

Amendment No. 274

Assembly Amendment to Assembly Bill No. 246 (BDR 45-512)

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

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of A.B. 246 (§ 1).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

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 dashed underlining is newly added transitory language.

CAF/JRS



Date: 4/10/2009

A.B. No. 246—Provides for the issuance of an apprentice hunting license.
(BDR 45-512)



ASSEMBLY BILL NO. 246—ASSEMBLYMEN BOBZIEN, SMITH, OHRENSCHALL; AIZLEY, CARPENTER, GRADY, KIRKPATRICK, MUNFORD, SEGERBLOM, SETTELMAYER AND SPIEGEL

MARCH 5, 2009

JOINT SPONSORS: SENATORS PARKS, HARDY; AND LEE

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Provides for the issuance of an apprentice hunting license.
(BDR 45-512)

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; providing for the issuance of an apprentice hunting license; prohibiting an apprentice hunter from hunting in this State unless he is accompanied and directly supervised by a mentor hunter; providing an exception from requirements concerning the completion of a course in the responsibilities of hunters; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Wildlife to issue licenses to hunt and fish in Nevada. (Chapter 502 of NRS) **Section 1** of this bill provides for the issuance ~~of an apprentice hunting license to a person who: (1) is 12 years of age or older; (2) has not previously been issued a hunting license in this State, another state or a Canadian province; and (3) except for the requirement of completing a course of instruction in the responsibilities of hunters, is otherwise qualified to obtain a hunting license.~~ **Section 1 prohibits the Department from imposing a fee for the issuance of an apprentice hunting license but requires the applicant or mentor hunter to pay any service fees required by a license agent pursuant to NRS 502.040, the habitat conservation fee required by NRS 502.242 and any transaction fee if he conducts an online transaction with the Department.** **Section 1** also provides that it is unlawful for an apprentice hunter to hunt in this State unless he is accompanied and directly supervised by a mentor hunter who is 18 years of age or older and licensed to hunt in this State. A violation of this provision is a misdemeanor. (NRS 501.385) In addition, **section 1** provides that the mentor hunter must **;(1) ensure that the apprentice hunter safely handles and operates his firearm or weapon and complies with all applicable laws and regulations regarding hunting and the use of firearms; and (2) maintain close visual and verbal contact with, provide adequate direction to**

and maintain the ability readily to assume control of any firearm or weapon from the apprentice hunter.

Existing law requires a person to complete a course of instruction in the responsibilities of hunters before obtaining a hunting license in this State. (NRS 502.330) ~~Section 124~~ Section 3 of this bill provides an exception from this requirement for a person who applies for an apprentice hunting license.

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

Section 1. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall issue an apprentice hunting license to a person who:

(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state or an agency of a Canadian province, including, without limitation, an apprentice hunting license; and

(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.

2. ~~The~~ Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:

(a) Any service fee required by a license agent pursuant to NRS 502.040;

(b) The habitat conservation fee required by NRS 502.242; and

(c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.

3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.

4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.

6. The issuance of an apprentice hunting license does not:

(a) Authorize the apprentice hunter to obtain any other hunting license;

(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or

(c) Exempt the apprentice hunter from any requirement of this title.

7. The Commission may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.

1 ***(b) “Apprentice hunter” means a person who obtains an apprentice hunting***
2 ***license pursuant to this section.***

3 ***(c) “Mentor hunter” means a person 18 years of age or older who holds a***
4 ***hunting license issued in this State and who accompanies and directly supervises***
5 ***an apprentice hunter. The term does not include a person who holds an***
6 ***apprentice hunting license pursuant to this section.***

7 **Sec. 2. NRS 502.010 is hereby amended to read as follows:**

8 502.010 1. A person who hunts or fishes any wildlife without having first
9 procured a license or permit to do so, as provided in this title, is guilty of a
10 misdemeanor, except that:

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

14 (b) A license to fish is not required of a nonresident of this State who is under
15 12 years of age, but the number of fish taken by the nonresident must not exceed 50
16 percent of the daily creel and possession limits as provided by law.

