

SENATE BILL NO. 120—SENATOR GOICOECHEA

FEBRUARY 13, 2013

Referred to Committee on Finance

SUMMARY—Converts the Department of Wildlife into the Division of Wildlife of the State Department of Conservation and Natural Resources. (BDR 45-244)

FISCAL NOTE: Effect on Local Government: No.
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; converting the Department of Wildlife into the Division of Wildlife of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 41 of the 2003 Legislative Session converted the Division of Wildlife of the State Department of Conservation and Natural Resources into the Department of Wildlife. This bill reverses the changes made by Assembly Bill No. 41 and makes other conforming changes to convert the Department of Wildlife into the Division of Wildlife of the State Department of Conservation and Natural Resources.

Section 34 of this bill provides, in part, for the Legislative Counsel to substitute appropriately throughout NRS any names changed by this bill, so that this bill does not need to include every section of NRS in which a name needs to be changed.

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *“Administrator” means the Administrator of the Division.*

Sec. 3. *“Division” means the Division of Wildlife of the State Department of Conservation and Natural Resources.*



1 **Sec. 4.** NRS 501.001 is hereby amended to read as follows:

2 501.001 As used in this title, unless the context otherwise
3 requires, the words and terms defined in NRS 501.003 to 501.097,
4 inclusive, *and sections 2 and 3 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 5.** NRS 501.047 is hereby amended to read as follows:

7 501.047 “Game warden” means any person authorized by the
8 ~~Director~~ *Administrator* to enforce the provisions of this title and
9 of chapter 488 of NRS.

10 **Sec. 6.** NRS 501.119 is hereby amended to read as follows:

11 501.119 1. The ~~Department~~ *Division* is authorized to
12 determine methods of obtaining necessary data from hunters,
13 trappers and anglers relative to their activities and success.

14 2. The methods may include return of reports attached to
15 licenses and tags or questionnaires addressed to license holders.

16 3. Failure to return such a report or questionnaire within the
17 period specified by regulation of the Commission or the submission
18 of any false statement thereon is cause for the Commission to:

19 (a) Deny the person the right to acquire any license provided
20 under this title for a period of 1 year; or

21 (b) Levy an administrative fine of \$50 against the person.

22 4. Any statement made on such a report or questionnaire may
23 not be the basis for prosecution for any indicated violations of other
24 sections of this title.

25 **Sec. 7.** NRS 501.181 is hereby amended to read as follows:

26 501.181 The Commission shall:

27 1. Establish broad policies for:

28 (a) The protection, propagation, restoration, transplanting,
29 introduction and management of wildlife in this State.

30 (b) The promotion of the safety of persons using or property
31 used in the operation of vessels on the waters of this State.

32 (c) The promotion of uniformity of laws relating to policy
33 matters.

34 2. Guide the ~~Department~~ *Division* in its administration and
35 enforcement of the provisions of this title and of chapter 488 of
36 NRS by the establishment of such policies.

37 3. Establish policies for areas of interest including:

38 (a) The management of big and small game mammals, upland
39 and migratory game birds, fur-bearing mammals, game fish, and
40 protected and unprotected mammals, birds, fish, reptiles and
41 amphibians.

42 (b) The control of wildlife depredations.

43 (c) The acquisition of lands, water rights and easements and
44 other property for the management, propagation, protection and
45 restoration of wildlife.



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(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the ~~Director~~ *Administrator* to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of chapter 488 of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the ~~Department~~ *Division*, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the ~~Department~~ *Division*.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued for big game and, if necessary, other game species.

5. Adopt regulations requiring the ~~Department~~ *Division* to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:



(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment, and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to NRS 576.129.

8. Adopt regulations governing the trapping of fur-bearing mammals in a residential area of a county whose population is 100,000 or more.

Sec. 8. NRS 501.1812 is hereby amended to read as follows:

501.1812 As used in NRS 501.1812 to 501.1818, inclusive, unless the context otherwise requires:

1. "License" means a license or tag issued by the ~~Department~~ *Division* for:

(a) Recreational hunting or fishing; or

(b) Taking fur-bearing mammals, trapping unprotected mammals or selling raw furs for profit.

