

ASSEMBLY BILL NO. 82—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to wildlife.
(BDR 45-365)

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; changing the name of the Wildlife Fund Account in the State General Fund to the Wildlife Account and amending the permissible uses of money in the Account; changing the name of the Wildlife Heritage Trust Account to the Wildlife Heritage Account; revising provisions relating to the administration of the trout stamp and duck stamp programs in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Wildlife Fund Account and the Wildlife Heritage Trust Account in the State General Fund and sets forth the permissible uses of money in those accounts. (NRS 365.535, 488.075, 488.536, 501.179, 501.320, 501.356, 501.3575, 501.359, 501.361, 502.242, 503.597, 504.155) **Sections 5 and 6** of this bill, respectively, change the name of the Wildlife Fund Account to the Wildlife Account and the Wildlife Heritage Trust Account to the Wildlife Heritage Account. **Sections 1-4, 7-10, 14-21 and 23-30** of this bill make conforming changes.

Existing law requires that, with certain exceptions, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Fund Account be used only for the management of wildlife. (NRS 501.356) **Section 5** authorizes the Department of Wildlife, in addition to managing wildlife, to use such fees collected for the protection and propagation of wildlife in this State.

Under existing law, it is unlawful to take or possess a trout in this State without first purchasing a trout stamp. (NRS 502.326) **Section 12** of this bill requires that all money received from the sale of trout stamps be deposited in the Wildlife



Account. **Section 13** of this bill requires that all money received from the sale of trout stamps, after deducting certain administrative costs, must be used for the protection, propagation and management of trout in this State and the payment of any bonded indebtedness incurred therefor.

Existing law requires a person to purchase a duck stamp before hunting ducks and certain other migratory birds in this State and provides that the proceeds from the sale of those stamps must be used for the protection and propagation of migratory game birds, and for the acquisition, development and preservation of wetlands in Nevada. (NRS 502.300-502.322) **Section 22** of this bill provides that the proceeds from the sale of duck stamps may also be used for the management of migratory game birds in this State.

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

Section 1. NRS 501.179 is hereby amended to read as follows:

501.179 1. Members of the Commission are entitled to receive a salary of not more than \$80 per day, as fixed by the Commission, while performing official duties for the Commission.

2. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. Compensation and expenses must be paid from the Wildlife ~~Fund~~ Account within the State General Fund.

Sec. 2. NRS 501.320 is hereby amended to read as follows:

501.320 1. Annually, not later than May 1, each board shall prepare a budget for the period ending June 30 of the following year, setting forth in detail its proposed expenditures for carrying out its duties as specified in this title within its county, and submit the budget to the Commission accompanied by a statement of the previous year's expenditures, certified by the county auditor.

2. The Commission shall examine the budget in conjunction with the Director or a person designated by the Director, and may increase, decrease, alter or amend the budget.

3. Upon approval of the budget, the Department shall transmit a copy of the approved budget to the board, and at the same time withdraw from the Wildlife ~~Fund~~ Account within the State General Fund and transmit to the board the money required under the approved budget for disposition by the board in accordance with the approved budget. All money so received must be placed in the fund for the advisory board.

Sec. 3. NRS 501.343 is hereby amended to read as follows:

501.343 The Department may:

1. Collect and disseminate, throughout the State, information calculated to educate and benefit the people of the State regarding



wildlife and boating, and information pertaining to any program administered by the Department.

2. Publish wildlife journals and other official publications, for which a specific charge may be made, such charge to be determined by the Commission, with the proceeds to be deposited in the Wildlife ~~Fund~~ Account within the State General Fund. No charge may be made for any publication required by a regulation of the Commission.

Sec. 4. NRS 501.346 is hereby amended to read as follows:

501.346 1. The Department may charge fees for advertising:

(a) In printed materials prepared by the Department; and

(b) On a website on the Internet or its successor that is maintained by the Department.

2. Any money collected by the Department, pursuant to subsection 1 must be:

(a) Deposited with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund; and

(b) Used to pay the expenses of the Department, including, without limitation, expenses incurred in the development, production and distribution of:

(1) Printed materials prepared by the Department;

(2) Materials used by the Department on the website maintained by the Department; and

(3) Any informational and educational materials provided by the Department for the purposes described in subsection 1 of NRS 501.343.

Sec. 5. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, including, without limitation, the Federal Government, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage ~~Trust~~ Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning and Conservation Account created by NRS 701.630 or the Account for the Recovery of Costs created by NRS 701.640,

must be deposited with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund.



