

Amendment No. 670

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

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: Yes 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. 246 (§§ 3, 4, 5, 10).

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 dashed underlining is newly added transitory language.

TMC



Date: 5/14/2009

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.]~~ **Makes various changes relating to hunting.** (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; **requiring the Board of Wildlife Commissioners to establish a program for the issuance of additional big game tags to be known as “Dream Tags”;** **authorizing the Board to establish an additional kind of drawing for the existing allotment of big game tags and wild turkey tags;** 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 ~~HH~~ 3** 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 ~~HH~~ 3** 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 ~~HH~~ 3** 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 3~~ ~~3~~ 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 3~~ ~~and 11~~ of this bill ~~provide~~ ~~provide~~ an exception from this requirement for a person who applies for an apprentice hunting license.

~~Under existing law, the Board of Wildlife Commissioners is authorized to provide for the issuance of big game tags for the hunting of big game mammals in this State. (Chapter 502 of NRS) Section 4 of this bill requires the Commission to establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." A tax-exempt nonprofit organization established through the Community Foundation of Western Nevada which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission at prices established by the Commission. The nonprofit organization must agree to award the tags by raffle through a private entity acting as its agent that is approved by the Department. All money received by the Department for Dream Tags must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less certain costs, must be used for the preservation, protection, management or restoration of wildlife and its habitat, as determined by the Advisory Board on Dream Tags which is created by section 6 of this bill. Section 5 of this bill requires that a person must purchase a resource enhancement stamp to be eligible to participate in the Dream Tag raffle.~~

~~Section 7 of this bill provides that the provisions of chapter 462 of NRS, which provides for the administration of charitable lotteries by the State Gaming Control Board and the Nevada Gaming Commission, do not apply to the distribution of any tags issued pursuant to chapter 502 of NRS, regardless of the manner in which the tags are distributed or the entity that distributes the tags.~~

~~Existing law authorizes the Board of Wildlife Commissioners to accept sealed bids for or auction not more than 15 big game tags and not more than 5 wild turkey tags each year. (NRS 502.250) Section 10 of this bill authorizes the Commission to award all or a portion of those tags through a Silver State Tag Drawing. Section 10 provides that the amount of the fee for processing an application for a Silver State Tag must not be less than \$15 or more than \$50, as determined by regulations adopted by the Commission. Section 10 also provides that any money received from the application fee for the drawing, except for a certain amount of money for the costs of administering the drawing and the return of fees, must be deposited into the Wildlife Heritage Trust Account in the State General Fund.~~

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

Section 1. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage Trust Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplanted, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; and

(b) The management and control of predatory wildlife in this State.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or partnership in wildlife drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage Trust Account,

must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage Trust Account, after deducting any applicable charges, must be credited to the Account.

4. The Department may annually expend from the Wildlife Heritage Trust Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous year. The Commission shall review and approve expenditures from the Account. No money may be expended from the Account without the prior approval of the Commission.

5. The Commission shall administer the provisions of this section and may adopt any regulations necessary for that purpose.

~~Section 1. Chapter 502 of NRS is hereby amended by adding thereto [a new section to read as follows:]~~ the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. 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. 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.

(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.

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

Sec. 4. 1. The Commission shall establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:

(a) For the issuance of a Dream Tag to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year;

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section; and

(d) Such other provisions concerning a Dream Tag as the Commission determines reasonable or necessary in carrying out the program.

2. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission, at prices established by the Commission, subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each to persons who purchase a resource enhancement stamp pursuant to section 5 of this act.

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win a Dream Tag, conduct any required drawing for a Dream Tag and issue a Dream Tag. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of wildlife and its habitat, as determined by the Advisory Board on Dream Tags created by section 6 of this act.

3. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

1 4. The Department shall, on or before February 1 of each year, report to the
2 Interim Finance Committee concerning the Dream Tag program, including,
3 without limitation:

4 (a) The number of Dream Tags issued during the immediately preceding
5 calendar year;

6 (b) The total amount of money paid to the Department for Dream Tags
7 during the immediately preceding calendar year;

8 (c) The total amount of money received by the nonprofit organization from
9 the proceeds of the Dream Tag raffle, the amount of such money expended by the
10 nonprofit organization and a description of each project for which the money was
11 spent; and

12 (d) Any recommendations of the Department concerning the continuation of
13 the program or necessary legislation.

14 5. As used in this section, "big game tag" means a tag permitting a person
15 to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain
16 lion, bighorn sheep or elk.