2. "Permit" means a permit issued by the ~~Department~~ *Division* for recreational hunting or fishing.

3. "Wildlife conviction" means a conviction obtained in any court of competent jurisdiction in this State, including, without limitation, a conviction obtained upon a plea of nolo contendere or upon a forfeiture of bail not vacated in any such court, for a violation of:

(a) A provision of this title or any regulation adopted pursuant to this title other than a provision of NRS 502.370, 502.390, 503.185, 503.310 or 504.295 to 504.398, inclusive; or

(b) A provision of the Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371 et seq., if the violation of that provision is based on a violation of a law or regulation of this State.

Sec. 9. NRS 501.243 is hereby amended to read as follows:

501.243 1. The ~~Department~~ *Division* shall execute, administer and enforce, and perform the functions and duties provided in chapter 488 of NRS.

2. The Commission has the power and authority to:

(a) Promulgate rules and regulations governing the use of waters for recreational purposes, which waters are open to the public and are not under the direct control of any other state or federal agency for recreational use.

(b) Enter into cooperative agreements with federal, state and county agencies having regulatory powers pertaining to the use of



1 public waters for recreational purposes for the purpose of
2 coordinating such rules and regulations.

3 **Sec. 10.** NRS 501.331 is hereby amended to read as follows:

4 501.331 The ~~{Department}~~ *Division of Wildlife of the State*
5 *Department of Conservation and Natural Resources* is hereby
6 created. The ~~{Department}~~ *Division:*

7 1. Shall administer the wildlife laws of this State, chapter 488
8 of NRS and NRS 701.610 to 701.640, inclusive.

9 2. Shall, on or before the fifth calendar day of each regular
10 session of the Legislature, submit to the Legislature a financial
11 report for each of the immediately preceding 2 fiscal years setting
12 forth the activity and status of the Wildlife Fund Account in the
13 State General Fund, each subaccount within that Account and any
14 other account or subaccount administered by the ~~{Department}~~
15 *Division* for which the use of the money in the account or
16 subaccount is restricted. The report must include, without limitation:

17 (a) A description of each project for which money is expended
18 from each of those accounts and subaccounts and a description of
19 each recipient of that money; and

20 (b) The total amount of money expended from each of those
21 accounts and subaccounts for each fiscal year, including, without
22 limitation, the amount of any matching contributions received for
23 those accounts and subaccounts for each fiscal year.

24 **Sec. 11.** NRS 501.333 is hereby amended to read as follows:

25 501.333 1. The ~~{Governor}~~ *Director of the State Department*
26 *of Conservation and Natural Resources* shall appoint ~~{a-Director}~~
27 *an Administrator* of the ~~{Department,}~~ *Division*, who is its Chief
28 Administrative Officer. The ~~{Director}~~ *Administrator* serves at the
29 pleasure of the ~~{Governor,}~~ *Director*.

30 2. The ~~{Governor}~~ *Director* shall select as ~~{Director}~~
31 *Administrator* a person having an academic degree in the
32 management of wildlife or a closely related field, substantial
33 experience in the management of wildlife and a demonstrated ability
34 to administer *a division of* a major public agency. When appointing
35 the ~~{Director,}~~ *Administrator*, the ~~{Governor}~~ *Director* may consider
36 any person nominated by the Commission.

37 3. The ~~{Director}~~ *Administrator* is in the unclassified service of
38 the State.

39 **Sec. 12.** NRS 501.337 is hereby amended to read as follows:

40 501.337 The ~~{Director}~~ *Administrator* shall:

41 1. Carry out the policies and regulations of the Commission.

42 2. Direct and supervise all administrative and operational
43 activities of the ~~{Department,}~~ *Division*, and all programs
44 administered by the ~~{Department}~~ *Division* as provided by law.

45 Except as otherwise provided in NRS 284.143, the ~~{Director}~~



1 *Administrator* shall devote his or her entire time to the duties of the
2 office and shall not follow any other gainful employment or
3 occupation.

