

Amendment No. 330

Assembly Amendment to Assembly Bill No. 573

(BDR 45-1413)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 573 (§§ 25, 28, 29).

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"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JRS/TMC



Date: 4/17/2007

A.B. No. 573—Revises certain provisions governing wildlife. (BDR 45-1413)



ASSEMBLY BILL NO. 573—COMMITTEE ON
NATURAL RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 26, 2007

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises certain provisions governing wildlife. (BDR 45-1413)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.

Effect on the State: 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 wildlife; requiring the Department of Wildlife to issue a 1-day ~~(family)~~ **group** fishing permit under certain circumstances; requiring the Board of Wildlife Commissioners to adopt certain regulations; prohibiting a person from hunting or fishing any wildlife without a license or permit to do so; revising the information that the Department must include in certain permits; revising the fees for certain tags and permits; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331)

Section 25 of this bill requires the Department to issue a 1-day ~~(family)~~ **group** fishing permit to ~~(an immediate family)~~ **a group** upon payment of the fee for the permit. ~~(An immediate family.)~~ **A "group" means a group of persons that consists of at least one (person) adult who is at least 16 years of age [the spouse, if any, of that person and each child of a certain age who is a child or grandchild of that person or a child for whom the adult is a legal guardian], and at least one child who is at least 12 years of age but less than 16 years of age.** **Section 30** of this bill authorizes a person to fish for trout without obtaining a state trout stamp if the person is fishing under the authority of a 1-day ~~(family)~~ **group** fishing permit.

Existing law states that a person who hunts or traps any wild bird or mammal or who fishes without first obtaining a license or permit to do so is guilty of a misdemeanor. (NRS 502.010) Existing law further states that a person who traps fur-bearing mammals must obtain a trapping license. (NRS 503.454) **Section 26** of this bill states that a person who hunts or fishes any wildlife without a license or permit is guilty of a misdemeanor. "Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state. (NRS 501.097)

Existing law requires a license that grants the privilege to hunt, fish or trap to include certain information, including, without limitation, the name, address and description of the holder of the license and the date the license is issued. (NRS 502.030) **Section 27** of this bill expands that requirement to include any permit to hunt, fish or trap.

Existing law sets forth the fees that must be paid for licenses, permits and tags to hunt, fish and trap in Nevada. (NRS 502.240, 502.250) **Section 28** of this bill imposes a fee of \$20 for the issuance of a 1-day permit to hunt migratory game birds and a fee of \$8 for each consecutive day added to that permit. **Section 29** of this bill imposes a fee of \$1,200 for the issuance of a nonresident antlered elk tag and a fee of \$500 for the issuance of a nonresident antlerless elk tag.

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

1. Fallow deer (*Dama dama*).

2. Reindeer (*Rangifer tarandus*).

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 9.** NRS 501.024 is hereby amended to read as follows:
2 501.024 ~~{As used in this title,}~~ “Department” means the Department of
3 Wildlife.

4 **Sec. 10.** NRS 501.026 is hereby amended to read as follows:
5 501.026 ~~{As used in this title,}~~ “Director” means the Director of the
6 Department.

7 **Sec. 11.** NRS 501.030 is hereby amended to read as follows:
8 501.030 ~~{As used in this title, the}~~ **The** words “to fish” and their derivatives,
9 “fishes,” “fishing” and “fished,” mean catching, taking, capturing, killing, injuring
10 or crippling of a fish or game amphibian, and every attempt to do so.

11 **Sec. 12.** NRS 501.035 is hereby amended to read as follows:
12 501.035 ~~{As used in this title, “fur-bearing”}~~ **“Fur-bearing** mammal” means
13 any mammal so classified by Commission regulation.

14 **Sec. 13.** NRS 501.037 is hereby amended to read as follows:
15 501.037 ~~{As used in this title, “game”}~~ **“Game** amphibian” means any
16 amphibian so classified by Commission regulation.

17 **Sec. 14.** NRS 501.045 is hereby amended to read as follows:
18 501.045 ~~{As used in this title, “game”}~~ **“Game** fish” means any fish so
19 classified by Commission regulation.

20 **Sec. 15.** NRS 501.046 is hereby amended to read as follows:
21 501.046 ~~{As used in this title, “game”}~~ **“Game** mammal” means any mammal
22 so classified by Commission regulation.