17 (c) Except as otherwise provided in **section 1 of this act and** subsection 5 or 6
18 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt
19 any wildlife with any firearm, unless the child is accompanied at all times by his
20 parent or guardian or is accompanied at all times by an adult person authorized by
21 his parent or guardian to have control or custody of the child to hunt if the
22 authorized person is also licensed to hunt.

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

26 (e) The Commission may adopt regulations setting forth:

27 (1) The species of wildlife which may be hunted or trapped without a
28 license or permit; or

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

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

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

36 **Sec. 3. NRS 502.040 is hereby amended to read as follows:**

37 502.040 1. The Commission shall adopt regulations establishing:

38 (a) The procedures for applying to become a license agent.

39 (b) The standards to be met by license agents in the performance of their
40 duties.

41 (c) The requirements for the furnishing of surety bonds by license agents.

42 (d) The manner of remitting money to the Department.

43 (e) The manner of accounting for licenses, tags, stamps, permits and other
44 documents received, issued, sold or returned.

45 ➤ A license agent’s authority may be revoked by the Department for his failure to
46 abide by the regulations of the Commission. The agent may appeal to the
47 Commission for reinstatement.

48 2. An application to become a license agent must be accompanied by a fee of
49 \$100 for processing the application.

50 3. A license agent designated by the Department is responsible for the correct
51 issuance of all licenses, tags, stamps, permits and other documents entrusted to him
52 and, so far as he is able, for ensuring that no licenses are issued upon the false
53 statement of an applicant. Before issuing any license, the license agent shall satisfy

himself of the identity of the applicant and the place of his residence, and may require any applicant to present proof of his identity and residence.

4. A license agent is responsible to the Department for the collection of the correct and required fee, for the safeguarding of the money collected by him and for the prompt remission to the Department for deposit in accordance with NRS 501.356 of all money collected. The Department shall furnish to the license agent receipts for all money which he remits to it. A license agent shall furnish a receipt to the Department of all licenses, tags, stamps, permits and other documents which he receives from it.

5. For each license, tag, stamp, permit or other document he sells, and each apprentice hunting license he issues pursuant to section 1 of this act, a license agent is entitled to receive a service fee of:

(a) One dollar for each license, tag, permit or other document, in addition to the fee for the license, tag, permit or other document; and

(b) Ten cents for each stamp.

6. Any person authorized to enforce this chapter may inspect, during the license agent's normal business hours, any record or document of the agent relating to the issuance of any such license, stamp, tag, permit or other document.

7. All money collected by a license agent, except service fees collected pursuant to subsection 5, is public money of the State of Nevada, and the State has a prior claim for the amount of money due it upon all assets of the agent over all creditors, assignees or other claimants. The use of this money for private or business transactions is a misuse of public money and punishable under the laws provided.

~~Sec. 2.~~ **Sec. 4.** NRS 502.330 is hereby amended to read as follows:

502.330 1. ~~No~~ *Except as otherwise provided in section 1 of this act*, no hunting license may be obtained by any person born after January 1, 1960, unless he presents to the Department, or one of its authorized licensing agents:

(a) A certificate of successful completion of a course of instruction in the responsibilities of hunters as provided by NRS 502.340;

(b) An equivalent certificate of completion of a course in the responsibilities of hunters provided by ~~it~~:

(1) *Another* state ~~for an~~;

(2) *An* agency of a Canadian province for the management of wildlife; or

(3) *An agency of a foreign country whose course of instruction meets or exceeds the standards established by the International Hunter Education Association, or its successor organization; or*

(c) A hunting license issued to him in a previous year by the Department, ~~it~~ *another* state or an agency of a Canadian province, which bears a number or other unique mark evidencing successful completion of a course of instruction in the responsibilities of hunters.

2. Any person who has been convicted of violating NRS 503.165 or 503.175 may not obtain a hunting license until he has successfully completed a course in the responsibilities of hunters conducted pursuant to NRS 502.340.