4 3. Within such limitations as may be provided by law, organize
5 the ~~{Department}~~ *Division* and, from time to time with the consent
6 of the Commission, may alter the organization. The ~~{Director}~~
7 *Administrator* shall reassign responsibilities and duties as he or she
8 may deem appropriate.

9 4. Appoint or remove such technical, clerical and operational
10 staff as the execution of his or her duties and the operation of the
11 ~~{Department}~~ *Division* may require, and all those employees are
12 responsible to the ~~{Director}~~ *Administrator* for the proper carrying
13 out of the duties and responsibilities of their respective positions.
14 The ~~{Director}~~ *Administrator* shall designate a number of
15 employees as game wardens and provide for their training.

16 5. Submit technical and other reports to the Commission as
17 may be necessary or as may be requested, which will enable the
18 Commission to establish policy and regulations.

19 6. Prepare ~~{in consultation with the Commission,}~~ the biennial
20 budget of the ~~{Department}~~ *Division* consistent with the provisions
21 of this title, chapter 488 of NRS and NRS 701.610 to 701.640,
22 inclusive, and submit it to the Commission for its review and
23 ~~{recommendation before the budget is submitted to the Chief of the~~
24 ~~Budget Division of the Department of Administration pursuant to~~
25 ~~NRS 353.210.}~~ *comment.*

26 7. Administer real property assigned to the ~~{Department}~~
27 *Division.*

28 8. Maintain full control, by proper methods and inventories, of
29 all personal property of the State acquired and held for the purposes
30 contemplated by this title and by chapter 488 of NRS.

31 9. Act as nonvoting Secretary to the Commission.

32 10. Adopt the regulations required pursuant to NRS 701.610
33 and 701.630.

34 **Sec. 13.** NRS 501.354 is hereby amended to read as follows:

35 501.354 Except as otherwise provided by specific statute, the
36 ~~{Department}~~ *Division* shall receive, deposit and expend all money
37 provided by law for the administration of this title and of chapter
38 488 of NRS, pursuant to the authority contained in NRS 501.356
39 and in accordance with the Commission's policy.

40 **Sec. 14.** NRS 501.3585 is hereby amended to read as follows:

41 501.3585 1. The ~~{Department}~~ *Division* shall establish the
42 Wildlife Trust Fund. The ~~{Department}~~ *Division* may accept any
43 gift, donation, bequest or devise from any private source for deposit
44 in the Wildlife Trust Fund. Any money received is private money



1 and not state money. All money must be accounted for in the
2 Wildlife Trust Fund.

3 2. All of the money in the Wildlife Trust Fund must be
4 deposited in a financial institution to draw interest or to be
5 expended, invested and reinvested pursuant to the specific
6 instructions of the donor, or if no such specific instructions exist, in
7 the sound discretion of the ~~{Director,}~~ *Administrator*. The
8 provisions of NRS 356.011 apply to any accounts in financial
9 institutions maintained pursuant to this section.

10 3. The money in the Wildlife Trust Fund must be budgeted and
11 expended, within any limitations which may have been specified by
12 particular donors, at the discretion of the ~~{Director, The Director,}~~
13 *Administrator. The Administrator* may authorize independent
14 contractors that may be funded in whole or in part from the money
15 in the Wildlife Trust Fund.

16 4. The ~~{Director,}~~ *Administrator* or the ~~{Director's}~~
17 *Administrator's* designee shall submit semiannually to the Interim
18 Finance Committee and the Commission a report concerning the
19 investment and expenditure of the money in the Wildlife Trust Fund
20 in such form and detail as the Interim Finance Committee
21 determines is necessary.

22 5. A separate statement concerning the anticipated amount and
23 proposed expenditures of the money in the Wildlife Trust Fund must
24 be submitted to the Chief of the Budget Division of the Department
25 of Administration for his or her information at the same time and for
26 the same fiscal years as the requested budget of the *State*
27 Department *of Conservation and Natural Resources* submitted
28 pursuant to NRS 353.210. The statement must be attached to the
29 requested budget for the *State Department of Conservation and*
30 *Natural Resources* when the requested budget is submitted to the
31 Fiscal Analysis Division of the Legislative Counsel Bureau pursuant
32 to NRS 353.211.

