

Amendment No. 946

Senate Amendment to Senate Bill No. 163 First Reprint	(BDR 45-616)
Proposed by: Senate Committee on Finance	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) 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.

JWP/BJE



Date: 5/27/2015

S.B. No. 163—Creates the Council on Nevada Wildlife Conservation and Education within the Department of Wildlife. (BDR 45-616)



SENATE BILL NO. 163—SENATOR HAMMOND

FEBRUARY 16, 2015

JOINT SPONSOR: ASSEMBLYWOMAN JOINER

Referred to Committee on Natural Resources

SUMMARY—Creates the **Advisory** Council on Nevada Wildlife Conservation and Education within the Department of Wildlife. (BDR 45-616)

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; creating the **Advisory** Council on Nevada Wildlife Conservation and Education within the Department of Wildlife; prescribing the membership and duties of the Council; authorizing the Department to fund the activities of the Council from the Wildlife Heritage Trust Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the management of wildlife in this State, including the regulation of hunting, fishing, trapping and the taking of game. (Title 45 of NRS) **Section 3** of this bill creates the **Advisory** Council on Nevada Wildlife Conservation and Education within the Department of Wildlife and prescribes the composition of the members of the Council. **Section 5** of this bill requires the Council, in cooperation with the Department, to develop and implement a public information program for the purpose of promoting and educating the general public on the history and benefits of wildlife and wildlife preservation in this State, and the importance of hunting, fishing, trapping and the taking of game in this State. **Section 5** further requires the Council to prepare an operational plan to meet the future goals of the Council and to report certain information to the **Director of the Department and the** Board of Wildlife Commissioners. **Sections 6, 9.3 and 9.7** of this bill authorize the Department to fund the activities of the Council from the Wildlife Heritage Trust Account. **Section 8** of this bill requires the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Council.

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

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 6, inclusive, of this act.

3 **Sec. 2.** *"Council" means the Advisory Council on Nevada Wildlife*
4 *Conservation and Education created by section 3 of this act.*

5 **Sec. 3.** *1. There is hereby created within the Department the Advisory*
6 *Council on Nevada Wildlife Conservation and Education. The Council consists*
7 *of the following seven members:*

8 (a) ~~The~~ A representative of the Department, designated by the Director;
9 and

10 (b) *The following members to be appointed by the ~~Governor~~ Director with*
11 *the advice of the Chair of the Commission ; ~~and the Director.~~*

12 (1) *One member of the Commission or his or her designee;*

13 (2) *Three residents of this State who are selected from the list of*
14 *candidates compiled pursuant to subsection 9 of NRS 501.181;*

15 (3) *One resident of this State who represents small businesses that are*
16 *substantially affected by hunting, fishing and trapping in this State; and*

17 (4) *One resident of this State who is not an employee of the Department*
18 *and who has a background in media or marketing sufficient to advise the Council*
19 *in carrying out its duties pursuant to section 5 of this act.*

20 2. ~~The Governor~~ Director shall, to the extent practicable, ensure that the
21 membership of the Council represents all geographic areas of this State.

22 3. *After the initial terms, each member of the Council appointed pursuant*
23 *to paragraph (b) of subsection 1 serves a term of 4 years.*

24 4. *A vacancy in the appointed membership of the Council must be filled in*
25 *the same manner as the original appointment for the remainder of the unexpired*
26 *term.*

27 5. *An appointed member of the Council may be reappointed, but must not*
28 *serve more than two full terms.*

29 6. *Each member of the Council:*

30 (a) *Serves without compensation; and*

31 (b) *While engaged in the business of the Council, is entitled to receive the per*
32 *diem allowance and travel expenses provided for state officers and employees*
33 *generally.*

34 7. ~~The Governor~~ Director may remove any appointed member of the
35 Council for good cause.

