

Amendment No. 583

Senate Amendment to Assembly Bill No. 78 First Reprint (BDR 45-362)

Proposed by: Senator Gustavson

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 78 R1.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

MSN/JWP



Date: 4/14/2015

A.B. No. 78—Makes various changes relating to wildlife. (BDR 45-362)



ASSEMBLY BILL NO. 78—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 45-362)

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; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; ~~revising provisions relating to the fees charged to an applicant for an elk tag;~~ revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; ~~making various other changes relating to wildlife;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Wildlife Commissioners to establish policies for the management of wildlife in this State and to establish policies and adopt regulations necessary for the preservation, protection, management and restoration of wildlife and its habitat. (NRS 501.105, 501.181) **Sections 1 and 1.2** of this bill require the Commission, in establishing such policies and adopting such regulations, to first consider the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Existing law establishes a county advisory board to manage wildlife in each of the counties of this State. (NRS 501.260) **Sections 1.4-1.6** of this bill make various changes relating to those boards.

~~Existing law sets forth the fees to be charged by the Department of Wildlife to a hunter who applies for an elk tag. In addition to a fee for the tag itself, the Department is required to charge a fee for processing the application of not more than \$15, of which \$5 must be used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. (NRS 502.250) Section 2 of this bill revises those provisions so that the fee for processing the application is fixed at \$10 and the fee to cover costs of prevention and mitigation is increased to not more than \$10, as provided by regulation of the Board of Wildlife Commissioners. Sections 1.2 and 2 of this bill make conforming changes.~~

Existing law ~~also~~ provides that in addition to any fee charged and collected for a game tag, a fee of \$3 must be charged for processing each application for a game tag, the revenue

from which must be 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 certain programs, management activities and research relating to wildlife. (NRS 502.253) **Section 4** of this bill revises the provisions governing the use of this money. **Section 4** also requires the Commission to consider the recommendations of the State Predatory Animal and Rodent Committee, the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.

Existing law creates and governs the State Predatory Animal and Rodent Committee. (NRS 567.010-567.090) **Section 5** of this bill adds two new members to the Committee and establishes their qualifications. **Section 8** of this bill requires the Chair to designate the two additional members described in **section 5** of this bill as soon as practicable after the effective date of this bill. **Sections 6 and 7** of this bill make various changes relating to the meetings of the Committee.

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

Section 1. NRS 501.105 is hereby amended to read as follows:

501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. *In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.*

Sec. 1.2. NRS 501.181 is hereby amended to read as follows:

501.181 The Commission shall:

1. Establish broad policies for:

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

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

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

2. Guide the Department in its administration and enforcement of the provisions of this title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

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

(b) The *management and* control of *predatory* wildlife. ~~{depredations.}~~

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

(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 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}~~ *If, in establishing any regulations ~~{must be established after first considering}~~ pursuant to this subsection, the Commission rejects the recommendations of ~~{the Department, the}~~ a county advisory ~~{boards}~~ board to manage wildlife ~~{and others who wish to present their views at an open meeting}~~ with regard to the length of seasons for fishing, hunting and trapping or the bag or possession limits applicable within the respective county, the Commission shall provide to the county advisory board to manage wildlife a written explanation of the Commission's decision to reject the recommendations.* 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.

(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 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.

9. In establishing any policy or adopting any regulations pursuant to this section, first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.

Sec. 1.4. NRS 501.290 is hereby amended to read as follows:

501.290 The board shall meet before ~~{those meetings}~~ *each meeting* of the Commission ~~{at which seasons, bag limits or hours are to be established}~~ and at such other times as the chair may call or the Commission may request.

1 **Sec. 1.5.** NRS 501.297 is hereby amended to read as follows:
2 501.297 The boards shall solicit and evaluate local opinion and advise the
3 Commission on matters relating to the management of wildlife . ~~{within their~~
4 ~~respective counties.}~~

5 **Sec. 1.6.** NRS 501.303 is hereby amended to read as follows:
6 501.303 1. The boards shall submit recommendations for *the management*
7 *of wildlife and* setting seasons for fishing, hunting and trapping, which must be
8 considered by the Commission in its deliberation on and establishment of
9 regulations . ~~{covering open or closed seasons, bag limits, hours and other~~
10 ~~regulations or policies.}~~

11 2. The chair or vice chair, or members of the board appointed by them:
12 (a) Shall attend the meetings of the Commission ; ~~{at which seasons are set or~~
13 ~~bag limits, hours or other regulations and policies are established.}~~ and
14 (b) Are entitled to receive such travel and per diem expenses as are allowed by
15 law.