33 6. The provisions of chapter 333 of NRS do not apply to the
34 expenditure of money in the Wildlife Trust Fund.

35 **Sec. 15.** NRS 502.400 is hereby amended to read as follows:

36 502.400 1. Except as otherwise provided in subsection 2, it is
37 unlawful for any person to hunt in the Carson Lake Wildlife
38 Management Area unless, at the time of entry and while hunting, the
39 person carries upon his or her person:

40 (a) An unexpired permit issued for that purpose on a form
41 specified by the ~~{Department,}~~ *Division;* or

42 (b) Any other documentation specified by the ~~{Department,}~~
43 *Division* as proof that the person has paid to the ~~{Department,}~~
44 *Division*, for the period of licensing that includes the time the
45 person is hunting, a fee that is equal to the amount of the fee



1 required pursuant to subsection 4 for a seasonal permit or daily
2 permit, as appropriate.

3 2. The provisions of subsection 1 do not apply to a person
4 under 16 years of age who is accompanied by a person who is
5 carrying upon his or her person the permit or documentation
6 required pursuant to subsection 1.

7 3. A permit issued pursuant to subsection 1 may be sold only
8 by the ~~{Department}~~ *Division* or a person designated by the
9 ~~{Department}~~ *Division*.

10 4. The ~~{Department}~~ *Division* shall charge and collect the
11 following fees for issuing a permit pursuant to subsection 1:

12 (a) Sixty dollars for a seasonal permit, the effective dates of
13 which must, as determined by the ~~{Department}~~ *Division*, coincide
14 with the license to hunt of the person purchasing the permit.

15 (b) Fifteen dollars for a daily permit. The ~~{Department}~~ *Division*
16 shall not make a daily permit specified in this paragraph available
17 for purchase before the second Monday of the open season for
18 ducks.

19 5. The fee required pursuant to subsection 4 is in addition to
20 any fee required for a license or permit to hunt pursuant to
21 NRS 502.240.

22 **Sec. 16.** NRS 502.410 is hereby amended to read as follows:

23 502.410 1. Any money received by the ~~{Department}~~
24 *Division* pursuant to NRS 502.400 must be deposited with the State
25 Treasurer for credit to the Wildlife Fund Account in the State
26 General Fund.

27 2. The ~~{Department}~~ *Division*:

28 (a) Shall maintain separate accounting records for the receipt
29 and expenditure of any money pursuant to this section or NRS
30 502.400; and

31 (b) Must use the money to operate and manage the Carson Lake
32 Wildlife Management Area.

33 **Sec. 17.** NRS 504.140 is hereby amended to read as follows:

34 504.140 1. The ~~{Department}~~ *Division* is authorized, subject
35 to approval by the Commission, to enter into agreements with
36 landowners, individually or in groups, to establish wildlife
37 management areas and to enforce regulations necessary thereto for
38 the purpose of providing greater areas for the public to hunt or fish
39 on private lands and to protect the landowner or lessee from damage
40 due to trespass or excessive hunting or fishing pressure.

41 2. Such an agreement must require that the *State Department*
42 *of Conservation and Natural Resources* designate certain portions
43 of the area as closed zones for the protection of livestock, buildings,
44 persons and other properties.



3. The zones must be posted conspicuously along all boundaries and it is unlawful to hunt, fish or trespass therein or to hunt or fish on any cooperative area contrary to the regulations provided.

4. The agreement may designate the number of hunters or anglers who may be admitted to the area, if such limitation is necessary or desirable.

Sec. 18. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division of Wildlife consists of the Administrator and any other necessary personnel.

2. The Administrator of the Division is appointed by the Director pursuant to NRS 501.333 and is responsible to the Director.

Sec. 19. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.150, inclusive ~~H~~ , and section 18 of this act:

1. "Department" means the State Department of Conservation and Natural Resources.

2. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 20. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Environmental Protection.

(f) The *Division of Wildlife.*

(g) The Office of Historic Preservation.

~~(e)(h)~~ (h) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Conservation Districts Program, the Nevada Natural Heritage Program and the Board to Review Claims are within the Department.