23 **Sec. 16.** NRS 501.047 is hereby amended to read as follows:
24 501.047 ~~{As used in this title, “game”}~~ **“Game** warden” means any person
25 authorized by the Director to enforce the provisions of this title and of chapter 488
26 of NRS.

27 **Sec. 17.** NRS 501.050 is hereby amended to read as follows:
28 501.050 ~~{As used in this title, the}~~ **The** words “to hunt” and their derivatives,
29 “hunting” and “hunted,” mean to search for, pursue or attract ~~{wild mammals or~~
30 ~~birds}~~ **any wildlife** for the purpose and with the means of capturing, injuring or
31 killing ~~{them,}~~ **that wildlife**, every attempt to capture, injure or kill ~~{wild mammals~~
32 ~~or birds,}~~ **wildlife**, and every act of assistance to any other person in capturing,
33 injuring or killing ~~{such mammals or birds,}~~ **that wildlife**.

34 **Sec. 18.** NRS 501.055 is hereby amended to read as follows:
35 501.055 ~~{As used in this title, “migratory”}~~ **“Migratory** game birds” means any
36 birds so classified by Commission regulation.

37 **Sec. 19.** NRS 501.065 is hereby amended to read as follows:
38 501.065 ~~{As used in this title, “open”}~~ **“Open** season” means that period
39 designated pursuant to the provisions of this title during which it is legal to fish or
40 to hunt game mammals or game birds or to hunt or to trap fur-bearing mammals.
41 ~~{Such}~~ **The** period includes the first day and last day designated. There is no open
42 season on those species of wildlife classified as protected.

43 **Sec. 20.** NRS 501.088 is hereby amended to read as follows:
44 501.088 ~~{As used in this title, unless the context otherwise requires, the}~~ **The**
45 words “to take” and their derivatives, “took,” “taken” and “taking,” when used in
46 reference to wildlife, mean to kill, capture, shoot, trap, catch, wound, possess,
47 collect, seine, snare or net, and every attempt to do so.

48 **Sec. 21.** NRS 501.090 is hereby amended to read as follows:
49 501.090 ~~{As used in this title, the}~~ **The** words “to trap” and their derivatives,
50 “trapping” and “trapped,” mean to set or operate any device, mechanism or
51 contraption that is designed, built or made to close upon or hold fast any ~~{wild~~
52 ~~mammal or wild bird}~~ **wildlife** and every act of assistance to any person in so doing.

1 **Sec. 22.** NRS 501.095 is hereby amended to read as follows:
2 501.095 ~~[As used in this title, "upland"]~~ **"Upland** game birds" means any birds
3 so classified by Commission regulation.

4 **Sec. 23.** NRS 501.096 is hereby amended to read as follows:
5 501.096 ~~[As used in this title, "vessel"]~~ **"Vessel"** means every kind of
6 watercraft, other than a seaplane on the water, which is used or capable of being
7 used as a means of transportation on water.

8 **Sec. 24.** NRS 501.097 is hereby amended to read as follows:
9 501.097 ~~[As used in this title, "wildlife"]~~ **"Wildlife"** means any wild
10 mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally
11 in a wild state, whether indigenous to Nevada or not and whether raised in captivity
12 or not.

13 **Sec. 25.** Chapter 502 of NRS is hereby amended by adding thereto a new
14 section to read as follows:

15 1. The Department shall issue a 1-day ~~[family]~~ **group** fishing permit to ~~an~~
16 ~~immediate family]~~ **a group** upon the payment of the fee required pursuant to this
17 section. A 1-day ~~[family]~~ **group** fishing permit authorizes each member of the
18 ~~[immediate family]~~ **group** to fish during the period specified on the permit in
19 accordance with the regulations adopted by the Commission pursuant to this
20 section. **Each group that applies for the issuance of a 1-day group fishing permit**
21 **pursuant to this section must designate a person who is at least 18 years of age to**
22 **act as the primary adult for that group.**

23 2. ~~[The fee]~~ Except as otherwise provided in subsection 3, the fees for the
24 issuance of a 1-day ~~[family]~~ **group** fishing permit ~~are~~

25 ~~(a) Nineteen dollars, if] are:~~

26 ~~(a) If at least one member of the ~~[immediate family]~~ **group** is a bona fide~~
27 ~~resident of this State pursuant to NRS 502.015.]~~

