as ~~[either]~~ game amphibians, protected amphibians or unprotected amphibians.

(f) Mollusks, which must be further classified as ~~[either]~~ protected mollusks or unprotected mollusks.

(g) Crustaceans, which must be further classified as ~~[either]~~ protected crustaceans or unprotected crustaceans.

2. Protected wildlife may be further classified as ~~[either]~~ sensitive, threatened or endangered.

3. ~~[Each]~~ **Except as otherwise provided in subsection 4, each** species of wildlife must be placed in a classification by regulation of the Commission and, when it is in the public interest to do so, **and upon reasonable public notice and hearing, a** species may be moved from one classification to another.

4. A wild mountain lion (*felis concolor*) is an unprotected mammal.

Sec. 26. NRS 501.331 is hereby amended to read as follows:

501.331 ~~[There]~~ **The Department of Fish and Game** is hereby created. ~~[the Department of Wildlife which shall]~~ **The Department:**



1 **1. Shall** administer the wildlife laws of this State and chapter
2 488 of NRS.

3 **2. Is under the control of the Commission.**

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

5 501.356 1. Money received by the Department from:

6 (a) The sale of licenses;

7 (b) Fees pursuant to the provisions of NRS 488.075 and
8 488.1795;

9 (c) Remittances from the State Treasurer pursuant to the
10 provisions of NRS 365.535;

11 (d) Appropriations made by the Legislature; and

12 (e) All other sources, except money derived from the forfeiture
13 of any property described in NRS 501.3857 or money deposited in
14 the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in
15 the Trout Management Account pursuant to NRS 502.327,

16 ➔ must be deposited with the State Treasurer for credit to the
17 Wildlife Account in the State General Fund.

18 2. The interest and income earned on the money in the Wildlife
19 Account, after deducting any applicable charges, must be credited to
20 the Account.

21 3. Except as otherwise provided in subsection 4, the
22 Department may use money in the Wildlife Account only to carry
23 out the provisions of this title and chapter 488 of NRS and as
24 provided in NRS 365.535, and the money must not be diverted to
25 any other use.

26 4. Except as otherwise provided in NRS **502.148**, 502.250 and
27 504.155, all fees for the sale or issuance of stamps, tags, permits and
28 licenses that are required to be deposited in the Wildlife Account
29 pursuant to the provisions of this title must be accounted for
30 separately and may be used only for the management of wildlife.

31 **Sec. 28.** NRS 501.376 is hereby amended to read as follows:

32 501.376 1. Except as otherwise provided in this section, a
33 person shall not intentionally kill or aid and abet another person to
34 kill a bighorn sheep, mountain goat, elk, deer, pronghorn antelope **f**
35 **mountain lion]** or black bear:

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

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

40 (c) By a method other than the method prescribed on the tag
41 issued by the Department for hunting that animal;

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



(e) Without a valid tag issued by the Department for hunting that animal. A tag issued for hunting any animal specified in this subsection is not valid if knowingly used by a person:

- (1) Other than the person specified on the tag;
- (2) Outside of the management area or other area specified on the tag; 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;
- (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.

Sec. 29. 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,



1 elk, deer, pronghorn antelope ~~[, mountain lion]~~ or black bear in
2 violation of NRS 501.376, and may:

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

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

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

10 **Sec. 30.** NRS 502.060 is hereby amended to read as follows:

11 502.060 1. A person applying for and procuring a license, as
12 provided in this chapter, shall give to the license agent his name and
13 residence address, which must be entered by the license agent on the
14 license and stub, together with the date of issuance and a description
15 of the person. If a child under the age of 18 years is applying for a
16 license to hunt, the child's parent or legal guardian must sign the
17 application and an attached statement acknowledging that the parent
18 or legal guardian has been advised of the provisions of NRS 41.472.

19 2. Except as otherwise provided in subsection 3, any person
20 who makes any false statement or furnishes false information to
21 obtain any license, tag or permit issued pursuant to the provisions of
22 this title is guilty of a misdemeanor.

23 3. Any person who makes any false statement or furnishes
24 false information to obtain any big game tag issued pursuant to the
25 provisions of this title is guilty of a gross misdemeanor.

26 4. It is unlawful for any person to hunt, fish or trap using any
27 hunting, fishing or trapping license which is invalid by reason of
28 expiration or a false statement made to obtain the license.