Sec. 21. NRS 445A.615 is hereby amended to read as follows:

445A.615 1. The Director may issue a permit to the ~~Department~~ *Division of Wildlife of the Department* to kill fish through the use of toxicants.

2. The permit must indicate the terms and conditions under which the use of toxicants may take place.



Sec. 22. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. ~~"Department"~~ **"Division"** means the ~~Department~~ **Division** of Wildlife ~~of the State Department of Conservation and Natural Resources.~~

7. "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

8. "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

9. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

10. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

11. "Operate" means to navigate or otherwise use a motorboat or a vessel.

12. "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➤ "Owner" does not include a person defined as a "legal owner" under subsection 9.



1 13. "Prohibited substance" has the meaning ascribed to it in
2 NRS 484C.080.

3 14. "Registered owner" means the person registered by the
4 Commission as the owner of a vessel.

5 15. A vessel is "under way" if it is adrift, making way or being
6 propelled, and is not aground, made fast to the shore, or tied or
7 made fast to a dock or mooring.

8 16. "Vessel" means every description of watercraft, other than
9 a seaplane on the water, used or capable of being used as a means of
10 transportation on water.

11 17. "Waters of this State" means any waters within the
12 territorial limits of this State.

13 **Sec. 23.** NRS 488.530 is hereby amended to read as follows:

14 488.530 1. It is unlawful for any person at any time to:

15 (a) Launch a vessel into any body of water in this State for
16 which the ~~Department~~ Division has approved an inspection
17 program without first complying with that program;

18 (b) Refuse to comply with any requirements of the ~~Department~~
19 Division or any requirements of an inspection program approved by
20 the ~~Department~~ Division; or

21 (c) Leave an impaired body of water in this State or any other
22 state after operating a vessel on that impaired body of water and
23 launch the vessel on any other body of water in this State without
24 first decontaminating the vessel and any conveyance used on the
25 impaired body of water.

26 2. In addition to any inspection conducted pursuant to NRS
27 488.900, each owner, operator or person in control of a vessel or
28 conveyance shall stop at any mandatory inspection station for
29 aquatic invasive species authorized by the Department. If a peace
30 officer reasonably believes, based on articulable facts, that an
31 aquatic invasive species or aquatic plant material may be present on
32 the vessel or conveyance, the peace officer may:

33 (a) Require the owner, operator or person in control of the vessel
34 or conveyance to decontaminate the vessel or conveyance; or

35 (b) In addition to any seizure required pursuant to NRS 488.910,
36 impound or quarantine the vessel or conveyance.

37 3. A peace officer may stop and inspect a vessel or conveyance
38 for the presence of aquatic invasive species or aquatic plant
39 material, or for proof of a required inspection:

40 (a) Before a vessel is launched into a body of water in this State;

41 (b) Before a vessel or conveyance departs from a body of water
42 in this State, a launch ramp or a vessel staging area;

43 (c) If the vessel or conveyance is visibly transporting any
44 aquatic invasive species or aquatic plant material; or



(d) If the peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material is present.

4. If a peace officer conducts an inspection of a vessel or conveyance pursuant to this section and determines that an aquatic invasive species or aquatic plant material is present on the vessel or conveyance, the peace officer may order the vessel or conveyance to be decontaminated.

5. A peace officer may impound or quarantine a vessel if:

(a) An inspection conducted pursuant to this section indicates the presence of an aquatic invasive species or aquatic plant material on the vessel or conveyance; or

(b) The owner, operator or person in control of the vessel or conveyance refuses to:

(1) Submit to an inspection authorized pursuant to this section; or

(2) Comply with an order issued pursuant to this section to decontaminate his or her vessel or conveyance.

6. As used in this section, "impaired body of water" means any body of water in this State or any other state which the Commission or another governmental entity has identified as containing an aquatic invasive species.

Sec. 24. NRS 490.067 is hereby amended to read as follows:

490.067 1. The Commission on Off-Highway Vehicles is hereby created.