2. The interest and income earned on the money in the Wildlife ~~Fund~~ Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 and NRS 503.597, the Department may use money in the Wildlife ~~Fund~~ Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife ~~Fund~~ Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the *protection, propagation and* management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 6. NRS 501.3575 is hereby amended to read as follows:

501.3575 1. The Wildlife Heritage ~~Trust~~ Account is hereby created in the State General Fund. The money in the Account must be used by the Department as provided in this section for:

(a) The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; and

(b) The management and control of predatory wildlife in this State.

2. Except as otherwise provided in NRS 502.250, money received by the Department from:

(a) A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing conducted pursuant to NRS 502.250; and

(b) A gift of money made by any person to the Wildlife Heritage ~~Trust~~ Account,

➤ must be deposited with the State Treasurer for credit to the Account.

3. The interest and income earned on the money in the Wildlife Heritage ~~Trust~~ Account, after deducting any applicable charges, must be credited to the Account.

4. The Department may annually expend from the Wildlife Heritage ~~Trust~~ Account an amount of money not greater than 75 percent of the money deposited in the Account pursuant to subsection 2 during the previous year and the total amount of interest earned on the money in the Account during the previous



1 year. The Commission shall review and approve expenditures from
2 the Account. No money may be expended from the Account without
3 the prior approval of the Commission.

4 5. The Commission shall administer the provisions of this
5 section and may adopt any regulations necessary for that purpose.

6 **Sec. 7.** NRS 501.359 is hereby amended to read as follows:

7 501.359 1. The Wildlife Imprest Account in the amount of
8 \$15,000 is hereby created for the use of the Department, subject to
9 the following conditions:

10 (a) The money must be deposited in a bank or credit union
11 qualified to receive deposits of public money, except that \$500 must
12 be kept in the custody of an employee designated by the Director for
13 immediate use for purposes set forth in this section.

14 (b) The Account must be replenished periodically from the
15 Wildlife ~~Fund~~ Account in the State General Fund upon approval of
16 expenditures as required by law and submission of vouchers or other
17 documents to indicate payment as may be prescribed.

18 2. The Wildlife Imprest Account may be used to pay for
19 postage, C.O.D. packages, travel or other minor expenses which are
20 proper as claims for payment from the Wildlife ~~Fund~~ Account in
21 the State General Fund.

22 3. The Wildlife Imprest Account may be used to provide
23 money to employees of the Department for travel expenses and
24 subsistence allowances arising out of their official duties or
25 employment. All advances constitute a lien in favor of the
26 Department upon the accrued wages of the requesting employee in
27 an amount equal to the money advanced, but the Director may
28 advance more than the amount of the accrued wages of the
29 employee. Upon the return of the employee, the employee is entitled
30 to receive money for any authorized expenses and subsistence in
31 excess of the amount advanced.

32 **Sec. 8.** NRS 501.361 is hereby amended to read as follows:

33 501.361 A Petty Cash Account in the amount of \$1,000 for the
34 payment of minor expenses of the Department is hereby created.
35 The Account must be kept in the custody of an employee designated
36 by the Director and must be replenished periodically from the
37 Wildlife ~~Fund~~ Account in the State General Fund upon approval of
38 expenditures as required by law and submission of vouchers or other
39 documents to indicate payment as may be prescribed.

40 **Sec. 9.** NRS 501.3855 is hereby amended to read as follows:

41 501.3855 1. In addition to the penalties provided for the
42 violation of any of the provisions of this title, every person who:

43 (a) Unlawfully kills or possesses a trophy big game mammal is
44 liable for a civil penalty of not less than \$5,000 nor more than
45 \$30,000; or



(b) Except as otherwise provided in paragraph (a), unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 but less than \$5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, a person is liable for a civil penalty of not less than \$25 nor more than \$1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, a person is liable for a civil penalty of not less than \$50 nor more than the amount of the fee for the license, tag or permit required for the activity in which the person engaged.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.



(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

Sec. 10. NRS 501.389 is hereby amended to read as follows:

501.389 1. Except for property described in NRS 501.3857, equipment:

(a) Seized as evidence in accordance with NRS 501.375; and

(b) Not recovered by the owner within 1 year after it is no longer needed for evidentiary purposes,

↳ becomes the property of the Department.

2. The Department may:

(a) Sell the equipment in accordance with the regulations adopted pursuant to subsection 5 of NRS 333.220;

(b) Donate equipment that is not dangerous to nonprofit organizations which benefit children;

(c) Donate equipment that is not dangerous to children from low-income families who attend fishing clinics sponsored by the Department; or

(d) Retain the equipment for authorized use by the Department.

