

(Reprinted with amendments adopted on May 27, 2015)

SECOND REPRINT

S.B. 163

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.

~

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:

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



* S B 1 6 3 R 2 *

15 Wildlife Commissioners to maintain a list of qualified candidates for appointment
16 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
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this
3 act.

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

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

10 *(a) A representative of the Department, designated by the*
11 *Director; and*

12 *(b) The following members to be appointed by the Director*
13 *with the advice of the Chair of the Commission:*

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

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

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

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

25 *2. The Director shall, to the extent practicable, ensure that*
26 *the membership of the Council represents all geographic areas of*
27 *this State.*

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

31 *4. A vacancy in the appointed membership of the Council*
32 *must be filled in the same manner as the original appointment for*
33 *the remainder of the unexpired term.*

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

36 *6. Each member of the Council:*

37 *(a) Serves without compensation; and*



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

7. The Director may remove any appointed member of the Council for good cause.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

2. The Director and the Council may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source to fund the activities of the Council.

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

Sec. 7. NRS 501.001 is hereby amended to read as follows:
501.001 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 8. 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 control of 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 regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. 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. 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~~; *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,



1 ➡ must be deposited with the State Treasurer for credit to the
2 Account.

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

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

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

11 (b) *In addition, an amount of money not greater than 25*
12 *percent of the amount of money deposited in the Account pursuant*
13 *to subsection 2 during the previous year.*

14 5. The Department may annually expend from the Wildlife
15 Heritage Trust Account an amount of money not greater than 75
16 percent of the money deposited in the Account pursuant to
17 subsection 2 during the previous year and the total amount of
18 interest earned on the money in the Account during the previous
19 year. ~~[The]~~

20 6. *Except for expenditures made pursuant to subsection 4, the*
21 Commission shall review and approve expenditures from the
22 Account ~~[. No]~~, *and no* money may be expended from the Account
23 without the prior approval of the Commission.

24 ~~[5.]~~ 7. The Commission shall administer the provisions of this
25 section and may adopt any regulations necessary for that purpose.

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

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

30 501.3575 1. The Wildlife Heritage Trust Account is
31 hereby created in the State General Fund. The money in the
32 Account must be used by the Department as provided in this
33 section for:

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

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

40 (c) Funding the activities of the Council.

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

43 (a) A bid, auction, Silver State Tag Drawing or
44 Partnership in Wildlife Drawing conducted pursuant to
45 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. ~~For the period beginning on July 1, 2015, and ending on June 30, 2019, to~~ 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.

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 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.

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

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

Sec. 10. (Deleted by amendment.)

Sec. 11. 1. The Director of the Department of Wildlife shall:

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

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

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

(a) Two members for terms of 2 years;

(b) Two members for terms of 3 years; and

(c) Two members for terms of 4 years.

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



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

