

Amendment No. 678

Senate Amendment to Assembly Bill No. 101 First Reprint (BDR 45-187)

Proposed by: Senate Committee on Natural Resources

Amends: Summary: No 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.

EMR/HAC



Date: 5/15/2017

A.B. No. 101—Revises provisions governing the management of wildlife.
(BDR 45-187)



ASSEMBLY BILL NO. 101—ASSEMBLYMAN SPRINKLE

PREFILED FEBRUARY 3, 2017

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the management of wildlife.
(BDR 45-187)

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; requiring the Board of Wildlife Commissioners to establish policies for the conservation of certain wildlife; revising the authorized uses of the fees for the processing of an application for a game tag; requiring the Commission to establish policies for certain programs, activities and research relating to predatory wildlife; requiring the Department of Wildlife to submit a report on certain programs, activities and research relating to predatory wildlife; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Wildlife Commissioners is required, after first considering the recommendations of the Department of Wildlife, the county advisory boards to manage wildlife and other persons, to establish policies for 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. (NRS 501.181) **Section 1** of this bill requires those policies to also include the conservation of those mammals, birds, fish, reptiles and amphibians.

Existing law requires a person applying for a game tag to pay an additional fee of \$3 for processing the application. The money collected from those fees is required to be deposited in the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to: (1) developing and implementing an annual program for the management and control of predatory wildlife; (2) wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species; and (3) conducting research necessary to determine successful techniques for managing and controlling predatory wildlife. Any program developed or wildlife management activity or research conducted must be developed or conducted under the guidance of the Board of Wildlife Commissioners. (NRS 502.253) **Section 3** of this bill expands the purposes for which the proceeds from those fees are required to be used by ~~adding programs for the management and enhancement of game mammals;~~ adding wildlife management activities related to wildlife habitat and authorizing obtaining matching money from the Federal Government which is available for use for those programs and activities. **Section 3** also requires the Commission, in providing guidance to the Department, to establish policies for the development of any programs to control species of predatory wildlife or to conduct any wildlife management activities or research concerning species of predatory wildlife. Section 3 further requires the

Department ~~of Wildlife~~ to submit a report, on or before ~~August~~ December 31 of each ~~even-numbered~~ year, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature ~~setting forth~~ summarizing the ~~expenditures for the~~ results of certain programs, ~~and~~ activities ~~carried out using the proceeds from those fees~~ and research related to predatory wildlife. Section 4 of this bill specifies that the proceeds from those fees which are deposited for credit to the Wildlife Account on or after July 1, 2017, are only authorized to be used for the new purposes.

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

Section 1. 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 conservation and 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.

(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. If, in establishing any regulations pursuant to this subsection, the Commission rejects the recommendations of a county advisory

board to manage wildlife 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 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. Adopt regulations prescribing the circumstances under which a person, regardless of whether the person has obtained a valid tag issued by the Department, may assist in the killing and retrieval of a wounded big game mammal by another person who:

(a) Is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes the person's walking; and

(b) Has obtained a valid tag issued by the Department for hunting that animal.

10. 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. 2. 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 Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to NRS 501.3585, the Energy Planning

1 and Conservation Account created by NRS 701.630 or the Account for the
2 Recovery of Costs created by NRS 701.640,
3 must be deposited with the State Treasurer for credit to the Wildlife Account in
4 the State General Fund.

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

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

11 4. Except as otherwise provided in NRS 502.250, **502.253**, 502.410 and
12 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that
13 are required to be deposited in the Wildlife Account pursuant to the provisions of
14 this title and any matching money received by the Department from any source
15 must be accounted for separately and must be used:

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

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

20 **Sec. 3.** NRS 502.253 is hereby amended to read as follows:

21 502.253 1. In addition to any fee charged and collected pursuant to NRS
22 502.250, a fee of \$3 must be charged for processing each application for a game
23 tag, the revenue from which must be accounted for separately, deposited with the
24 State Treasurer for credit to the Wildlife Account in the State General Fund and
25 used by the Department for costs related **solely** to:

26 (a) Developing and implementing an annual program for the management and
27 control of predatory wildlife ~~and the management and enhancement of game~~
28 ~~mammals~~;

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

31 (c) Conducting research necessary to determine successful techniques for
32 managing and controlling predatory wildlife ~~and~~ **or**

33 **(d) Obtaining matching money from the Federal Government which is**
34 **available for use in developing and carrying out the programs and activities**
35 **described in paragraphs (a) and (b).**

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

39 3. Any program developed or wildlife management activity or research
40 conducted pursuant to this section must be developed or conducted under the
41 guidance of the Commission in accordance with the ~~provisions of subsection 4 and~~
42 ~~the~~ policies adopted by the Commission pursuant to NRS 501.181. **In providing**
43 **guidance for the development of a program to control any species of predatory**
44 **wildlife or for conducting any wildlife management activity or research**
45 **concerning that species, the Commission shall establish a policy for the program,**
46 **activity or research. Each policy must specify the goals and required results of the**
47 **program, activity or research, including, without limitation, provisions:**

48 **(a) Setting forth a specific geographic area in this State in which the**
49 **program, activity or research must be conducted;**

50 **(b) Setting forth the reasons for conducting the program, activity or research**
51 **in the geographic area;**

(c) Setting forth the estimated population or density of each species of predatory wildlife and the location of the estimated population or density in the geographic area which must be included in the program, activity or research; and

(d) Requiring the submission of a report to the Commission upon the completion of the program, activity or research setting forth the results of the program, activity or research and the extent to which the program, activity or research achieved the goals and required results established for the program, activity or research.

4. The Department ~~+~~

~~— (a) In in, adopting any program ~~for the management and control of predatory wildlife~~ developed pursuant to this section, shall first consider the recommendations of the Commission. ~~and the State Predatory Animal and Rodent Committee created by NRS 567.020.~~~~

~~— (b) Shall not adopt 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 most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.~~

5. The money in the Wildlife 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.

6. ~~On or before ~~August~~ December 31 of each ~~even-numbered~~ year, the Department shall submit a report ~~setting forth the expenditures from the proceeds of the fee collected pursuant to this section and credited to the Wildlife Account pursuant to this section~~ summarizing the results of any program to control any species of predatory wildlife or for conducting any wildlife management activity or research concerning that species and the extent to which the program, activity or research achieved the goals and required results established pursuant to subsection 3 for the program, activity or research to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.~~

~~7. The report submitted pursuant to subsection 6 must, for each program or activity implemented pursuant to paragraphs (a) and (b) of subsection 1, specify:~~

~~— (a) The expenditures made for the program or activity;~~

~~— (b) The number and species of any wildlife killed as a result of the program or activity;~~

~~— (c) Any benefit from the program or activity which is statistically significant;~~

~~— (d) The performance and outcome indicators used to evaluate and measure the effectiveness of the program or activity, including, without limitation, the methods used to track the performance and outcome indicators; and~~

~~— (e) A summary of the effectiveness of the program or activity in achieving the goals of the program or activity.~~

Sec. 4. Any money deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund pursuant to NRS 502.253 before July 1, 2017, may only be used on or after that date for a purpose specified in NRS 502.253, as amended by section 3 of this act.

Sec. 4.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 5. This act becomes effective on July 1, 2017.