28 ~~(b) Thirty-nine dollars, if] :~~

29 ~~(1) Eight dollars for the primary adult for the group;~~

30 ~~(2) Five dollars for each other adult in the group; and~~

31 ~~(3) Four dollars for each child in the group.~~

32 ~~(b) If no member of the ~~[immediate family]~~ **group** is a bona fide resident of~~
33 ~~this State pursuant to NRS 502.015.]~~

34 ~~(1) Seventeen dollars for the primary adult for the group;~~

35 ~~(2) Eleven dollars for each other adult in the group; and~~

36 ~~(3) Five dollars for each child in the group.~~

37 3. The fees specified in subsection 2 are payable only with respect to each
38 member of the group who does not hold a license or permit to fish issued
39 pursuant to NRS 502.240.

40 4. The Commission shall adopt regulations to carry out the provisions of
41 this section, including, without limitation, the requirements for using a 1-day
42 ~~[family]~~ **group** fishing permit.

43 ~~[4.]~~ 5. As used in this section ~~],~~ **"immediate family"** means a family
44 ~~consisting of:~~

45 ~~(a) A married or unmarried person who is at least 18 years of age;~~

46 ~~(b) The spouse, if any, of a person specified in paragraph (a) who is at least~~
47 ~~18 years of age; and~~

48 ~~(c) Each child;~~

49 ~~(1) For whom a person specified in paragraph (a) or (b) is a parent,~~
50 ~~grandparent or legal guardian; and~~

51 ~~(2) Who] :~~

52 ~~(a) "Adult" means a person who is at least 16 years of age.~~

(b) "Child" means a person who is at least 12 years of age but less than 16 years of age.

(c) "Group" means a group of persons consisting of at least one adult and one child at the time the 1-day family group fishing permit is purchased.

Sec. 26. NRS 502.010 is hereby amended to read as follows:

502.010 1. A person who hunts or ~~traps any of the wild birds or mammals or who~~ fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:

(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.

(b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any ~~of the wild birds or mammals~~ wildlife with any firearm, unless the child is accompanied at all times by his parent or guardian or is accompanied at all times by an adult person authorized by his parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.

(d) A child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.

(e) The Commission may adopt regulations setting forth:

(1) The species of ~~wild birds or mammals~~ wildlife which may be hunted or trapped without a license or permit; or

(2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.

(f) The Commission may declare one day per year as a day upon which persons may fish without a license to do so.

2. This section does not apply to the protection of persons or property from unprotected ~~wild birds or mammals~~ wildlife on or in the immediate vicinity of home or ranch premises.

Sec. 27. NRS 502.030 is hereby amended to read as follows:

502.030 1. Licenses or permits granting the privilege to hunt, fish or trap as provided in this title must be of such a form as is deemed necessary by the Department, but must include the following information:

(a) The holder's name, address and description.

(b) The date issued.

(c) The period of validity.

(d) The correct designation as to whether a fishing, hunting or trapping license ~~is~~ or permit.

(e) A statement to be signed by the holder: "I, the signator holder in signing this license ~~is~~ or permit, hereby state that I am entitled to this license or permit under the laws of the State of Nevada and that no false statement has been made by me to obtain this license ~~is~~ or permit."

2. The Commission may provide rules and regulations requiring an applicant to exhibit proof of his identity and residence. Such information must be included on the license or permit as is deemed necessary by the Department.

3. The Commission may provide rules and regulations establishing a permanent licensing *or permitting* system. Such a system may authorize the use of applications for the issuance of temporary hunting, fishing and trapping licenses *or permits* for residents and the issuance of annual licenses *or permits* therefrom. The system may provide for the automatic renewal and validation of the annual license ~~or permit~~.

4. The Commission may ~~provide regulations covering~~ *adopt regulations setting forth* the method of applying for, the term and expiration date of any license *or permit* required by this title to be issued without the payment of a fee.

Sec. 28. NRS 502.240 is hereby amended to read as follows:

502.240 The Department shall issue annual licenses and limited permits:

1. To any person who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon payment of a fee of \$10 for an annual trapping license.

2. Except as otherwise provided in NRS 502.245 and 504.390, *and section 25 of this act*, to any person who has attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of a fee of:

For an <i>an annual</i> fishing license	\$25
For a 1-day permit to fish	8
For each consecutive day added to a 1-day permit to fish	3
For a hunting license	29
For a combined hunting and fishing license	50
For a trapping license	38
For a fur dealer's license	63
For an annual master guide's license	750
For an annual subguide's license	125

3. To any person who has attained his 12th birthday but who has not attained his 16th birthday, and who is not a bona fide resident of the State of Nevada, upon the payment of a fee of \$17 for an annual fishing license.

