

Amendment No. 348

Senate Amendment to Senate Bill No. 221	(BDR 45-814)
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.

JRS/WLK



Date: 4/20/2017

S.B. No. 221—Revises provisions governing wildlife. (BDR 45-814)



SENATE BILL NO. 221—SENATORS DENIS AND HAMMOND

FEBRUARY 27, 2017

JOINT SPONSOR: ASSEMBLYMAN WATKINS

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing wildlife. (BDR 45-814)

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 Nevada Wildlife Public Education ~~{Council}~~ Committee within the ~~{Department}~~ Board of Wildlife ~~{Commissioners}~~ Commissioners; prescribing the membership and duties of the ~~{Council}~~ Committee; authorizing the Department of Wildlife to fund the activities of the ~~{Council}~~ Committee from the Wildlife Heritage Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for ~~{certain appointments}~~ appointment to the ~~{Council}~~ Committee; increasing the amount of money the Department may annually expend from the Account; authorizing the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; requiring the Commission to ensure that a certain minimum balance is maintained in the Account; 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 Nevada Wildlife Public Education ~~{Council}~~ Committee within the ~~{Department}~~ Board of Wildlife Commissioners and prescribes the composition of the members of the ~~{Council}~~ Committee. **Section 5** of this bill requires the ~~{Council}~~ Committee, in cooperation with the Department ~~{}~~ of Wildlife, to develop and carry out a public information program to educate, promote and engage the residents of this State concerning the responsible stewardship of wildlife in this State. **Section 5** further requires the ~~{Council}~~ Committee to prepare an operational plan to meet the future goals of the ~~{Council}~~ Committee and to report certain information to the Department and the Board of Wildlife Commissioners. **Sections 6, 9 and 10** of this bill authorize the Department to fund the activities of the ~~{Council}~~ Committee from the Wildlife Heritage Account. **Section 9** also: (1) increases the amount of money that the Department may annually expend from the Wildlife Heritage Account; (2) authorizes the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; and (3)

requires the Board of Wildlife Commissioners to ensure that a certain minimum balance is maintained in the Account. **Section 8** of this bill requires the Commission to maintain a list of qualified candidates for ~~for certain appointments~~ appointment to the ~~Council~~ Committee.

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

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

Sec. 2. ~~“Council”~~ “Committee” means the Nevada Wildlife Public Education ~~Council~~ Committee created by section 3 of this act.

Sec. 3. 1. There is hereby created within the ~~Department~~ Commission the Nevada Wildlife Public Education ~~Council~~ Committee. The ~~Council~~ Committee consists of the following seven members ~~+~~:

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

~~(b) The following members to be appointed by the Director: Chair of the Commission with the advice of the Chair of the Commission;~~

~~(1) Director;~~

~~(a) One member of the Commission or his or her designee;~~

~~(2) (b) Three residents of this State who are selected from the list of candidates compiled pursuant to subsection 10 of NRS 501.181;~~

~~(3) (c) One resident of this State who represents small businesses that are substantially affected by hunting, fishing and trapping; and~~ recreational activities relating to wildlife in this State; and

~~(4) (d) One resident of this State who is not an employee of the Department and who has a background in media or marketing sufficient to advise the Council; Committee~~ in carrying out its duties pursuant to section 5 of this act; and

~~(e) One resident of this State who actively engages in watching or observing wildlife in this State.~~

2. The ~~Director~~ Chair of the Commission shall, to the extent practicable, ensure that the membership of the ~~Council~~ Committee represents all geographic areas of this State.

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

4. A vacancy in the ~~appointed~~ membership of the ~~Council~~ Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. ~~An appointed~~ A member of the Council Committee may be reappointed, but must not serve more than two full terms.

6. Each member of the ~~Council~~ Committee:

(a) Serves without compensation; and

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

7. The ~~Director~~ Chair of the Commission may remove any ~~appointed~~ member of the ~~Council~~ Committee for just cause or any ground for removal of a member of the Commission set forth in NRS 501.172.

Sec. 4. 1. At the first meeting of the ~~Council~~ Committee, the ~~Council~~ Committee shall adopt any rules and policies that are necessary to assist the

~~{Council}~~ Committee in carrying out its duties, ~~and elect~~ The Chair of the Commission shall select from ~~its~~ among the members of the Commission a Chair ~~and~~ of the Committee. The Committee shall elect from among its members any other officers considered necessary or appropriate by the ~~{Council}~~ Committee. Upon the expiration of the term of an officer elected pursuant to this subsection, the ~~{Council}~~ Committee shall, at the next subsequent meeting of the ~~{Council}~~ Committee, elect an officer to fill the vacated position.

