

Amendment No. 714

Senate Amendment to Assembly Bill No. 322

(BDR 45-150)

Proposed by: Senate Committee on Natural Resources**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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 underlining* is newly added transitory language.

CAF/JRS



Date: 5/22/2011

A.B. No. 322—Revises provisions relating to wildlife. (BDR 45-150)



ASSEMBLY BILL NO. 322—ASSEMBLYMEN SMITH, OCEGUERA,
BOBZIEN; CONKLIN AND GOICOECHEA

MARCH 18, 2011

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions relating to wildlife. (BDR 45-150)

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; revising the membership of the Board of Wildlife Commissioners to include one member who **is actively engaged in conservation and** possesses experience and expertise in advocating issues relating to conservation; revising the circumstances under which the Director of the Department of Wildlife is appointed; revising the provisions governing a program for the issuance of certain additional big game tags each year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Wildlife Commissioners, consisting of nine members appointed by the Governor, and confers broad authority upon the Commission to manage wildlife and its habitat in this State. (NRS 501.105, 501.167, 501.181) Of those nine members, existing law requires one member to be a person who is actively engaged in the conservation of wildlife. (NRS 501.171) **Section 1** of this bill revises the qualifications of that member to require **him or her to be actively engaged in conservation and to possess** experience and expertise in advocating issues relating to conservation.

Existing law requires the Governor to appoint the Director of the Department of Wildlife from among three or more persons nominated by the Commission. (NRS 501.333) **Section 2** of this bill revises that requirement to allow the Governor additional discretion in appointing the Director.

Existing law authorizes the Commission to establish a program for the issuance of additional big game tags each year, known as "Dream Tags," to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk. The program must award the big game tags through a raffle conducted by a certain nonprofit organization. The money received by the nonprofit organization from the proceeds of the raffle, less any administrative costs, must be used to preserve, protect, manage or restore game and its habitat. (NRS 502.219) In lieu of authorizing the Commission to establish such a program, **section 3** of this bill establishes that program by statute.

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

Section 1. NRS 501.171 is hereby amended to read as follows:

501.171 1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

(a) One member who ~~is actively engaged in the~~ *and possesses experience and expertise in advocating issues relating to* conservation ; ~~[of wildlife;]~~

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) One member who represents the interests of the general public; and

(e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

3. The Governor shall not appoint to the Commission any person who has been convicted of:

(a) A felony or gross misdemeanor for a violation of NRS 501.376;

(b) A gross misdemeanor for a violation of NRS 502.060;

(c) A felony or gross misdemeanor for a violation of NRS 504.395; or

(d) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS,

during the previous 10 years.

4. Not more than three members may be from the same county whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.

5. The Commission shall annually select a Chair and a Vice Chair from among its members. A person shall not serve more than two consecutive terms as Chair.

Sec. 2. NRS 501.333 is hereby amended to read as follows:

501.333 1. ~~[From among three or more nominees of the Commission, the]~~ *The* Governor shall appoint a Director of the Department, who is its Chief Administrative Officer. The Director serves at the pleasure of the Governor.

2. The Governor shall select as Director a person having an academic degree in the management of wildlife or a closely related field, substantial experience in the management of wildlife and a demonstrated ability to administer a major public agency. *When appointing the Director, the Governor may consider any person nominated by the Commission.*

3. The Director is in the unclassified service of the State.

Sec. 3. NRS 502.219 is hereby amended to read as follows:

502.219 1. ~~[The Commission may establish a]~~ *A* program *is hereby established* for the issuance of additional big game tags each year to be known as "Dream Tags." ~~[If the Commission establishes such a program, the]~~ *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.}~~ *Department shall administer the program and shall take such actions as the Department determines are necessary to carry out the provisions of this section and NRS 502.222 and 502.225.*

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.}~~ *Department*, 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 NRS 502.222.

(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 NRS 502.225.

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}~~ *Department* 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.

1 **Sec. 4.** 1. As soon as practicable after the effective date of this section, the
2 Governor shall appoint one member of the Board of Wildlife Commissioners who
3 is qualified pursuant to paragraph (a) of subsection 2 of NRS 501.171, as amended
4 by section 1 of this act.

5 2. The term of the member of the Board of Wildlife Commissioners who was
6 appointed pursuant to paragraph (a) of subsection 2 of NRS 501.171 before the
7 effective date of this section expires:

8 (a) Upon the expiration of the term for which he or she was appointed; or

9 (b) Upon the appointment by the Governor of the member specified in
10 subsection 1,

11 ☛ whichever occurs first.

12 **Sec. 5.** 1. This section and sections 1, 2 and 4 of this act become effective
13 upon passage and approval.

14 2. Section 3 of this act becomes effective on July 1, 2011.