2. The Commission consists of 11 members as follows:

(a) One member who is an authorized dealer, appointed by the Governor;

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the ~~Director~~ *Administrator* of the ~~Department~~ *Division* of Wildlife ~~of the State Department of Conservation and Natural Resources~~;

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

(f) One member, appointed by the Governor from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:



(1) Possesses a degree in soil science, rangeland ecosystems science or a related field;

(2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and

(3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;

(g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and

(h) Four members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

(2) One member who represents persons who own or operate all-terrain motorcycles;

(3) One member who represents persons who own or operate snowmobiles; and

(4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.

3. The Governor shall not appoint to the Commission any member described in paragraph (h) of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

4. After the initial terms, each member of the Commission serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

5. Except as otherwise provided in this subsection, a member of the Commission may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

6. The Governor shall ensure that, insofar as practicable, the members appointed to the Commission reflect the geographical diversity of this State.

7. Each member of the Commission:



(a) Is entitled to receive, if money is available for that purpose from the fees collected pursuant to NRS 490.084, the per diem allowance and travel expenses provided for state officers and employees generally.

(b) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.

8. The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Fund.

9. The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to NRS 490.068 may provide assistance to the Commission in adopting those regulations.

Sec. 25. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair, Vice Chair, Secretary and Treasurer from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:

(1) One adviser from the Bureau of Land Management.

(2) One adviser from the United States Forest Service.

(3) One adviser who is:

(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or

(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.

(4) ~~One~~ *Other than the adviser specified in subparagraph (5), one* adviser from the State Department of Conservation and Natural Resources.

(5) One adviser from the ~~Department~~ *Division* of Wildlife ~~of the State Department of Conservation and Natural Resources.~~

(6) One adviser from the Department of Motor Vehicles.

(7) One adviser from the Commission on Tourism.

(8) One adviser from the Nevada Indian Commission.

(9) One adviser from the United States Fish and Wildlife Service.

2. The Commission may award a grant of money from the Fund. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:



(a) Adopt regulations setting forth who may apply for a grant of money from the Fund and the manner in which such a person may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any person requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Fund.

(c) Adopt regulations for determining the acceptable performance of work on a project for which a grant is awarded.

(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.

(e) Monitor the accounting activities of the Fund.

3. The nonvoting advisers solicited by the Commission pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all applications for grants.

4. For each regular session of the Legislature, the Commission shall prepare a comprehensive report, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Fund, and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.



Sec. 26. NRS 701.180 is hereby amended to read as follows:
701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems Demonstration Program created pursuant to 701B.580, including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;



(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Director determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Cooperate with the ~~Department~~ *Division of Wildlife of the State Department of Conservation and Natural Resources* in carrying out the provisions of NRS 701.600 to 701.640, inclusive.

8. Upon request by a developer of an energy development project or a local government in a county in which an energy development project is proposed to be located, coordinate discussions, not otherwise required by any existing regulatory agency, with interested parties concerning any potential effect of the energy development project.

9. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 27. NRS 701.450 is hereby amended to read as follows:

701.450 1. The State and Local Government Panel on Renewable and Efficient Energy is hereby created.

2. Except as otherwise provided in subsection 3, the Panel consists of the Director and the following seven members appointed by the Director:

(a) A representative of the State Public Works Board;

(b) A representative of the Housing Division of the Department of Business and Industry;

(c) A representative of the Buildings and Grounds Section of the State Public Works Division of the Department of Administration;



* S B 1 2 0 *

(d) A representative of the ~~{Department}~~ *Division* of Wildlife ~~{}~~ *of the State Department of Conservation and Natural Resources;*

(e) A representative of the Nevada Association of Counties or its successor organization;

(f) A representative of the Nevada League of Cities or its successor organization; and

(g) A representative of the Nevada Association of School Boards or its successor organization.

3. The Director may appoint not more than three additional members to the Panel to represent state and local government agencies or private industry in the field of renewable energy or energy efficiency.