2. The ~~{Council}~~ Committee 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}~~ Committee constitutes a quorum for the transaction of business, and a quorum may exercise any power or authority conferred on the ~~{Council}~~ Committee.

4. Meetings of the ~~{Council}~~ Committee must be conducted in accordance with chapter 241 of NRS.

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

6. The Department shall provide the ~~{Council}~~ Committee with administrative support to comply with the provisions of chapter 241 of NRS.

Sec. 5. 1. The ~~{Council}~~ Committee shall, in cooperation with the Department:

(a) Develop and carry out, in collaboration with a marketing or advertising agency, an effective and comprehensive media-based public information program to educate, promote and engage the residents of this State concerning the responsible stewardship of wildlife in this State, including, without limitation, identifying:

~~(1) The essential ~~roles~~ role and ~~contributions~~ contribution of sportsmen and sportswomen who are conservationists; the North American Model of Wildlife Conservation in restoring, protecting and enhancing all wildlife resources in this State;~~

(2) The history of wildlife in this State;

(3) The benefits of wildlife to the residents of this State;

(4) The benefits of managing wildlife in this State;

(5) The recreational opportunities provided by wildlife in this State;

(6) The significant value of fish and game as a source of food; and

(7) The economic benefit of wildlife to communities and tourism in this State.

~~(b) Ensure that the program described in paragraph (a) promotes and includes, without limitation, information to educate the residents of this State that hunting, fishing and the harvesting and consumptive use of wildlife 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 be perpetuated; and~~

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

~~(c) Not later than 120 days after the ~~{Council's}~~ Committee's first meeting of each year, and subject to the approval of the Director, prepare an operational plan with strategic goals and milestones in furtherance of the duties of the ~~{Council}~~ Committee.~~

~~(d) Committee.~~

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

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

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

2. The ~~Council~~ Committee shall prepare, review and approve each annual budget for the ~~Council~~ Committee and review any periodic financial reports provided by the Department that are related to the activities of the ~~Council~~ Committee.

3. The ~~Council~~ Committee shall, on or before January 31 of each even-numbered year, prepare and submit a report to the Director and the Commission setting forth:

(a) The operational plan prepared pursuant to paragraph ~~(c)~~ (b) of subsection 1 and each public information program developed and carried out pursuant to that subsection;

(b) A financial accounting of the subaccount created pursuant to section 6 of this act; and

(c) Any recommendations concerning the ~~Council~~ Committee.

4. As used in this section, "North American Model of Wildlife Conservation" means a common set of principles used as a model to guide decisions relating to the conservation and management of wildlife in the United States, including, without limitation:

(a) The conservation and management of wildlife as a resource held in public trust and as an international resource;

(b) The elimination of markets for game mammals;

(c) The allocation of wildlife based upon laws and regulations;

(d) The killing of wildlife only for a legitimate purpose;

(e) The use of scientific methods in the conservation and management of wildlife; and

(f) The conservation and management of wildlife based upon democratic principles.

Sec. 6. 1. Any money transferred from the Wildlife Heritage Account pursuant to NRS 501.3575 or received pursuant to subsection 2 must be accounted for separately in a separate subaccount of the Account and used to fund the activities of the ~~Council~~ Committee pursuant to this section. The ~~Department~~ Commission shall administer the subaccount created pursuant to this section. Any interest and income earned on the money in the subaccount must be credited to the subaccount.

2. The ~~Director~~ Commission or the ~~Council~~ Committee 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~~ Committee.

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

4. The ~~Council~~ Committee shall approve expenditures from the subaccount by appropriation:

(a) To support the public information program developed pursuant to section 5 of this act and to pay any costs incurred by the ~~Department~~ Commission in administering the provisions of sections 2 to 6, inclusive, of this act, but such

costs must not exceed ~~40~~ 20 percent of the annual appropriations from the subaccount;

(b) In accordance with the operational plan prepared pursuant to section 5 of this act and within the scope of any activities and amounts of funding authorized pursuant to the operational plan; and

(c) To comply with any requirements to obtain any aid or benefits pursuant to NRS 501.115 and 501.117.

