

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 hunting, fishing and trapping. (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; revising provisions governing certain additional big game tags; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a license, permit or privilege of a person to hunt, fish
2 or trap may be suspended or revoked for wildlife convictions, but not for more than
3 3 years except in certain circumstances. The license, permit or privilege of a person
4 who is convicted pursuant to NRS 501.376 of: (1) a gross misdemeanor may not be
5 suspended or revoked for more than 5 years; and (2) a felony may not be suspended
6 or revoked for more than 10 years. (NRS 501.1816) **Section 2** of this bill expands
7 the suspension and revocation penalties to require that the license, permit or
8 privilege of a person who has been convicted of two or more felonies pursuant to
9 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.

Sections 6.2-6.8, inclusive, of this bill revise various provisions governing certain additional big game tags to be known as "Dream Tags."

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



1 instruction in the responsibilities of hunters approved by the
2 Department, the Department shall deduct 4 demerit points from his
3 record. A person may attend a course of instruction in the
4 responsibilities of hunters only once in 60 months for the purpose of
5 reducing his demerit points.

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

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

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

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

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

25 5. The periods of suspension or revocation imposed pursuant to
26 this section must run concurrently. Except as otherwise provided in
27 this subsection, no license, permit or privilege may be suspended or
28 revoked pursuant to this section for more than 3 years. The license,
29 permit or privilege of a person who is convicted pursuant to NRS
30 501.376 of:

31 (a) A gross misdemeanor may not be suspended or revoked for
32 more than 5 years; ~~{or}~~

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

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

37 6. If the Department suspends or revokes a license, permit or
38 privilege pursuant to this section, the period of suspension or
39 revocation begins 30 days after notification pursuant to subsection 3
40 or a determination is made by the Commission pursuant to
41 subsection 4. After a person's license, permit or privilege is
42 suspended or revoked pursuant to this section, all demerit points
43 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 which the permanent habitation is located. The term does not include merely owning a residence in a state.*

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

502.060 1. A person applying for and procuring a license, *tag or permit*, as provided in this chapter, shall give to the license agent his name and residence address, which must be entered by the license agent ~~[on the license and stub,]~~ *manually or electronically in a record specified by the Department*, together with the date of issuance and a description of the person. If a child under the age of 18 years is applying for a license to hunt, the child's parent or legal guardian must sign the application and an attached statement



1 acknowledging that the parent or legal guardian has been advised of
2 the provisions of NRS 41.472.

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

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

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

13 5. *Any person convicted of violating the provisions of*
14 *subsection 2 or 3 forfeits any bonus point or other increased*
15 *opportunity to be awarded a tag in a subsequent drawing*
16 *conducted for that tag if the bonus point or other increased*
17 *opportunity was acquired by the false statement or false*
18 *information.*

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

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

23 502.061 1. A person , *for a fee or other form of*
24 *compensation*, may obtain or attempt to obtain on behalf of an
25 applicant any license, tag or permit issued pursuant to this chapter
26 *only* if the person acts pursuant to a power of attorney or other
27 written instrument that:

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

32 (b) Provides that the power of attorney or other written
33 instrument expires on February 28 of the year following the year in
34 which the power of attorney or other written instrument is executed;
35 and

36 (c) Is acknowledged and includes a jurat as defined in NRS
37 240.0035, or is otherwise certified.

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

41 **Sec. 6.** (Deleted by amendment.)

42 **Sec. 6.2.** Section 3 of Assembly Bill No. 246 of this Session is
43 hereby amended to read as follows:

44 Sec. 3. 1. The Department shall issue an apprentice
45 hunting license to a person who:



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(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, 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.



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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. 6.4. Section 4 of Assembly Bill No. 246 of this Session is hereby amended to read as follows:

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

(a) For the issuance of Dream Tags 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; and

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

2. The Commission may adopt regulations establishing such other provisions concerning Dream Tags as the Commission determines reasonable or necessary in carrying out the program.

3. 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 Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. 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 game and its habitat, as determined by the Advisory Board on Dream Tags created by section 6 of this act.

4. 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.

5. The nonprofit organization shall, on or before February 1 of each year, report to the Commission and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

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

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

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

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

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



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1 **Sec. 6.6.** Section 5 of Assembly Bill No. 246 of this Session is
2 hereby amended to read as follows:

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

6 2. Resource enhancement stamps must be sold for a fee
7 of \$10 each by the Department and by persons authorized by
8 the Department to sell the stamps. All money received by the
9 Department for resource enhancement stamps pursuant to this
10 section must be deposited with the State Treasurer for credit
11 to the Wildlife Account in the State General Fund.

12 3. The Department shall determine the form of the
13 stamps.

14 **Sec. 6.8.** Section 6 of Assembly Bill No. 246 of this Session is
15 hereby amended to read as follows:

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

18 (a) One member appointed by the Governor;

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

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

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

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

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

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

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

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

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



1 7. The Board shall, in accordance with the requirements
2 of paragraph (c) of subsection 3 of section 4 of this act,
3 determine the appropriate use of money received by a
4 nonprofit organization from the proceeds of a Dream Tag
5 raffle.

6 **Sec. 7.** 1. This section and sections 6.2 to 6.8, inclusive, of
7 this act become effective upon passage and approval.

8 2. Sections 1 to 6, inclusive, of this act become effective on
9 January 1, 2010.