Sec. 28. NRS 701.610 is hereby amended to read as follows:

701.610 1. Except as otherwise provided in NRS 701.600, a person who files an application with the Federal Government for a lease or easement for a right-of-way for an energy development project or an application with the Public Utilities Commission of Nevada or any county in this State relating to the construction of an energy development project shall, concurrently with the filing of the application, file a notice of the energy development project with the ~~{Department}~~ *Division* of Wildlife ~~{}~~ *of the State Department of Conservation and Natural Resources.*

2. The notice required by subsection 1 must be provided to the ~~{Department}~~ *Division* of Wildlife in such form as the ~~{Department}~~ *Division* prescribes and contain:

(a) A description of the location and the energy development project to be built thereon;

(b) A description of the boundaries of the project and the estimated requirements for infrastructure of the project; and

(c) The estimated energy output for the energy development project.

3. Within 30 days after a notice is filed pursuant to subsection 1, the ~~{Department}~~ *Division* of Wildlife shall provide a copy of the notice to the Office of Energy.

4. The ~~{Department}~~ *Division* of Wildlife shall, in consultation with the Office of Energy, adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) Provisions setting forth the requirements for making reasonable deposits and reimbursing the ~~{Department}~~ *Division* of Wildlife for the actual costs, not to exceed \$100,000, incurred by the ~~{Department}~~ *Division* for providing to the Federal Government, the Public Utilities Commission of Nevada, an applicant or any county in this State any information relating to any wildlife or wildlife



1 habitat based on the location of the energy development project for
2 which a notice is filed pursuant to subsection 1; and

3 (b) Except as otherwise provided in subsection 5, any other
4 requirements concerning the filing of a notice pursuant to
5 subsection 1.

6 5. Any regulations adopted pursuant to subsection 4 must not
7 require a person to reimburse any costs incurred by the
8 ~~{Department}~~ *Division* of Wildlife for providing any information
9 requested by the Federal Government, the Public Utilities
10 Commission of Nevada or an applicant relating to an energy
11 development project that was previously provided pursuant to
12 paragraph (a) of subsection 4.

13 **Sec. 29.** NRS 701.620 is hereby amended to read as follows:

14 701.620 The ~~{Department}~~ *Division* of Wildlife *of the State*
15 *Department of Conservation and Natural Resources* shall:

16 1. Compile and maintain detailed information concerning each
17 energy development project for which notice is filed pursuant to
18 NRS 701.610. The information must include, without limitation:

19 (a) The location of the energy development project;

20 (b) A description of the energy development project;

21 (c) The estimated energy output of the energy development
22 project; and

23 (d) The amount charged for the reimbursement of costs for the
24 energy development project in accordance with the regulations
25 specified in subsection 4 of NRS 701.610.

26 2. Prepare a report:

27 (a) Containing the information compiled pursuant to subsection
28 1; and

29 (b) Setting forth the effect, if any, on the budget of the
30 ~~{Department}~~ *Division* of Wildlife as a result of receiving the
31 reimbursement of costs for providing information concerning energy
32 development projects and the manner in which the total amount
33 received for those costs was used by the ~~{Department}~~ *Division of*
34 *Wildlife*.

35 3. On or before January 1 of each even-numbered year, submit
36 the report required pursuant to subsection 2 to the Legislative
37 Commission. On or before January 1 of each odd-numbered year,
38 the ~~{Department}~~ *Division* of Wildlife shall submit the report
39 required pursuant to subsection 2 to the Director of the Legislative
40 Counsel Bureau for transmittal to the Legislature.

41 **Sec. 30.** NRS 701.630 is hereby amended to read as follows:

42 701.630 1. The Energy Planning and Conservation Fund is
43 hereby created in the State Treasury as a special revenue fund.

44 2. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division*
45 of Wildlife *of the State Department of Conservation and Natural*



1 **Resources** may apply for and accept any gift, donation, bequest,
2 grant or other source of money for use by the Fund. Any money so
3 received must be deposited in the State Treasury for credit to the
4 Fund.

5 3. The Fund is a continuing fund without reversion. The money
6 in the Fund must be invested as the money in other state funds is
7 invested. The interest and income earned on the money in the Fund,
8 after deducting any applicable charges, must be credited to the
9 Fund. Claims against the Fund must be paid as other claims against
10 the State are paid.

