

SENATE BILL NO. 333—SENATOR HAMMOND

MARCH 18, 2013

JOINT SPONSOR: ASSEMBLYMAN HARDY

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to wildlife.
(BDR 45-1026)

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; requiring the Department of Wildlife to enforce certain provisions in a manner that is equitable for all owners, lessees or managers of private land in this State; authorizing certain persons to establish a commercial or private shooting preserve for the propagation, culture and maintenance of certain species of game mammals approved by the Board of Wildlife Commissioners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an owner, lessee or manager of private land to apply to the Department of Wildlife for the issuance of one deer or antelope tag for every 50 animals present on the property as compensation for damage to the private land or to any improvement thereon caused by deer or antelope. (NRS 502.145) **Section 1** of this bill deletes the provision requiring the Department to issue one tag for every 50 animals on the private property and authorizes the Department to determine the appropriate number of tags to issue to an applicant. **Sections 1 and 2** of this bill require the Department to enforce certain provisions relating to deer or antelope tags issued as compensation for damages to private land caused by deer or antelope and the disbursement of money to prevent or mitigate damage to private property caused by elk or game mammals in a manner that is equitable for all owners, lessees and managers of private land in this State, regardless of the amount of land owned, leased or managed.

Existing law authorizes a person who owns or controls the shooting rights or privileges on an enclosed tract of land to establish a commercial or private



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shooting preserve for the propagation, culture and maintenance of upland game birds. (NRS 504.300)

Sections 3-8 of this bill expand the provisions of existing law to allow for the establishment of a commercial or private preserve for certain species of game mammals approved by the Commission.

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

Section 1. NRS 502.145 is hereby amended to read as follows:

502.145 1. An owner, lessee or manager of private land in this State may apply to the Department for the issuance to him or her of one or more deer or antelope tags as provided in this section. The tags must be issued as compensation for damage caused by deer or antelope to the private land or to any improvements thereon.

2. An application made pursuant to this section must:

(a) Be made in the form prescribed by the Department;

(b) Establish to the satisfaction of the Department that the applicant has sustained damage of the kind described in subsection 1; and

(c) Be accompanied by the fee charged for the tags pursuant to NRS 502.250 and any fee charged for administrative costs.

3. The Department shall review the application, may conduct any investigation it deems appropriate and, if it approves the application, shall issue to the applicant not more than one tag for ~~each 50~~ *the number of* animals *specified by the Department that* *are* present on the private land owned, leased or managed by the applicant. Both deer and antelope tags may be issued to an applicant.

4. A tag issued as compensation for damage pursuant to this section:

(a) May be used by the owner, lessee or manager of the private land if the owner, lessee or manager holds a valid Nevada hunting license, or may be sold by that person to any holder of a valid Nevada hunting license at any price mutually agreed upon;

(b) Except as otherwise provided in subparagraph (2) of paragraph (c), must be used on the private land or in the unit or units within the management area or areas in which the private land is located; and

(c) May only be used during:

(1) The open season for the species for which the tag is issued; or

(2) A season prescribed by regulation of the Commission for the use of such tags only on the private land.



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1 5. As a condition of receiving a tag from the Department
2 pursuant to this section, an owner, lessee or manager who is
3 lawfully in control of private land that blocks access to adjacent
4 public land must provide access to the public land during the
5 hunting season to a person or hunting party with a tag for the
6 purpose of hunting on the public land.

7 6. Insofar as they are consistent with this section, the
8 provisions of this title and of the regulations adopted by the
9 Commission apply to the issuance and use of tags pursuant to this
10 section. The Commission:

11 (a) Shall by regulation establish the maximum number of tags
12 which may be issued annually by the Department pursuant to this
13 section, which must not exceed 1.5 percent of the total number of
14 deer and antelope tags which are authorized for issuance annually
15 throughout the State; and

16 (b) May adopt any other regulations it deems necessary to carry
17 out the provisions of this section.