↳ All money received from the sale of equipment must be deposited with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund.

3. Any person of lawful age and lawfully entitled to reside in the United States may purchase the equipment, whether a prior owner or not.

Sec. 11. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 12 and 13 of this act.

Sec. 12. *All money received pursuant to NRS 502.326 must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the trout stamp program. This amount is in addition to the compensation allowed persons authorized to issue and sell licenses.*

Sec. 13. *Except as otherwise provided in section 12 of this act, all money received pursuant to NRS 502.326 must be used for the protection, propagation and management of trout in this State*



and for the payment of any bonded indebtedness incurred therefor.

Sec. 14. NRS 502.148 is hereby amended to read as follows:

502.148 1. Except as otherwise provided in this subsection, any person who wishes to apply for a restricted nonresident deer tag pursuant to NRS 502.147 must complete an application on a form prescribed and furnished by the Department. A licensed master guide may complete the application for an applicant. The application must be signed by the applicant and the master guide who will be responsible for conducting the restricted nonresident deer hunt.

2. The application must be accompanied by a fee for the tag of \$300, plus any other fees which the Department may require. The Commission shall establish the time limits and acceptable methods for submitting such applications to the Department.

3. Any application for a restricted nonresident deer tag which contains an error or omission must be rejected and the fee for the tag returned to the applicant.

4. A person who is issued a restricted nonresident deer tag is not eligible to apply for any other deer tag issued in this State for the same hunting season as that restricted nonresident deer hunt.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife ~~[Fund]~~ Account in the State General Fund.

Sec. 15. NRS 502.219 is hereby amended to read as follows:

502.219 1. A program is hereby established for the issuance of additional big game tags each year to be known as "Dream Tags." 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 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, at prices established by the 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 ~~Fund~~ Account in the State General Fund.

5. The nonprofit organization shall, on or before February 1 of each year, report to the 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 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.

Sec. 16. NRS 502.222 is hereby amended to read as follows:

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



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

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

Sec. 17. NRS 502.242 is hereby amended to read as follows:

502.242 1. In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a habitat conservation fee of \$3 must be paid.

2. Revenue from the habitat conservation fee must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife ~~{Fund}~~ Account and, except as otherwise provided in this subsection and NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. Each year, not more than 18 percent of the money credited to the Wildlife ~~{Fund}~~ Account from any revenue received pursuant to subsection 1 may be used to monitor wildlife and its habitat for those purposes.

3. The money in the Wildlife ~~{Fund}~~ Account *credited pursuant to this section* remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 18. NRS 502.250 is hereby amended to read as follows:

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag	\$30
Resident antelope tag.....	60
Resident elk tag	120
Resident bighorn sheep tag.....	120
Resident mountain goat tag	120
Resident mountain lion tag.....	25
Nonresident deer tag.....	240
Nonresident antelope tag	300
Nonresident antlered elk tag.....	1,200
Nonresident antlerless elk tag.....	500
Nonresident bighorn sheep tag	1,200
Nonresident mountain goat tag.....	1,200
Nonresident mountain lion tag	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.



3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed \$10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than \$5 but not more than \$15 must be charged for processing an application for an elk, \$5 of which must be deposited with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. A fee of not less than \$15 and not more than \$50 must be charged for processing an application for a Silver State Tag.

5. The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage ~~Trust~~ Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife ~~Fund~~ Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage ~~Trust~~ Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.



Sec. 19. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife ~~{Fund}~~ Account in the State General Fund and used by the Department for costs related to:

(a) Programs for the management and control of injurious predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

4. The money in the Wildlife ~~{Fund}~~ Account *credited pursuant to this section* remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 20. NRS 502.294 is hereby amended to read as follows:

502.294 All money received pursuant to NRS 502.292 must be deposited with the State Treasurer for credit to the Wildlife ~~{Fund}~~ Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the program of documentation. This amount is in addition to compensation allowed persons authorized to issue and sell licenses.

Sec. 21. NRS 502.310 is hereby amended to read as follows:

502.310 All money received pursuant to NRS 502.300 must be deposited with the State Treasurer for credit to the Wildlife ~~{Fund}~~ Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the



1 state duck stamp programs. This amount is in addition to
2 compensation allowed persons authorized to issue and sell licenses.