36 **Sec. 4.** *1. At the first meeting of the Council, the Council shall elect from*
37 *its members a Chair, a Vice Chair ~~and~~ and a Secretary, ~~and a Treasurer,~~*
38 *and shall adopt the ~~bylaws~~ policies of the Council. Upon the expiration of the term*
39 *of an officer elected pursuant to this subsection, the Council shall, at the next*
40 *subsequent meeting of the Council, elect an officer to fill the vacated position.*

41 2. *The Council shall meet at least once each calendar quarter and at other*
42 *times upon the call of the Chair or a majority of its members.*

43 3. *A majority of the members of the Council constitutes a quorum for the*
44 *transaction of business, and a quorum may exercise any power or authority*
45 *conferred on the Council.*

46 4. *Meetings of the Council must be conducted in accordance with chapter*
47 *241 of NRS.*

1 5. Except as otherwise provided by specific statute, the documents and other
2 information compiled by the Council in the course of its business are public
3 records.

4 Sec. 5. 1. ~~The~~ Subject to approval by the Director, the Council shall, in
5 cooperation with the Department:

6 (a) Develop and implement, in collaboration with a marketing or advertising
7 agency, a comprehensive media-based public information program to educate the
8 general public on the history of wildlife in Nevada, the benefits of wildlife to its
9 citizens and the benefits of wildlife management and wildlife recreational
10 opportunities in Nevada. The program must promote the essential role that
11 sportsmen and sportswomen play in furthering wildlife conservation in this State
12 and must include, without limitation, education to teach that hunting, fishing,
13 trapping and the taking of game are:

14 (1) Necessary for the conservation, preservation and management of the
15 natural resources of this State;

16 (2) A valued and integral part of the cultural heritage of this State that
17 must forever be preserved; and

18 (3) An important part of the economy of this State.

19 (b) Not later than 120 days after the Council's first meeting of each year,
20 prepare an operational plan with strategic goals and milestones in furtherance of
21 the duties of the Council.

22 (c) Prepare a request for proposals for the purpose of selecting a marketing
23 or advertising agency.

24 (d) Establish criteria for grading and selecting a marketing or advertising
25 agency based on the submission of proposals.

26 (e) Conduct surveys for the purpose of developing a marketing campaign and
27 determining the effectiveness of a campaign.

28 2. ~~The~~ Subject to approval by the Director, the Council shall review and
29 approve each annual budget for the Council and review any periodic financial
30 reports provided by the Department that are related to the activities of the
31 Council.

32 3. The Council shall, on or before December 31 of each even-numbered
33 year, prepare a report to the Director and the Commission outlining the public
34 information program implemented and the operational plan prepared pursuant to
35 subsection 1 and the expenditures of the Council.

36 Sec. 6. 1. The activities of the Council must be funded by allocations of
37 money from the Wildlife Heritage Trust Account that are made in accordance
38 with the provisions of subsection 4 of NRS 501.3575.

39 2. The Director and the Council may apply for and accept any available
40 grants and may accept any bequests, devises, donations or gifts from any public
41 or private source to fund the activities of the Council. ~~Any such money received~~
42 ~~by the Director or the Council must be forwarded to the Department for deposit~~
43 ~~into the Wildlife Heritage Trust Account and accounted for separately.]~~

44 3. Any money described in subsections 1 and 2 must be used for the
45 activities of the Council and accounted for separately. Except as otherwise
46 provided by law or by the terms of any grant, bequest, devise, donation or gift,
47 any money remaining in the Account at the end of a fiscal year does not revert to
48 the State General Fund and must be carried over to the next fiscal year.

49 Sec. 7. NRS 501.001 is hereby amended to read as follows:

50 501.001 As used in this title, unless the context otherwise requires, the words
51 and terms defined in NRS 501.003 to 501.097, inclusive, and section 2 of this act
52 have the meanings ascribed to them in those sections.

1 **Sec. 8.** NRS 501.181 is hereby amended to read as follows:

2 501.181 The Commission shall:

3 1. Establish broad policies for:

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

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

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

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

12 3. Establish policies for areas of interest including:

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

16 (b) The control of wildlife depredations.

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

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

24 (e) The control of nonresident hunters.