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 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,

1 the Commission shall provide to the county advisory board to manage wildlife at
2 the meeting an explanation of the Commission's decision to reject the
3 recommendations and, as soon as practicable after the meeting, a written
4 explanation of the Commission's decision to reject the recommendations. Any
5 regulations relating to the closure of a season must be based upon scientific data
6 concerning the management of wildlife. The data upon which the regulations are
7 based must be collected or developed by the Department.

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

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

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

14 5. Adopt regulations requiring the Department to make public, before official
15 delivery, its proposed responses to any requests by federal agencies for its comment
16 on drafts of statements concerning the environmental effect of proposed actions or
17 regulations affecting public lands.

18 6. Adopt regulations:

19 (a) Governing the provisions of the permit required by NRS 502.390 and for
20 the issuance, renewal and revocation of such a permit.

21 (b) Establishing the method for determining the amount of an assessment, and
22 the time and manner of payment, necessary for the collection of the assessment
23 required by NRS 502.390.

24 7. Designate those portions of wildlife management areas for big game
25 mammals that are of special concern for the regulation of the importation,
26 possession and propagation of alternative livestock pursuant to NRS 576.129.

27 8. Adopt regulations governing the trapping of fur-bearing mammals in a
28 residential area of a county whose population is 100,000 or more.

29 9. Adopt regulations prescribing the circumstances under which a person,
30 regardless of whether the person has obtained a valid tag issued by the Department,
31 may assist in the killing and retrieval of a wounded big game mammal by another
32 person who:

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

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

36 10. *Maintain a list of candidates qualified for appointment to the ~~the Council~~*
37 *Committee that is compiled from recommendations made by any established*
38 *Nevada organization for sportsmen and sportswomen and the county advisory*
39 *boards to manage wildlife. Except as otherwise provided in this subsection, the*
40 *Commission shall not include a person on the list of candidates unless the person*
41 *has been a resident of this State for at least 5 years and has held a hunting,*
42 *fishing or trapping license, or any combination of those licenses, in this State for*
43 *at least 3 of the immediately preceding 5 years. The ~~the Council~~ Committee may*
44 *waive the required period of residency and the period for holding any of those*
45 *licenses for a member of the ~~the Council~~ Committee appointed pursuant to*
46 *~~subsection (2) of~~ paragraph (b) of subsection 1 of section 3 of this act.*

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

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

2 501.3575 1. The Wildlife Heritage Account is hereby created in the State
3 General Fund. The money in the Account must be used by the Department as
4 provided in this section for:

5 (a) The protection, propagation, restoration, transplantation, introduction and
6 management of any game fish, game mammal, game bird or fur-bearing mammal in
7 this State; ~~and~~

8 (b) The management and control of predatory wildlife in this State ~~;~~ **and**

9 **(c) Funding the activities of the ~~Council~~, Committee.**

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

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

14 (b) A gift of money made by any person to the Wildlife Heritage Account,
15 must be deposited with the State Treasurer for credit to the Account.

16 3. ~~The~~ **Except as otherwise provided in section 6 of this act, the** interest
17 and income earned on the money in the Wildlife Heritage Account, after deducting
18 any applicable charges, must be credited to the Account.

19 4. **For the period beginning on July 1, 2017, and ending on June 30, 2021,**
20 **and except as otherwise provided in this subsection, to fund the activities of the**
21 **~~Council~~, Committee, the ~~Department~~, Commission may ~~annually~~ periodically**
22 **transfer money from the principal in the Wildlife Heritage Account to the**
23 **subaccount specified in section 6 of this act.** ~~;~~

24 ~~(a) Not more than \$500,000; and~~

25 ~~(b) In addition, an amount of money not greater than 20 percent of the~~
26 ~~amount of money deposited in the Account pursuant to subsection 2 during the~~
27 ~~previous year.~~ **The amount of money transferred during that period pursuant to**
28 **this subsection must not exceed \$2,000,000.**

29 5. The Department may annually expend from the Wildlife Heritage Account
30 an amount of money not greater than ~~75~~ **80** percent of the money deposited in the
31 Account pursuant to subsection 2 during the previous year and the total amount of
32 interest earned on the money in the Account during the previous year. ~~The~~

33 6. ***If, as determined by the Department, a catastrophic threat to wildlife or***
34 ***wildlife habitat occurs in this State, the Department may request emergency***
35 ***funding in an amount of money not more than 50 percent of the amount of***
36 ***principal in the Wildlife Heritage Account, adjusted for any outstanding***
37 ***commitments previously made but not paid at the time of the request.***