16 **Sec. 1.8.** ~~{NRS 501.356 is hereby amended to read as follows:~~
17 ~~501.356 1. Money received by the Department from:~~
18 ~~(a) The sale of licenses;~~
19 ~~(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;~~
20 ~~(c) Remittances from the State Treasurer pursuant to the provisions of NRS~~
21 ~~365.535;~~
22 ~~(d) Appropriations made by the Legislature; and~~
23 ~~(e) All other sources, including, without limitation, the Federal Government,~~
24 ~~except money derived from the forfeiture of any property described in NRS~~
25 ~~501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to~~
26 ~~NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy~~
27 ~~Planning and Conservation Account created by NRS 701.630 or the Account for the~~
28 ~~Recovery of Costs created by NRS 701.640,~~
29 ~~— must be deposited with the State Treasurer for credit to the Wildlife Fund~~
30 ~~Account in the State General Fund.~~

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

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

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

42 ~~(a) Only for the management of wildlife; and~~

43 ~~(b) If the fee is for the sale or issuance of a license, permit or tag other than a~~
44 ~~tag specified in subsection 5 [or 6], 7 or 8 of NRS 502.250, under the guidance of~~
45 ~~the Commission pursuant to subsection 2 of NRS 501.181.} (Deleted by
46 amendment.)~~

47 **Sec. 2.** ~~{NRS 502.142 is hereby amended to read as follows:~~

48 ~~502.142 1. The Commission shall adopt regulations to establish a program~~
49 ~~pursuant to which the Department will issue special incentive elk tags. The~~
50 ~~regulations must:~~

51 ~~(a) Set forth the application and annual review processes for the issuance of~~
52 ~~special incentive elk tags.~~

~~(b) Require that an application for a special incentive elk tag must be accompanied by:~~

~~(1) The fee charged for an elk tag pursuant to subsection 1 of NRS 502.250; and~~

~~(2) Any administrative fee charged in connection with the issuance of an elk tag pursuant to this chapter [.] , including, without limitation, the fees charged pursuant to subsections 4 and 6 of NRS 502.250.~~

~~(c) Provide for the issuance of a special incentive elk tag only to a person who:~~

~~(1) Lawfully owns, leases or manages private land within an actual elk use area; and~~

~~(2) If that private land blocks reasonable access to adjacent public land, provides reasonable access through the private land to allow a person or hunting party possessing a valid elk tag to hunt elk on the adjacent public land.~~

~~(d) Establish criteria for the issuance of special incentive elk tags based upon:~~

~~(1) The number of elk using private land controlled by the applicant;~~

~~(2) The number of days the elk use private lands of the applicant in a calendar year;~~

~~(3) The total number of elk; and~~

~~(4) Limiting the number of special incentive elk tags issued in each calendar year to not more than one half of the bull elk tags issued in that calendar year;~~

~~→ within the actual elk use area in the unit or units of the management area or areas in which the private land is located.~~

~~(e) Provide that special incentive elk tags are valid for both sexes of elk.~~

~~(f) Prohibit a person who has, within a particular calendar year, applied for or received compensation pursuant to NRS 504.165 as reimbursement for damage caused by elk to private land from applying, within the same calendar year, for a special incentive elk tag for the same private land.~~

~~(g) Allow a group of owners, lessees and managers of private land to qualify for a special incentive elk tag for their combined lands.~~

~~(h) Ensure that the issuance of special incentive elk tags will not result in the number of bull elk tags issued in any year being reduced to a number below the quota for bull elk tags established by the Commission for 1997.~~

~~(i) Provide that a person to whom a special incentive elk tag is issued by the Commission pursuant to this section may:~~

~~(1) If the person holds a valid hunting license issued by this State, use the special incentive elk tag himself or herself; or~~

~~(2) Sell the special incentive elk tag to another person who holds a valid hunting license issued by this State at any price upon which the parties mutually agree.~~

~~(j) Require that a person who is issued a special incentive elk tag must hunt:~~

~~(1) During the open season for elk.~~

~~(2) In the unit or units within the management area or areas in which the private land is located.~~

~~(k) Provide for the appointment of an arbitration panel to resolve disputes between persons who apply for special incentive elk tags and the Department regarding the issuance of such tags.~~

~~2. As used in this section, "actual elk use area" means an area in which elk live, as identified and designated by the Department.] (Deleted by amendment.)~~

Sec. 3. [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:~~

1	Resident deer tag	\$20
2	Resident antelope tag	60
3	Resident elk tag	120
4	Resident bighorn sheep tag	120
5	Resident mountain goat tag	120
6	Resident mountain lion tag	25
7	Nonresident deer tag	240
8	Nonresident antelope tag	300
9	Nonresident antlered elk tag	1,200
10	Nonresident antlerless elk tag	500
11	Nonresident bighorn sheep tag	1,200
12	Nonresident mountain goat tag	1,200
13	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] *a Silver State Tag. Any fee collected pursuant to this subsection 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.]*

5. 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.] Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund.~~

6. ~~If an application is for an elk, in addition to the fee for the elk tag required by subsection 1 and the fee for processing an application required by subsection 4 or 5, a fee of not less than \$5 and not more than \$10, as provided by regulation of the Commission, must be charged. Any fee collected pursuant to this subsection must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used pursuant to NRS 504.155 for the prevention and mitigation of damage caused by elk or game mammals not native to this State.~~

7. 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.] 8. 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.] 9, 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 501.2575.