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

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

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

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

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

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

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

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

51 5. Adopt regulations requiring the Department to make public, before official
52 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. Maintain a list of qualified candidates for appointment to the Council that is compiled from recommendations by any Nevada sportsmen's organization. The Commission shall not include a person on the list of candidates unless the person has been a resident of this State for at least 5 years and has held a hunting, fishing or trapping license, or any combination of such licenses, in this State for at least 3 of the immediately preceding 5 years.

Sec. 9. (Deleted by amendment.)

Sec. 9.3. 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 ~~;~~ *and*

(c) Funding the activities of the Council.

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. ~~fr and~~

~~(c) The Director or Council pursuant to subsection 2 of section 6 of this act;~~
must be deposited with the State Treasurer for credit to the Account. ~~Any money received pursuant to paragraph (c) must be accounted for separately.~~

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. For the period beginning on July 1, 2015, and ending on June 30, 2019, to fund the activities of the Council, the Department may annually expend from the principal of the Wildlife Heritage Trust Account:

(a) Not more than \$250,000; and

(b) In addition, an amount of money not greater than 25 percent of the amount of 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 year, except that such expenditure must not exceed \$250,000 per fiscal year, to fund the activities of the Council.

5. 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

1 the Account pursuant to subsection 2 during the previous year and the total amount
2 of interest earned on the money in the Account during the previous year. ~~†The†~~

3 **6. Except for expenditures made pursuant to subsection 4, the** Commission
4 shall review and approve expenditures from the Account ~~†-Not†~~, and no money
5 may be expended from the Account without the prior approval of the Commission.

6 ~~†5.†~~ 7. The Commission shall administer the provisions of this section and
7 may adopt any regulations necessary for that purpose.

8 **Sec. 9.7.** Section 9.3 of this act is hereby amended to read as follows:

9 Sec. 9.3. NRS 501.3575 is hereby amended to read as follows:

10 501.3575 1. The Wildlife Heritage Trust Account is hereby created
11 in the State General Fund. The money in the Account must be used by the
12 Department as provided in this section for:

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

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

17 (c) Funding the activities of the Council.

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

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

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

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

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

28 4. ~~†For the period beginning on July 1, 2015, and ending on June 30,~~
29 ~~2019, to†~~ To fund the activities of the Council, the Department may
30 annually expend from the principal of the Wildlife Heritage Trust Account
31 ~~†~~

32 ~~— (a) Not more than \$250,000; and~~

33 ~~— (b) In addition,†~~ an amount of money not greater than 25 percent of the
34 amount of money deposited in the Account pursuant to subsection 2 during
35 the previous year.

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

41 6. Except for expenditures made pursuant to subsection 4, the
42 Commission shall review and approve expenditures from the Account, and
43 no money may be expended from the Account without the prior approval of
44 the Commission.

45 7. The Commission shall administer the provisions of this section and
46 may adopt any regulations necessary for that purpose.

47 **Sec. 10.** (Deleted by amendment.)

48 **Sec. 11.** 1. The ~~†Governor†~~ **Director of the Department of Wildlife** shall:

49 (a) Appoint the initial members to the Advisory Council on Nevada Wildlife
50 Conservation and Education in accordance with paragraph (b) of subsection 1 of
51 section 3 of this act not later than October 1, 2015.

52 (b) Call the first meeting of the Council, which must take place on or before
53 December 31, 2015.

1 2. At the first meeting of the Council, the six members initially appointed by
2 the ~~Governor~~ **Director of the Department of Wildlife** pursuant to paragraph (a)
3 of subsection 1 shall choose their terms of office by lot, in the following manner:

- 4 (a) Two members for terms of 2 years;
5 (b) Two members for terms of 3 years; and
6 (c) Two members for terms of 4 years.

7 **Sec. 12.** 1. This section and sections 1 to 9.3, inclusive, and 11 of this act
8 become effective on July 1, 2015.

- 9 2. Section 9.7 of this act becomes effective on July 1, 2019.