38 7. ***The Commission shall ensure that a minimum adjusted principal balance***
39 ***of at least \$3,000,000 is maintained at all times in the Wildlife Heritage Account.***

40 8. ***If, for any reason, the adjusted principal balance in the Wildlife Heritage***
41 ***Account falls below \$5,000,000, any funding pursuant to paragraph (b) of***
42 ***subsection 4 must be reduced to not greater than 15 percent and any expenditures***
43 ***pursuant to subsection 5 must be reduced to not greater than 75 percent until an***
44 ***adjusted principal balance of at least \$5,000,000 is achieved for the Account.***

45 9. ***Except for expenditures made pursuant to subsection 4 and subsection 4***
46 ***of section 6 of this act, the Commission shall review and approve expenditures***
47 ***from the Account ~~;~~ No, and no money may be expended from the Account***
48 ***without the prior approval of the Commission.***

49 ~~5.~~ **10.** The Commission shall administer the provisions of this section and
50 may adopt any regulations necessary for that purpose.

1 **Sec. 10.** NRS 501.3575 is hereby amended to read as follows:

2 501.3575 1. The Wildlife Heritage Account is hereby created in the State
3 General Fund. The money in the Account must be used by the Department as
4 provided in this section for:

5 (a) The protection, propagation, restoration, transplantation, introduction and
6 management of any game fish, game mammal, game bird or fur-bearing mammal in
7 this State;

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

9 (c) Funding the activities of the Committee.

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

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

14 (b) A gift of money made by any person to the Wildlife Heritage Account,
15 must be deposited with the State Treasurer for credit to the Account.

16 3. Except as otherwise provided in section 6 of this act, the interest and
17 income earned on the money in the Wildlife Heritage Account, after deducting any
18 applicable charges, must be credited to the Account.

19 4. ~~For the period beginning on July 1, 2017, and ending on June 30, 2021,~~
20 ~~and except as otherwise provided in this subsection, to~~ To fund the activities of the
21 Committee, the Commission may periodically transfer money from the principal in
22 the Wildlife Heritage Account to the subaccount specified in section 6 of this act.
23 ~~The amount of money transferred during that period pursuant to this subsection~~
24 ~~must not exceed \$2,000,000.~~

25 5. The Department may annually expend from the Wildlife Heritage Account
26 an amount of money not greater than 80 percent of the money deposited in the
27 Account pursuant to subsection 2 during the previous year and the total amount of
28 interest earned on the money in the Account during the previous year.

29 6. If, as determined by the Department, a catastrophic threat to wildlife or
30 wildlife habitat occurs in this State, the Department may request emergency
31 funding in an amount of money not more than 50 percent of the amount of principal
32 in the Wildlife Heritage Account, adjusted for any outstanding commitments
33 previously made but not paid at the time of the request.

34 7. The Commission shall ensure that a minimum adjusted principal balance of
35 at least \$3,000,000 is maintained at all times in the Wildlife Heritage Account.

36 8. If, for any reason, the adjusted principal balance in the Wildlife Heritage
37 Account falls below \$5,000,000, any funding pursuant to paragraph (b) of
38 subsection 4 must be reduced to not greater than 15 percent and any expenditures
39 pursuant to subsection 5 must be reduced to not greater than 75 percent until an
40 adjusted principal balance of at least \$5,000,000 is achieved for the Account.

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

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

47 **Sec. 11.** 1. The ~~Director~~ Chair of the ~~Department~~ Board of Wildlife
48 Commissioners shall:

49 (a) ~~Designate the representative pursuant to paragraph (a) of subsection 1 of~~
50 ~~section 3 of this act and appoint~~ Appoint the initial members of the Nevada
51 Wildlife Public Education ~~Council~~ Committee created by section 3 of this act in
52 accordance with ~~paragraph (b) of~~ subsection 1 of section 3 of this act not later
53 than October 1, 2017.

(b) Call the first meeting of the ~~Council~~, Committee, which must take place on or before December 31, 2017.

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

(a) Two members to serve for terms of 2 years;

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

(c) Two members to serve for terms of 4 years.

Sec. 12. 1. This section and sections 1 to 9, inclusive, and 11 of this act become effective on July 1, 2017.

2. Section 10 of this act becomes effective on July 1, 2021.