11 4. The ~~{Department}~~ **Administrator** of the ~~{Department}~~ **Division**
12 of Wildlife shall administer the Fund. The money in the Fund must
13 be used in accordance with the State Wildlife Action Plan and used
14 by the ~~{Department}~~ **Division of Wildlife**:

15 (a) To conduct surveys of wildlife;

16 (b) To map locations of wildlife and wildlife habitat in this
17 State;

18 (c) To pay for conservation projects for wildlife and its habitat;

19 (d) To match any federal money for a project or program for the
20 conservation of any species of wildlife which is of critical concern;
21 and

22 (e) To coordinate carrying out the provisions of this subsection
23 in cooperation with the Office of Energy.

24 5. The ~~{Department}~~ **Division** of Wildlife shall adopt
25 regulations to carry out the provisions of this section. The
26 regulations must include, without limitation, the criteria for projects
27 for which the ~~{Department}~~ **Division of Wildlife** may use money
28 from the Fund.

29 6. As used in this section, "State Wildlife Action Plan" means
30 a statewide plan prepared by the ~~{Department}~~ **Division** of Wildlife
31 and approved by the United States Fish and Wildlife Service which
32 sets forth provisions for the conservation of wildlife and wildlife
33 habitat, including, without limitation, provisions for assisting in the
34 prevention of any species of wildlife from becoming threatened or
35 endangered.

36 **Sec. 31.** NRS 701.640 is hereby amended to read as follows:

37 701.640 1. The Fund for the Recovery of Costs is hereby
38 created in the State Treasury as a special revenue fund.

39 2. All money collected by the ~~{Department}~~ **Division** of
40 Wildlife **of the State Department of Conservation and Natural**
41 **Resources** in accordance with regulations adopted pursuant to NRS
42 701.610 must be deposited in the State Treasury for credit to the
43 Fund.



3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested.

4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

5. The ~~Director~~ *Administrator* of the ~~Department~~ *Division* of Wildlife may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund. If the ~~Director~~ *Administrator* of the ~~Department~~ *Division* of Wildlife receives any matching federal money which is credited to the Fund pursuant to this subsection, the amount of money credited may be transferred to the Energy Planning and Conservation Fund created by NRS 701.630.

6. The ~~Director~~ *Administrator* of the ~~Department~~ *Division* of Wildlife shall administer the Fund. The money in the Fund must be used by the ~~Department~~ *Division* of Wildlife solely:

(a) To provide to the Federal Government, the Public Utilities Commission of Nevada or any person any information relating to wildlife or wildlife habitat based on the location of an energy development project; or

(b) To match any federal money for a project or program for the conservation of any species of wildlife.

Sec. 32. NRS 501.024 and 501.026 are hereby repealed.

Sec. 33. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been



1 transferred pursuant to the provisions of this act to another officer,
2 agency or entity remains in effect as if taken by the officer, agency
3 or other entity to which the responsibility for the enforcement of
4 such actions has been transferred.

5 **Sec. 34.** The Legislative Counsel shall:

6 1. In preparing the Nevada Revised Statutes, use the authority
7 set forth in subsection 10 of NRS 220.120 to substitute
8 appropriately the name of any agency, officer or instrumentality of
9 the State whose name is changed by this act for the name which the
10 agency, officer or instrumentality previously used; and

11 2. In preparing supplements to the Nevada Administrative
12 Code, substitute appropriately the name of any agency, officer or
13 instrumentality of the State whose name is changed by this act for
14 the name which the agency, officer or instrumentality previously
15 used.

16 **Sec. 35.** 1. This section, sections 1 to 14, inclusive, and 17 to
17 33, inclusive, of this act become effective on July 1, 2013.

18 2. Sections 15 and 16 of this act become effective upon the
19 conveyance of the Carson Lake Pasture to the State of Nevada in
20 accordance with chapter 209, Statutes of Nevada 1993, at page 447.

TEXT OF REPEALED SECTIONS

501.024 "Department" defined. "Department" means the
Department of Wildlife.

501.026 "Director" defined. "Director" means the Director
of the Department.