~~[7.] 9. 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.] (Deleted by amendment.)~~

Sec. 4. 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]~~ *Developing and implementing an annual program* for the management and control of ~~[injuriously]~~ predatory wildlife;

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

(c) Conducting research ~~[, as needed,]~~ *necessary* 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]~~ *may be implemented or conducted only if the program, activity or research is approved by the Commission pursuant to subsection 4 and is in accordance with the policies adopted by the Commission* pursuant to ~~[subsection 2 of]~~ NRS 501.181.

4. *The Commission:*

(a) *In approving any program developed or wildlife management activity or research conducted pursuant to this section, shall first consider the recommendations of the State Predatory Animal and Rodent Committee created by NRS 567.020, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.*

(b) *Shall not approve any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the immediately preceding fiscal year for the purposes of lethal management and control of predatory wildlife.*

5. The money in the Wildlife Fund Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 5. NRS 567.030 is hereby amended to read as follows:

567.030 The Committee consists of ~~[five]~~ *the following seven* members ~~[.]~~ :

1 1. Two members ~~must be~~ designated by the State Board of Agriculture from
2 among its members, one of which must be the appointee for range or semirange
3 sheep production.

4 2. One member ~~must be~~ designated by the Board of Wildlife Commissioners
5 from among its members.

6 3. One member ~~must be~~ designated by the State Board of Health from
7 among its members.

8 4. One member ~~must be~~ designated by the Nevada Farm Bureau *Federation*
9 from among its members.

10 5. *One member designated by the Chair of the Committee from among the*
11 *persons who make application to the Committee who:*

12 (a) *Must have been issued a license to hunt, trap or fish in this State in at*
13 *least 3 of the 5 years immediately preceding the date on which he or she is*
14 *designated as a member; and*

15 (b) *Must not have been convicted of any violation of the provisions of this*
16 *title or any regulations adopted pursuant thereto or any federal law or regulation*
17 *or any law or regulation of any other state relating to hunting, trapping or*
18 *fishing in the 5 years immediately preceding the date on which he or she is*
19 *designated as a member.*

20 6. *One member designated by the Chair of the Committee from among the*
21 *persons who make application to the Committee who:*

22 (a) *Must hold a license as a master guide issued pursuant to NRS 504.390;*
23 *and*

24 (b) *Must not have been convicted of any violation of the provisions of this*
25 *title or any regulations adopted pursuant thereto or any federal law or regulation*
26 *or any law or regulation of any other state relating to hunting, trapping or*
27 *fishing in the 5 years immediately preceding the date on which he or she is*
28 *designated as a member.*

29 Sec. 6. NRS 567.040 is hereby amended to read as follows:

30 567.040 1. ~~Upon and following its organization~~ *At the first meeting of*
31 *each year, the* Committee shall select its own Chair ~~+~~ *and Vice Chair from*
32 *among its members. A member may not serve as the Chair or Vice Chair for more*
33 *than two consecutive terms.*

34 2. *Upon the selection of the Chair at the first meeting of each year, the*
35 *Chair shall designate the members described in subsections 5 and 6 of NRS*
36 *567.030.*

37 3. The Secretary of the State Board of Agriculture shall serve as Secretary of
38 the Committee.

39 Sec. 7. NRS 567.070 is hereby amended to read as follows:

40 567.070 The Committee's Secretary shall call the first meeting of the
41 Committee *each year* following the designation of ~~its~~ *the* members ~~as provided~~
42 *described in subsections 1 to 4, inclusive, of* NRS 567.030.

43 Sec. 8. Notwithstanding the amendatory provisions of subsection 2 of section
44 6 of this act, the Chair of the State Predatory Animal and Rodent Committee shall,
45 as soon as practicable after the effective date of this act, designate the members of
46 the Committee described in subsections 5 and 6 of NRS 567.030, as amended by
47 section 5 of this act, each to serve a term that expires on the date of the first
48 meeting of the Committee that occurs on or after January 1, 2017.

49 Sec. 9. This act becomes effective upon passage and approval.