3 **Sec. 22.** NRS 502.322 is hereby amended to read as follows:

4 502.322 1. Before the Department may undertake any project
5 using money received pursuant to NRS 502.300, it shall analyze the
6 project and provide the Commission with recommendations as to the
7 need for the project and its feasibility.

8 2. Money received pursuant to NRS 502.300 must be used for
9 projects approved by the Commission for the protection , ~~land~~
10 propagation **and management** of migratory game birds, and for the
11 acquisition, development and preservation of wetlands in Nevada.

12 **Sec. 23.** NRS 502.410 is hereby amended to read as follows:

13 502.410 1. Any money received by the Department pursuant
14 to NRS 502.400 must be deposited with the State Treasurer for
15 credit to the Wildlife ~~Fund~~ Account in the State General Fund.

16 2. The Department:

17 (a) Shall maintain separate accounting records for the receipt
18 and expenditure of any money pursuant to this section or NRS
19 502.400; and

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

22 **Sec. 24.** NRS 503.597 is hereby amended to read as follows:

23 503.597 1. Except as otherwise provided in this section, it is
24 unlawful, except by the written consent and approval of the
25 Department, for any person at any time to receive, bring or have
26 brought or shipped into this State, or remove from one stream or
27 body of water in this State to any other, or from one portion of the
28 State to any other, or to any other state, any aquatic life or wildlife,
29 or any spawn, eggs or young of any of them.

30 2. The Department shall require an applicant to conduct an
31 investigation to confirm that such an introduction or removal will
32 not be detrimental to the wildlife or the habitat of wildlife in this
33 State. Written consent and approval of the Department may be given
34 only if the results of the investigation prove that the introduction,
35 removal or importation will not be detrimental to existing aquatic
36 life or wildlife, or any spawn, eggs or young of any of them.

37 3. The Commission may through appropriate regulation
38 provide for the inspection of such introduced or removed creatures
39 and the inspection fees therefor.

40 4. The Commission may adopt regulations to prohibit the
41 importation, transportation or possession of any species of wildlife
42 which the Commission deems to be detrimental to the wildlife or the
43 habitat of the wildlife in this State.



5. A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:

(a) For a first offense, a misdemeanor; and

(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least \$25,000 but not more than \$250,000. The money must be deposited into the Wildlife ~~Fund~~ Account in the State General Fund and used to:

(a) Remove the aquatic invasive species or injurious aquatic species;

(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;

(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;

(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and

(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to:

(a) Alternative livestock and products made therefrom; or

(b) The introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:

(a) "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.

(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

(1) Predation;

(2) Parasitism;

(3) Interbreeding; or

(4) The transmission of disease.

Sec. 25. NRS 504.155 is hereby amended to read as follows:

504.155 All gifts, grants, fees and appropriations of money received by the Department for the prevention and mitigation of



1 damage caused by elk or game mammals not native to this State,
2 and the interest and income earned on the money, less any
3 applicable charges, must be accounted for separately within the
4 Wildlife ~~[Fund]~~ Account and may only be disbursed as provided in
5 the regulations adopted pursuant to NRS 504.165.

6 **Sec. 26.** NRS 321.385 is hereby amended to read as follows:

7 321.385 The State Land Registrar, after consultation with the
8 Division of Forestry of the State Department of Conservation and
9 Natural Resources, may:

10 1. Sell timber from any land owned by the State of Nevada
11 which is not assigned to the Department of Wildlife.

12 2. At the request of the Director of the Department of Wildlife,
13 sell timber from any land owned by the State of Nevada which is
14 assigned to the Department of Wildlife. Revenues from the sale of
15 such timber must be deposited with the State Treasurer for credit to
16 the Wildlife ~~[Fund]~~ Account in the State General Fund.

17 **Sec. 27.** NRS 365.535 is hereby amended to read as follows:

18 365.535 1. It is declared to be the policy of the State of
19 Nevada to apply the tax on motor vehicle fuel paid on fuel used in
20 watercraft for recreational purposes during each calendar year,
21 which is hereby declared to be not refundable to the consumer, for
22 the:

23 (a) Improvement of boating and the improvement, operation and
24 maintenance of other outdoor recreational facilities located in any
25 state park that includes a body of water used for recreational
26 purposes; and

27 (b) Payment of the costs incurred, in part, for the administration
28 and enforcement of the provisions of chapter 488 of NRS.