29 5. As used in this section, "big game tag" means a tag
30 permitting a person to hunt any species of pronghorn antelope, bear,
31 deer, mountain goat, ~~[mountain lion,]~~ bighorn sheep or elk.

32 **Sec. 31.** NRS 502.148 is hereby amended to read as follows:

33 502.148 1. Except as otherwise provided in this subsection,
34 any person who wishes to apply for a restricted nonresident deer tag
35 pursuant to NRS 502.147 must complete an application on a form
36 prescribed and furnished by the Department. A licensed master
37 guide may complete the application for an applicant. The
38 application must be signed by the applicant and the master guide
39 who will be responsible for conducting the restricted nonresident
40 deer hunt.

41 2. The application must be accompanied by a fee for the tag of
42 ~~[\$300,]~~ \$303, plus any other fees which the Department may
43 require. The Commission shall establish the time limits and
44 acceptable methods for submitting ~~[such]~~ the applications to the
45 Department.



3. Any application for a restricted nonresident deer tag which contains an error or omission must be rejected and the fee for the tag returned to the applicant.

4. A person who is issued a restricted nonresident deer tag is not eligible to apply for any other deer tag issued in this State for the same hunting season as that restricted nonresident deer hunt.

5. ~~Any~~ Except as otherwise provided in subsection 6, all fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

6. The Department shall account separately for an amount that is equal to \$3 of each fee collected pursuant to subsection 2 and shall use that money only for the control of predatory animals or birds.

Sec. 32. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag	[\$30] \$33
Resident antelope tag	[\$60] 63
Resident elk tag	[\$120] 123
Resident bighorn sheep tag	[\$120] 123
Resident mountain goat tag	[\$120] 120
Resident mountain lion tag	25] 123
Nonresident deer tag	[\$240] 243
Nonresident antelope tag	[\$300] 303
Nonresident elk tag	[\$1,200] 1,203
Nonresident bighorn sheep tag	[\$1,200] 1,203
Nonresident mountain goat tag	[\$1,200] 1,200
Nonresident mountain lion tag	100] 1,203

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account in the State General Fund and used for



1 the prevention and mitigation of damage caused by elk or game
2 mammals not native to this State.

3 5. The Commission may accept sealed bids for or may auction
4 not more than 15 big game tags and not more than 5 wild turkey
5 tags each year. To reimburse the Department for the cost of
6 managing wildlife and administering and conducting the bid or
7 auction, not more than 18 percent of the total amount of money
8 received from the bid or auction may be deposited with the State
9 Treasurer for credit to the Wildlife Account in the State General
10 Fund. Any amount of money received from the bid or auction that is
11 not so deposited must be deposited with the State Treasurer for
12 credit to the Wildlife Heritage Trust Account in the State General
13 Fund in accordance with the provisions of NRS 501.3575.

14 6. The Commission may by regulation establish an additional
15 drawing for big game tags, which may be entitled the Partnership in
16 Wildlife Drawing. To reimburse the Department for the cost of
17 managing wildlife and administering and conducting the drawing,
18 not more than 18 percent of the total amount of money received
19 from the drawing may be deposited with the State Treasurer for
20 credit to the Wildlife Account in the State General Fund. Except as
21 otherwise provided by regulations adopted by the Commission
22 pursuant to subsection 7, the money received by the Department
23 from applicants in the drawing who are not awarded big game tags
24 must be deposited with the State Treasurer for credit to the Wildlife
25 Heritage Trust Account in accordance with the provisions of
26 NRS 501.3575.

27 7. The Commission may adopt regulations which authorize the
28 return of all or a portion of any fee collected from a person pursuant
29 to the provisions of this section.

30 ***8. The Department shall account separately for an amount***
31 ***that is equal to \$3 of each fee collected for a tag pursuant to this***
32 ***section and NRS 502.142, 502.145 and 502.280, and shall use that***
33 ***money only for the control of predatory animals or birds.***

34 **Sec. 33.** NRS 503.005 is hereby amended to read as follows:

35 503.005 1. Except as otherwise provided in subsection 2, a
36 person shall not kill or attempt to kill any birds or animals while
37 flying in an aircraft.

38 2. The Commission may promulgate rules and regulations
39 whereby the Department may issue permits authorizing the hunting,
40 killing or nonlethal control of coyotes, bobcats , ***mountain lions*** or
41 ravens from an aircraft.

42 3. Every person who willfully violates the provisions of
43 subsection 1 is guilty of a misdemeanor.