18 7. *The Department shall enforce the provisions of this section*
19 *in a manner that is equitable for all owners, lessees or managers*
20 *of private land in this State, regardless of the amount of land*
21 *owned, leased or managed.*

22 8. The Director shall, not later than the fifth calendar day of
23 each regular session of the Legislature, submit to the Director of the
24 Legislative Counsel Bureau for distribution to the Legislature a
25 report summarizing the activities of the Department taken pursuant
26 to the provisions of this section during the preceding biennium,
27 including any problems associated with the issuance and use of tags
28 authorized by this section and any recommendations for correcting
29 those problems.

30 **Sec. 2.** NRS 504.165 is hereby amended to read as follows:

31 504.165 1. The Commission shall adopt regulations
32 governing the disbursement of money to:

33 (a) Prevent or mitigate damage to private property and privately
34 maintained improvements, including, without limitation, fences;

35 (b) Prevent or mitigate damage to fences on public lands;

36 (c) Construct fences around sources of water on private lands or
37 public lands where there has been damage to the area near such
38 sources of water; and

39 (d) Compensate persons for grazing reductions and the loss of
40 stored and standing crops,

41 ➔ caused by elk or game mammals not native to this State.

42 2. The regulations must contain:

43 (a) Requirements for the eligibility of those persons claiming
44 damage to private property, privately maintained improvements,



1 fences on public lands or areas near sources of water on public lands
2 to receive money or materials from the Department, including:

3 (1) A requirement that such a person enter into a cooperative
4 agreement with the Director for purposes related to this title; and

5 (2) A requirement that if the claim is for money or materials
6 from the Department for the construction of a fence around a source
7 of water on private land or public land, such a person must:

8 (I) Conduct a physical inspection of the private land or
9 public land upon which the fence is proposed to be constructed to
10 determine the most effective manner in which to protect the source
11 of water and to determine the most effective manner in which to
12 provide access to a source of water for livestock and wildlife that is
13 located outside the fence and within a reasonable distance from the
14 fence;

15 (II) Conduct the inspection described in sub-subparagraph
16 (I) in consultation with the persons or entities which will be directly
17 affected by the construction of the fence, including, without
18 limitation, an owner of the private land on which the fence is
19 proposed to be constructed, a governmental entity that manages the
20 public land on which the fence is proposed to be constructed, a
21 holder of a permit to graze livestock on the public land, if
22 applicable, and a person who holds a water right which will be
23 directly affected by the construction of the fence; and

24 (III) Enter into a cooperative agreement with the persons
25 and entities described in sub-subparagraph (II) for purposes related
26 to the construction of the fence in accordance with the results of the
27 inspection conducted pursuant to this subparagraph.

28 (b) Procedures for the formation of local panels to assess
29 damage caused by elk or game mammals not native to this State and
30 to determine the value of a loss claimed if the person claiming the
31 loss and the Department do not agree on the value of the loss.

32 (c) Procedures for the use on private property or public lands of
33 materials purchased by the State to prevent damage caused by elk or
34 game mammals not native to this State.

35 (d) Any other regulations necessary to carry out the provisions
36 of this section and NRS 504.155 and 504.175.

37 3. The regulations must:

38 (a) Provide for the payment of money or other compensation to
39 cover the costs of labor and materials necessary to:

40 (1) Prevent or mitigate damage to private property, privately
41 maintained improvements and fences on public lands caused by elk
42 or game mammals not native to this State; and

43 (2) Construct fences around sources of water on private or
44 public lands if:



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(I) Elk or game mammals not native to this State have caused damage to the area near such sources of water; and

(II) A source of water for livestock and wildlife is available outside such a fence and within a reasonable distance from such a fence or will be made available at such a location.

(b) Prohibit a person who has, within a particular calendar year, applied for or received a special incentive elk tag pursuant to NRS 502.142 from applying, within the same calendar year, for compensation pursuant to this section for the same private land.