4. Except as otherwise provided in subsection 3 ~~and~~ *and section 25 of this act*, to any person who is not a bona fide resident of the State of Nevada, upon the payment of a fee of:

For an annual fishing license	\$65
For a 1-day permit to fish	17
For each consecutive day added to a 1-day permit to fish	7
For a hunting license	138
For a combined hunting and fishing license	195
For an annual trapper's license	188
For a fur dealer's license	125
For an annual master guide's license	1,500
For an annual subguide's license	250
For a 1-day permit to hunt upland game and waterfowl <i>migratory game birds</i>	20
For each consecutive day added to a 1-day permit to hunt upland game and waterfowl <i>migratory game birds</i>	8

5. To any person, without regard to residence, upon the payment of a fee of:

For a noncommercial license for the possession of live wildlife.....	\$15
For a commercial or private shooting preserve	125
For a commercial license for the possession of live wildlife.....	500
For a live bait dealer's permit.....	44
For a competitive field trials permit	31
For a permit to train dogs or falcons.....	15
For a 1-year falconry license	38
For a 3-year falconry license	94
For an importation permit.....	15
For an import eligibility permit	31
For an exportation permit	15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.	

Sec. 29. 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
Resident antelope tag.....	60
Resident elk tag	120
Resident bighorn sheep tag.....	120
Resident mountain goat tag	120
Resident mountain lion tag	25
Nonresident deer tag.....	240
Nonresident antelope tag	300
Nonresident <i>antlered</i> elk tag	1,200
<i>Nonresident antlerless elk tag</i>	<i>500</i>
Nonresident bighorn sheep tag	1,200
Nonresident mountain goat tag	1,200
Nonresident mountain lion tag	100

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

5. The Commission may accept sealed bids for or may auction not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid or auction, not more than 18 percent of the total amount of money received from the bid or auction may be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. Any amount of money received from the bid or auction that is not so deposited must be deposited with the State

1 Treasurer for credit to the Wildlife Heritage Trust Account in the State General
2 Fund in accordance with the provisions of NRS 501.3575.

3 6. The Commission may by regulation establish an additional drawing for big
4 game tags, which may be entitled the Partnership in Wildlife Drawing. To
5 reimburse the Department for the cost of managing wildlife and administering and
6 conducting the drawing, not more than 18 percent of the total amount of money
7 received from the drawing may be deposited with the State Treasurer for credit to
8 the Wildlife Account in the State General Fund. Except as otherwise provided by
9 regulations adopted by the Commission pursuant to subsection 7, the money
10 received by the Department from applicants in the drawing who are not awarded
11 big game tags must be deposited with the State Treasurer for credit to the Wildlife
12 Heritage Trust Account in accordance with the provisions of NRS 501.3575.

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

16 **Sec. 30.** NRS 502.326 is hereby amended to read as follows:

17 502.326 1. Except as otherwise provided in subsection 2, it is unlawful for
18 any person to take or possess trout unless at the time he is fishing he carries on his
19 person:

20 (a) An unexpired state trout stamp affixed to his fishing license and validated
21 by his signature in ink across the face of the stamp; or

22 (b) Such documentation as the Department provides as proof that he has paid
23 to the Department, for the licensing period that includes the time he is fishing, the
24 same fee as that required pursuant to subsection 3 for the purchase of a state trout
25 stamp for that period.

26 2. The provisions of subsection 1 do not apply to a person who:

27 (a) Is under the age of 12; or

28 (b) Is fishing:

29 (1) Under the authority of a valid 1-day permit to fish or during a
30 consecutive day validly added to that permit; ~~or~~

31 (2) *Under the authority of a valid 1-day ~~family~~ group fishing permit; or*

32 (3) In accordance with regulations adopted by the Commission pursuant to
33 subparagraph (2) of paragraph (e) of subsection 1 of NRS 502.010.

34 3. State trout stamps must be sold for a fee of \$10 each by the Department
35 and by persons authorized by the Department to sell hunting, fishing and trapping
36 licenses.

37 4. The Department shall determine the form of the stamps.

38 **Sec. 31.** This act becomes effective on July 1, 2007.