1 **Sec. 34.** NRS 503.150 is hereby amended to read as follows:
2 503.150 1. Unless otherwise specified by **a** Commission
3 regulation, it is unlawful to hunt:

4 (a) Any game bird or game mammal with any gun capable of
5 firing more than one round with one continuous pull of the trigger,
6 or with any full steel, full steel core, full metal jacket, tracer or
7 incendiary bullet or shell, or any shotgun larger than number 10
8 gauge.

9 (b) Big game mammals in any manner other than with a rifle,
10 held in the hand, that exerts at least 1,000 foot-pounds of energy at
11 100 yards, or with a longbow and arrow which meet the
12 specifications established by **a** Commission regulation.

13 (c) Small game mammals in any manner other than with a
14 handgun, shotgun, rifle, longbow and arrow or by means of
15 falconry.

16 (d) Game birds with any rifle or handgun, or in any manner
17 other than with a shotgun held in the hand, with a longbow and
18 arrow or by means of falconry.

19 (e) Migratory game birds with any shotgun capable of holding
20 more than three shells.

21 (f) Any game bird or game mammal with the aid of any artificial
22 light.

23 (g) Any big game mammal ~~[-except mountain lions,]~~ with a dog
24 of any breed.

25 2. ~~Nothing in~~ **The provisions of** this section ~~prohibits~~ **do**
26 **not prohibit** the use of dogs in the hunting of game birds or small
27 game mammals.

28 **Sec. 35.** NRS 202.255 is hereby amended to read as follows:

29 202.255 1. A person who sets a so-called trap, spring pistol,
30 rifle ~~H~~ or other deadly weapon shall be punished:

31 (a) If no injury results therefrom to any human being, for a gross
32 misdemeanor.

33 (b) If injuries not fatal result therefrom to any human being, for
34 a category B felony by imprisonment in the state prison for a
35 minimum term of not less than 1 year and a maximum term of not
36 more than 6 years, or by a fine of not more than \$5,000, or by both
37 fine and imprisonment.

38 (c) If the death of a human being results therefrom:

39 (1) Under circumstances not rendering the act murder, for a
40 category B felony by imprisonment in the state prison for a
41 minimum term of not less than 1 year and a maximum term of not
42 more than 10 years, and may be further punished by a fine of not
43 more than \$10,000; or

44 (2) Otherwise, for murder which is a category A felony as
45 provided in NRS 200.030.



2. Subsection 1 does not prevent the use of any loaded spring gun, set gun or other device for the destruction of gophers, moles ~~coyotes~~ or other burrowing rodents or *coyotes, mountain lions or other* predatory animals by agents or employees of governmental agencies engaged in cooperative predatory animal and rodent control work, but:

(a) A loaded spring gun, set gun or other device must not be set within 15 miles of the boundaries of any incorporated city or unincorporated town; and

(b) Before setting any such loaded spring gun, set gun or other device on any real property permission must first be obtained from the owner, lessee or administrator thereof.

Sec. 36. 1. There is hereby appropriated from the State General Fund to the Department of Fish and Game the sum of \$200,000 to be used only for managing predatory animals or birds.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

Sec. 37. 1. Any bond filed with the Department of Wildlife that is in effect on January 1, 2008, shall be deemed to have been filed with the Department of Fish and Game.

2. Any license, tag, stamp, permit, privilege, certificate of number or exempt number issued by the Department of Wildlife that is in effect on January 1, 2008, or any license, tag, stamp or permit issued by a license agent of the Department of Wildlife that is in effect on that date remains in effect until its expiration unless earlier suspended, terminated, revoked, lapsed, discontinued or replaced, and shall be deemed to have been issued by the Department of Fish and Game or a license agent of the Department of Fish and Game.

3. Any contract or other agreement entered into by the Department of Wildlife that is in effect on January 1, 2008, is binding upon the Department of Fish and Game and may be enforced by the Department of Fish and Game.

4. Any form prescribed or furnished by the Department of Wildlife pursuant to title 45 or chapter 488 of NRS shall be deemed to be a form that is prescribed or furnished by the Department of Fish and Game pursuant to that title or chapter.



1 **Sec. 38.** The Legislative Counsel shall, in preparing
2 supplements to the Nevada Administrative Code, appropriately
3 change any references to an officer, agency or other entity whose
4 name is changed or whose responsibilities are transferred pursuant
5 to the provisions of this act to refer to the appropriate officer,
6 agency or other entity.

7 **Sec. 39.** This act becomes effective on January 1, 2008.