29 2. The amount of excise taxes paid on all motor vehicle fuel
30 used in watercraft for recreational purposes must be determined
31 annually by the Department by use of the following formula:

32 (a) Multiplying the total boats with motors registered the
33 previous calendar year, pursuant to provisions of chapter 488 of
34 NRS, times 220.76 gallons average fuel purchased per boat;

35 (b) Adding 566,771 gallons of fuel purchased by out-of-state
36 boaters as determined through a study conducted during 1969-1970
37 by the Division of Agricultural and Resource Economics, Max C.
38 Fleischmann College of Agriculture, University of Nevada, Reno;
39 and

40 (c) Multiplying the total gallons determined by adding the total
41 obtained under paragraph (a) to the figure in paragraph (b) times the
42 rate of tax, per gallon, imposed on motor vehicle fuel used in
43 watercraft for recreational purposes, less the percentage of the tax
44 authorized to be deducted by the supplier pursuant to NRS 365.330.



3. The Department of Wildlife shall submit annually to the Department, on or before April 1, the number of boats with motors registered in the previous calendar year. On or before June 1, the Department, using that data, shall compute the amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes based on the formula set forth in subsection 2, and shall certify the ratio for apportionment and distribution, in writing, to the Department of Wildlife and to the Division of State Parks of the State Department of Conservation and Natural Resources for the next fiscal year.

4. In each fiscal year, the State Treasurer shall, upon receipt of the tax money from the Department collected pursuant to the provisions of NRS 365.175 to 365.190, inclusive, allocate the amount determined pursuant to subsection 2, in proportions directed by the Legislature, to:

(a) The Wildlife ~~Fund~~ Account in the State General Fund. This money may be expended only for the administration and enforcement of the provisions of chapter 488 of NRS and for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities associated with boating. Any money received in excess of the amount authorized by the Legislature to be expended for such purposes must be retained in the Wildlife ~~Fund~~ Account.

(b) The Division of State Parks of the State Department of Conservation and Natural Resources. Such money may be expended only as authorized by the Legislature for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities located in any state park that includes a body of water used for recreational purposes.

Sec. 28. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

➔ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of \$20 for the certificate of ownership and a fee according to the following



schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet.....	\$20
13 feet or more but less than 18 feet.....	25
18 feet or more but less than 22 feet.....	40
22 feet or more but less than 26 feet.....	55
26 feet or more but less than 31 feet.....	75
31 feet or more	100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife ~~Fund~~ Account in the State General Fund and, except as otherwise provided in NRS 488.536, may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. A certificate of number may be renewed each year by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in subsection 2. The amount of the fee for issuing a duplicate validation decal is \$20.

4. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The amount of the fee for each such a number is \$20.



Sec. 29. NRS 488.536 is hereby amended to read as follows:

488.536 1. Except as otherwise provided in subsection 6, a person shall not operate a vessel on the waters of this State unless the person has:

(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.

4. The Commission shall establish by regulation an aquatic invasive species fee, which:

(a) For a motorboat which is owned or operated by a person who is a resident of this State, must not exceed \$10;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, must not exceed \$5;

(c) For a motorboat which is owned or operated by a nonresident of this State, must be \$20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, must be \$10.

5. The aquatic invasive species fee established pursuant to subsection 4 must be paid annually for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife ~~Fund~~ Account in the State General Fund and used by the Department for enforcement of this section ~~H~~ and NRS 488.530, 488.533 and 503.597 and for education about and management of aquatic invasive species.

6. The provisions of this section do not apply to a person who operates a vessel on the waters of:

(a) The Colorado River, Lake Mead or Lake Mohave if, as determined by the Department, the vessel is registered in Arizona and Arizona has a program in effect for the management of aquatic invasive species; or

(b) Lake Tahoe or Topaz Lake if, as determined by the Department, the vessel is registered in California and California has a program in effect for the management of aquatic invasive species.

Sec. 30. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, make such changes as necessary so that references to the "Wildlife Fund



Account” and the “Wildlife Heritage Trust Account” are changed to the “Wildlife Account” and “Wildlife Heritage Account,” respectively; and

2. In preparing supplements to the Nevada Administrative Code, make such changes as necessary so that references to the “Wildlife Fund Account” and the “Wildlife Heritage Trust Account” are changed to the “Wildlife Account” and “Wildlife Heritage Account,” respectively.

Sec. 31. 1. This section and sections 1 to 22, inclusive, and 24 to 30, inclusive, of this act become effective on July 1, 2015.

2. Section 23 of this act becomes effective upon the conveyance of the Carson Lake Pasture to the State of Nevada in accordance with chapter 209, Statutes of Nevada 1993, at page 447.

