

Amendment No. 840

Assembly Amendment to Senate Bill No. 411

(BDR 45-1177)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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.

JRS/TMC



Date: 5/19/2009

S.B. No. 411—Revises provisions governing the issuance of hunting, fishing and trapping licenses. (BDR 45-1177)



SENATE BILL NO. 411—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

APRIL 15, 2009

Referred to Committee on Finance

SUMMARY—Revises provisions governing ~~the issuance of~~ hunting, fishing and trapping ~~licenses.~~ (BDR 45-1177)

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

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

AN ACT relating to wildlife; providing for the permanent revocation of a license, permit or privilege to hunt, fish or trap in certain circumstances; requiring a person to maintain a principal and permanent residence in this State to be eligible for a resident license, tag or permit to hunt, fish or trap; providing for the forfeiture of a bonus point or other increased opportunity to be awarded a tag for making a false statement or furnishing false information in certain circumstances; requiring a person seeking to obtain a license, tag or permit on behalf of another for a fee or other compensation to have a power of attorney to do so; making it unlawful intentionally to remove, disturb or interfere with the trap of a holder of a trapping license under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a license, permit or privilege of a person to hunt, fish or trap may be suspended or revoked for wildlife convictions, but not for more than 3 years except in certain circumstances. The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of: (1) a gross misdemeanor may not be suspended or revoked for more than 5 years; and (2) a felony may not be suspended or revoked for more than 10 years. (NRS 501.1816) **Section 2** of this bill expands the suspension and revocation penalties to require that the license, permit or privilege of a person who has been convicted of two or more felonies pursuant to NRS 501.376 be permanently revoked.

Existing law requires that a person meet certain requirements before he can be issued a resident license, tag or permit pursuant to chapter 502 of NRS. (NRS 502.015) **Section 3** of this bill clarifies the language regarding domicile to mean maintaining a principal and permanent residence in this State beyond just owning a home in Nevada.

Existing law prohibits giving a false statement or furnishing false information to obtain any license, tag or permit, making such an action a misdemeanor, or to obtain a big game tag, making such an action a gross misdemeanor. (NRS 502.060) **Section 4** of this bill adds a

provision that any person who is convicted of giving a false statement or furnishing false information to obtain a license, tag, permit or big game tag forfeits any bonus point or other increased opportunity to be awarded a tag in a subsequent drawing.

Existing law requires a person attempting to obtain a license, tag or permit on behalf of another person to have a power of attorney giving him the authority to do so. (NRS 502.061) **Section 5** of this bill restricts the requirement to have a power of attorney to only those persons attempting to acquire a license, tag or permit on behalf of another for a fee or other compensation.

Existing law makes it unlawful for a person to remove or disturb the trap of a holder of a trapping license while the trap is being used by the trapper on public land or on land where he has permission to trap. (NRS 503.454) If a person commits such a violation, he is guilty of a misdemeanor punishable by a fine of not less than \$50 or more than \$500, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment. (NRS 501.385) Section 6 of this bill revises existing law by making it unlawful for a person intentionally to remove, disturb or interfere with the trap of the holder of the trapping license. Section 6 defines the phrase "interfere with" to mean any act that physically impedes, hinders or obstructs the trap.

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

Section 1. NRS 501.1814 is hereby amended to read as follows:

501.1814 1. The Commission shall establish and the Department shall administer and enforce a system of assessing demerit points for wildlife convictions. The system must be uniform in its operation.

2. Pursuant to the schedule of demerit points established by regulation of the Commission for each wildlife conviction occurring within this State affecting any holder of a license, permit or privilege issued pursuant to this title, the Department shall assess demerit points for the 60-month period preceding a person's most recent wildlife conviction. Sixty months after the date of the conviction, the demerit points for that conviction must be deleted from the total demerit points accumulated by that person. The date of the ~~violation~~ **conviction** shall be deemed the date on which accumulated demerit points must be assessed. If a conviction of two or more wildlife violations committed at a single event is obtained, demerit points must be assessed for the offense having the greater number of demerit points.

Sec. 2. NRS 501.1816 is hereby amended to read as follows:

501.1816 1. If a person accumulates 9 or more demerit points, but less than 12, the Department shall notify him of that fact by certified mail. If, after the Department mails the notice, the person presents proof to the Department that he has, after his most recent wildlife conviction, successfully completed a course of instruction in the responsibilities of hunters approved by the Department, the Department shall deduct 4 demerit points from his record. A person may attend a course of instruction in the responsibilities of hunters only once in 60 months for the purpose of reducing his demerit points.

2. If a person accumulates 12 or more demerit points before completing a course of instruction pursuant to subsection 1, the Department shall suspend or revoke any license, permit or privilege issued to him pursuant to this title.

3. Not later than 60 days after the Department determines that a person has accumulated 12 demerit points, the Department shall notify the person by certified mail that his privileges will be suspended or revoked. Except as otherwise provided in subsection 4, the Department shall suspend or revoke those privileges 30 days after it mails the notice.

4. Any person who receives the notice required by subsection 3 may submit to the Department a written request for a hearing before the Commission not later than 30 days after the receipt of the notice. If a written request for a hearing is received by the Department:

(a) The suspension or revocation of the license, permit or privilege is stayed until a determination is made by the Commission after the hearing.