17 Sec. 5. 1. To be eligible to participate in the Dream Tag raffle, a person
18 must purchase a resource enhancement stamp.

19 2. Resource enhancement stamps must be sold for a fee of \$10 each by the
20 Department and by persons authorized by the Department to sell the stamps.

21 3. The Department shall determine the form of the stamps.

22 Sec. 6. 1. There is hereby created the Advisory Board on Dream Tags,
23 consisting of the following five members:

24 (a) One member appointed by the Governor;

25 (b) One member appointed by the Majority Leader of the Senate;

26 (c) One member appointed by the Speaker of the Assembly;

27 (d) One member appointed by the Advisory Board on Natural Resources; and

28 (e) The Vice Chairman of the Commission, who serves as an ex officio
29 member of the Board.

30 2. Each appointed member of the Board must be a resident of this State
31 and, following the initial terms, serves a term of 2 years.

32 3. At its first meeting each year, the members of the Board shall elect a
33 Chairman, who shall serve until the next Chairman is elected. The Board shall
34 meet as necessary at the call of the Chairman.

35 4. A majority of the members of the Board constitutes a quorum for the
36 transaction of business, and a majority of those members present at any meeting
37 is sufficient for any official action taken by the Board.

38 5. While engaged in the business of the Board, to the extent of legislative
39 appropriation, each member of the Board is entitled to receive the per diem
40 allowance and travel expenses provided for state officers and employees
41 generally.

42 6. To the extent of legislative appropriation, the Department shall provide
43 the Board with such staff as is necessary to carry out the duties of the Board.

44 7. The Board shall, in accordance with the requirements of paragraph (c)
45 of subsection 2 of section 4 of this act, determine the appropriate use of money
46 received by a nonprofit organization from the proceeds of a Dream Tag raffle.

47 Sec. 7. The provisions of chapter 462 of NRS do not apply to the
48 distribution of any tags pursuant to this chapter, regardless of the manner in
49 which the tags are distributed or the entity that distributes the tags.

50 ~~Sec. 2.~~

Sec. 8. NRS 502.010 is hereby amended to read as follows:

51 502.010 1. A person who hunts or fishes any wildlife without having first
52 procured a license or permit to do so, as provided in this title, is guilty of a
53 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 ~~section 3~~ section 3 of this act and subsection 5 or 6 of NRS 202.300, it is unlawful for any child who is under 18 years of age to hunt any 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 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 wildlife on or in the immediate vicinity of home or ranch premises.

~~Sec. 3~~ **Sec. 9.** NRS 502.040 is hereby amended to read as follows:

502.040 1. The Commission shall adopt regulations establishing:

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

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

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

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

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

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

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

3. A license agent designated by the Department is responsible for the correct issuance of all licenses, tags, stamps, permits and other documents entrusted to him and, so far as he is able, for ensuring that no licenses are issued upon the false 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 ~~HH~~ 3 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. 10. 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 tag60
Resident elk tag	120
Resident bighorn sheep tag	120
Resident mountain goat tag	120
Resident mountain lion tag25
Nonresident deer tag	240
Nonresident antelope tag	300
Nonresident antlered elk tag	1,200
Nonresident antlerless elk tag	500
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. *A fee of not less than \$15 and not more than \$50 must be charged for processing an application for a Silver State Tag.*

5. The Commission may accept sealed bids for ~~or may~~ *award through an auction or a Silver State Tag Drawing, or any combination thereof,* 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, ~~for~~ *or Silver State Tag Drawing,* not more than 18 percent of the total amount of money received from the bid, ~~for~~ *or Silver State Tag*

Drawing 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 ~~for~~ auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

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

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

~~Sec. 4.~~ **Sec. 11.** NRS 502.330 is hereby amended to read as follows:
502.330 1. ~~No~~ **Except as otherwise provided in section ~~4~~ 3 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, ~~for~~ 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.

Sec. 12. As soon as practicable after the effective date of this section, the Governor, Majority Leader of the Senate, Speaker of the Assembly and Advisory Board on Natural Resources shall, in accordance with the requirements of section 6 of this act, appoint the respective members of the Advisory Board on Dream Tags to initial terms that expire on June 30, 2011.

Sec. 13. 1. This section and sections 2, 4 to 7, inclusive, and 12 of this act become effective upon passage and approval.

2. Sections 1 and 10 of this act become effective on July 1, 2009.

3. Sections 3, 8, 9 and 11 of this act become effective on October 1, 2009.