(c) Be enforced in a manner that is equitable for all owners, lessees or managers of private land, regardless of the amount of land owned, leased or managed.

4. Money may not be disbursed to a claimant pursuant to this section unless the claimant shows by a preponderance of the evidence that the damage for which the claimant is seeking compensation was caused solely by elk or game mammals not native to this State.

5. As used in this section, "public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

Sec. 3. NRS 504.300 is hereby amended to read as follows:

504.300 Any person who owns or controls the shooting rights or privileges on an enclosed tract of land may establish a commercial or private shooting preserve for the propagation, culture and maintenance of *game mammals and* upland game birds pursuant to the provisions of this chapter and commission regulations.

Sec. 4. NRS 504.320 is hereby amended to read as follows:

504.320 **1.** The Commission may establish rules and regulations governing the species of *game mammals and* upland game birds that may be taken on a commercial or private shooting preserve.

2. *A species of game mammal approved by the Commission for taking on a commercial or private shooting preserve pursuant to subsection 1:*



(a) Except as otherwise provided in paragraph (b), may be any species of game mammal, including, without limitation, a species which is not native to this State.

(b) Must not:

(1) Be a protected, sensitive, threatened or endangered species of game mammal; or

(2) Present a threat to the condition or use of any public lands in this State or the population or habitat of any species of game mammal which is native to this State.

Sec. 5. NRS 504.330 is hereby amended to read as follows:

504.330 Shooting hours for the areas licensed under NRS 504.300 to 504.380, inclusive, ~~shall~~ must be the same as those fixed by the Commission for all game mammals and upland game birds throughout the State.

Sec. 6. NRS 504.350 is hereby amended to read as follows:

504.350 1. No game mammal approved pursuant to NRS 504.320 or upland game bird taken in accordance with the provisions of NRS 504.300 to 504.380, inclusive, may be removed from the licensed premises until the licensee or the licensee's agent has attached thereto an invoice, signed by the licensee or the licensee's agent, stating:

(a) The number of the licensee's license.

(b) The name of the shooting preserve.

(c) The date that the mammals or birds were killed.

(d) The kind and number of such mammals or birds.

(e) The name and address of the hunter killing such mammals or birds.

2. The invoice must authorize transportation and use of the game mammals or upland game birds.

3. Within 1 week thereafter, the licensee or the licensee's agent shall mail, postpaid, a duplicate of the invoice to the Department.

Sec. 7. NRS 504.360 is hereby amended to read as follows:

504.360 Every licensee of a commercial or private shooting preserve under this chapter shall keep records and make an annual report to the Department of the number of game mammals or upland game birds released and the number of game mammals or upland game birds killed on the preserve. The report must be verified by the affidavit of the licensee or the licensee's agent. The record must be continuous and kept on the premises described in the application for license, and the licensee shall allow any person authorized to enforce the provisions of this Title to enter such premises and inspect the licensee's operations and records at all reasonable hours.



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- 1 **Sec. 8.** NRS 504.370 is hereby amended to read as follows:
2 504.370 1. The Commission is authorized to prescribe rules
3 and regulations for the operation and maintenance of commercial
4 and private shooting preserves so as to provide for the manner of
5 taking, possession and disposal of *game mammals or upland* game
6 birds therefrom, the kind and type of records to be kept by the
7 licensee and the manner of enclosing and posting the licensed
8 premises, not inconsistent with the provisions of NRS 504.300 to
9 504.380, inclusive.
- 10 2. No rules and regulations ~~shall~~ *may* be prescribed by the
11 Commission fixing the daily bag limit on such *game mammals or*
12 *upland game* birds.
- 13 3. *Any regulation adopted pursuant to this section must be:*
14 (a) *Equitable for all owners, lessees or managers of private*
15 *land in this State, regardless of the amount of land owned, leased*
16 *or managed; and*
17 (b) *Not more restrictive than is necessary to carry out the*
18 *provisions of NRS 504.300 to 504.380, inclusive.*