(b) The hearing must be held within 60 days after the request is received.

5. The periods of suspension or revocation imposed pursuant to this section must run concurrently. Except as otherwise provided in this subsection, no license, permit or privilege may be suspended or revoked pursuant to this section for more than 3 years. The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of:

(a) A gross misdemeanor may not be suspended or revoked for more than 5 years; ~~to~~

(b) ~~to~~ *Except as otherwise provided in paragraph (c), a* felony may not be suspended or revoked for more than 10 years ~~to~~; *or*

(c) Two or more felonies, arising from separate events, must be permanently revoked.

6. If the Department suspends or revokes a license, permit or privilege pursuant to this section, the period of suspension or revocation begins 30 days after notification pursuant to subsection 3 or a determination is made by the Commission pursuant to subsection 4. After a person's license, permit or privilege is suspended or revoked pursuant to this section, all demerit points accumulated by that person must be cancelled.

Sec. 3. NRS 502.015 is hereby amended to read as follows:

502.015 1. For the purpose of issuing and using resident licenses, tags or permits pursuant to this chapter, a person is considered to be a resident of the State of Nevada if:

(a) He is a citizen of, or is lawfully entitled to remain in, the United States; and

(b) During the 6 months next preceding his application to the Department for a license, tag or permit, he:

(1) ~~Was domiciled~~ *Maintained his principal and permanent residence* in this State;

(2) Was physically present in this State, except for temporary absences; and

(3) Did not purchase or apply for any resident license, tag or permit to hunt, fish or trap in another state, country or province.

2. A person who ~~is not domiciled~~ *does not maintain his principal and permanent residence* in Nevada but who is attending an institution of higher learning in this State as a full-time student is eligible for a resident license, tag or permit if, during the 6 months next preceding his application to the Department for a license, tag or permit, he:

(a) Was physically present in Nevada, except for temporary trips outside of the State; and

(b) Did not purchase or apply for any resident license, tag or permit to hunt, fish or trap in another state, country or province.

3. A resident license, tag or permit issued by this State is void if the person to whom it was issued establishes *or maintains* his ~~domicile~~ *principal and permanent residence* in and obtains any *hunting, fishing or trapping* privilege or entitlement conditional on residency from another state, country or province.

4. *As used in this section, "principal and permanent residence" means a place where a person is legally domiciled and maintains a permanent habitation in which he lives and to which he intends to return when he leaves the state in*

1 *which the permanent habitation is located. The term does not include merely*
2 *owning a residence in a state.*

3 **Sec. 4.** NRS 502.060 is hereby amended to read as follows:

4 502.060 1. A person applying for and procuring a license, *tag or permit*, as
5 provided in this chapter, shall give to the license agent his name and residence
6 address, which must be entered by the license agent ~~for the license and stub,~~ ,
7 *manually or electronically in a record specified by the Department*, together with
8 the date of issuance and a description of the person. If a child under the age of 18
9 years is applying for a license to hunt, the child's parent or legal guardian must sign
10 the application and an attached statement acknowledging that the parent or legal
11 guardian has been advised of the provisions of NRS 41.472.

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

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

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

21 5. *Any person convicted of violating the provisions of subsection 2 or 3*
22 *forfeits any bonus point or other increased opportunity to be awarded a tag in a*
23 *subsequent drawing conducted for that tag if the bonus point or other increased*
24 *opportunity was acquired by the false statement or false information.*

25 6. As used in this section, "big game tag" means a tag permitting a person to
26 hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion,
27 bighorn sheep or elk.

28 **Sec. 5.** NRS 502.061 is hereby amended to read as follows:

29 502.061 1. A person , *for a fee or other form of compensation*, may obtain
30 or attempt to obtain on behalf of an applicant any license, tag or permit issued
31 pursuant to this chapter *only* if the person acts pursuant to a power of attorney or
32 other written instrument that:

33 (a) Provides that the power of attorney or other written instrument is executed
34 for the sole purpose of authorizing the person to apply in the State of Nevada on
35 behalf of the applicant for a license, tag or permit for a specific season;

36 (b) Provides that the power of attorney or other written instrument expires on
37 February 28 of the year following the year in which the power of attorney or other
38 written instrument is executed; and

39 (c) Is acknowledged and includes a jurat as defined in NRS 240.0035, or is
40 otherwise certified.

41 2. Any license, tag or permit which is obtained by the use of a power of
42 attorney or other written instrument that does not comply with the provisions of
43 subsection 1 is void.

44 **Sec. 6.** NRS 503.454 is hereby amended to read as follows:

45 503.454 1. Every person who takes fur-bearing mammals by any legal
46 method or unprotected mammals by trapping or sells raw furs for profit shall
47 procure a trapping license.

48 2. It is unlawful *intentionally* to remove, ~~for~~ disturb *or interfere with* the
49 trap of any holder of a trapping license while the trap is being legally used by him
50 on public land or on land where he has permission to trap. *As used in this*
51 *subsection, "interfere with" means any act that physically impedes, hinders or*
52 *obstructs the trap.*

53 ~~{Sec. 6.}~~ **Sec. 7.** This act becomes effective on January 1, 2010.