

## Amendment No. CA1

Conference Committee Amendment to (BDR 45-362)  
Assembly Bill No. 78 Second Reprint

**Proposed by:** Conference Committee

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

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.

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MSN/JWP



Date: 5/14/2015

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 certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; 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 to 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 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~~ **Department, before adopting any program for the management and control of predatory wildlife,** to consider the recommendations of the ~~Commission and 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.

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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}~~ at the meeting an explanation of the Commission's decision to reject the recommendations ~~{}~~ and, as soon as practicable after the meeting, 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.

Sec. 1.5. NRS 501.297 is hereby amended to read as follows:

501.297 The boards shall solicit and evaluate local opinion and advise the Commission on matters relating to the management of wildlife. ~~{within their respective counties}~~

1       **Sec. 1.6.** NRS 501.303 is hereby amended to read as follows:

2       501.303 1. The boards shall submit recommendations for *the management*  
3 *of wildlife and* setting seasons for fishing, hunting and trapping, which must be  
4 considered by the Commission in its deliberation on and establishment of  
5 regulations . ~~{covering open or closed seasons, bag limits, hours and other~~  
6 ~~regulations or policies.}~~

7       2. The chair or vice chair, or members of the board appointed by them:

8       (a) Shall attend the meetings of the Commission ; ~~{at which seasons are set or~~  
9 ~~bag limits, hours or other regulations and policies are established.}~~ and

10       (b) Are entitled to receive such travel and per diem expenses as are allowed by  
11 law.

12       **Sec. 1.8.** (Deleted by amendment.)

13       **Sec. 2.** (Deleted by amendment.)

14       **Sec. 3.** (Deleted by amendment.)

15       **Sec. 4.** NRS 502.253 is hereby amended to read as follows:

16       502.253 1. In addition to any fee charged and collected pursuant to NRS  
17 502.250, a fee of \$3 must be charged for processing each application for a game  
18 tag, the revenue from which must be accounted for separately, deposited with the  
19 State Treasurer for credit to the Wildlife Fund Account in the State General Fund  
20 and used by the Department for costs related to:

21       (a) ~~{Programs}~~ *Developing and implementing an annual program* for the  
22 management and control of ~~{injuriously}~~ predatory wildlife;

23       (b) Wildlife management activities relating to the protection of nonpredatory  
24 game animals ~~{}~~ *and* sensitive wildlife species ; and ~~{related wildlife habitat.}~~

25       (c) Conducting research ~~{, as needed,}~~ *necessary* to determine successful  
26 techniques for managing and controlling predatory ~~{wildlife, including studies~~  
27 ~~necessary to ensure effective programs for the management and control of injurious~~  
28 ~~predatory wildlife; and~~

29       ~~{(d) Programs for the education of the general public concerning the~~  
30 ~~management and control of predatory} wildlife.~~

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

34       3. Any program developed or wildlife management activity or research  
35 conducted pursuant to this section *must be developed or conducted under the*  
36 *guidance of* ~~{may be implemented or conducted only if the program, activity or~~  
37 ~~research is approved by}~~ the Commission ~~{pursuant to subsection 4 and is}~~ *in*  
38 *accordance with the provisions of subsection 4 and the policies adopted by the*  
39 *Commission* pursuant to ~~{subsection 2 of}~~ NRS 501.181.

40       4. ~~The {Commission.}~~ *Department:*

41       (a) ~~In {approving} adopting any program for the management and control of~~  
42 ~~predatory wildlife developed for wildlife management activity or research~~  
43 ~~conducted} pursuant to this section, shall first consider the recommendations of~~  
44 ~~the Commission and the State Predatory Animal and Rodent Committee created~~  
45 ~~by NRS 567.020 . , the county advisory boards to manage wildlife and other~~  
46 ~~persons who present their views at an open meeting of the Commission.}~~

47       (b) Shall not ~~{approve}~~ *adopt* any program for the management and control  
48 *of predatory wildlife developed pursuant to this section that provides for the*  
49 *expenditure of less than 80 percent of the amount of money collected pursuant to*  
50 *subsection 1 in the* ~~{immediately preceding}~~ *most recent fiscal year for which the*  
51 *Department has complete information* *for the purposes of lethal management and*  
52 *control of predatory wildlife.*

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

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

4       567.030 The Committee consists of ~~five~~ *the following seven* members ~~++~~ :

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

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

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

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

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

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

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

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

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

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

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

34      567.040 1. ~~Upon and following its organization~~ *At the first meeting of*  
35 *each year, the* Committee shall select its own Chair ~~++~~ *and Vice Chair from*  
36 *among its members. A member may not serve as the Chair or Vice Chair for more*  
37 *than two consecutive terms.*

38      2. *Upon the selection of the Chair at the first meeting of each year, the*  
39 *Chair shall designate the members described in subsections 5 and 6 of NRS*  
40 *567.030.*

41      3. The Secretary of the State Board of Agriculture shall serve as Secretary of  
42 the Committee.

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

44      567.070 The Committee's Secretary shall call the first meeting of the  
45 Committee *each year* following the designation of ~~its~~ *the* members ~~as provided~~  
46 *described in subsections 1 to 4, inclusive, of* NRS 567.030.

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

1       **Sec. 9.** This act becomes effective upon passage and approval.