

Amendment No. 273

Assembly Amendment to Assembly Bill No. 404	(BDR 45-1029)
Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 404.

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.

ALA/RRY



Date: 4/15/2019

A.B. No. 404—Requires the Board of Wildlife Commissioners to establish certain programs authorizing a person to transfer a lawfully obtained tag under certain circumstances. (BDR 45-1029)



ASSEMBLY BILL NO. 404—ASSEMBLYMEN TITUS, ELLISON, ~~[KRAMER,]~~ TOLLES ~~[,]~~
~~[HARDY,]~~ [,SWANK]; KRASNER, LEAVITT AND WHEELER

MARCH 21, 2019

JOINT SPONSOR: SENATOR SETTELMAYER

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—~~[Requires]~~ Authorizes the Board of Wildlife Commissioners to establish ~~[certain programs]~~ a program authorizing ~~[a person]~~ certain persons to transfer ~~[a]~~ . defer or return certain lawfully obtained ~~[tag under certain circumstances.]~~ tags if certain extenuating circumstances exist. (BDR 45-1029)

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 hunting; ~~[requiring]~~ authorizing the Board of Wildlife Commissioners to establish a program authorizing a person to transfer ~~[a]~~ . defer or return certain lawfully obtained ~~[tag to another person under certain circumstances; authorizing the Department of Wildlife to charge and collect a fee in a certain amount for transferring a tag pursuant to the program; authorizing the Commission to establish an additional program which authorizes a person to transfer a lawfully obtained tag to certain qualified organizations for use by certain persons.]~~ tags if certain extenuating circumstances exist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who hunts any wildlife to obtain a license or permit to do so in this State. (NRS 502.010) In addition to a regular hunting license, existing law requires a person to obtain an additional license, known as a tag, to hunt any deer, elk, antelope, bighorn sheep, bear, moose, mountain lion or mountain goat. (NRS 502.130) Any license issued pursuant to title 45 of NRS relating to wildlife is: (1) not transferable to a person other than the person to whom the license was issued; and (2) subject to forfeiture if the license is transferred to another person. (NRS 502.100)

Section 2, 1 of this bill ~~[requires]~~ authorizes the Board of Wildlife Commissioners to adopt regulations establishing ~~[a program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to his or her child, stepchild, grandchild or step-grandchild who is under 18 years of age and is otherwise eligible to hunt in this State. Section 2 also authorizes~~

the Department of Wildlife to charge and collect a fee of not more than \$50 for transferring a tag pursuant to the program. Section 3 of this bill authorizes the Commission to adopt regulations establishing an additional program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to certain qualified organizations for use by a person who: (1) has a disability or life-threatening medical condition; or (2) is 16 years of age or younger and is otherwise eligible to hunt in this State. Sections 4] : (1) conditions or events which are extenuating circumstances; (2) a process through which a person who holds a tag to hunt a big game mammal in this State and who claims an extenuating circumstance may provide documentation which shows that his or her condition or event qualifies as an extenuating circumstance; and (3) a program through which such a person who has proven that he or she qualifies for an extenuating circumstance may transfer, defer use of or return to the Department of Wildlife his or her tag to hunt a big game mammal in this State. Section 1 further prohibits a person who transfers his or her tag to hunt big game mammals in this State from charging a fee or receiving any compensation for such a transfer. Section 1 additionally provides that an extenuating circumstance is any illness, injury or other condition or event, as determined by the Commission, of a person who holds a tag to hunt a big game mammal in this State or a family member of such a person that causes the person who holds such a tag to be unable to use his or her tag to hunt a big game mammal in this State. Section 6 of this bill ~~make~~ makes a conforming ~~changes~~ change.

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

Section 1. Chapter 502 of NRS is hereby amended by adding thereto ~~the provisions set forth as sections 2 and 3 of this act.~~ a new section to read as follows:

1. The Commission may adopt regulations establishing:

(a) Conditions or events which are extenuating circumstances;

(b) A process through which a big game hunter who claims an extenuating circumstance may provide documentation to the Department which shows that his or her condition or event qualifies as an extenuating circumstance; and

(c) A program through which a big game hunter who has proven that he or she qualifies for an extenuating circumstance pursuant to paragraph (b) may:

(1) Transfer his or her tag to another person who is otherwise eligible to hunt a big game mammal in this State;

(2) Defer his or her use of the tag to the next applicable open season; or

(3) Return his or her tag to the Department for restoration by the Department of any bonus points that he or she used to obtain the tag that is being returned.

2. If a big game hunter transfers his or her tag to another person pursuant to subparagraph (1) of paragraph (c) of subsection 1, the big game hunter may not charge a fee or receive any compensation for such a transfer.

3. As used in this section:

(a) "Big game hunter" means a person who holds a tag.

(b) "Extenuating circumstance" means any injury, illness or other condition or event, as determined by the Commission, of a big game hunter or a family member of a big game hunter that causes the big game hunter to be unable to use his or her tag.

(c) "Family member" means:

(1) A spouse of the big game hunter; or

(2) A person who is related to the big game hunter within the first degree of consanguinity.

(d) "Tag" means a tag to hunt a big game mammal in this State.

~~Sec. 2. [1. Except as otherwise provided in subsection 2, the Commission shall adopt regulations establishing a program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to his or her child, stepchild, grandchild or step grandchild who is under 18 years of age and is otherwise eligible to hunt in this State. The regulations must set forth the circumstances under which the child, stepchild, grandchild or step grandchild may use the tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat pursuant to this section.]~~

~~2. A tag issued to a resident of this State may not be transferred to a nonresident of this State pursuant to the program established pursuant to subsection 1, and a tag issued to a person who is a nonresident of this State may not be transferred to a person who is a resident of this State pursuant to the program established pursuant to subsection 1.~~

~~3. A person who transfers a tag pursuant to the program established pursuant to subsection 1 is not entitled to a refund for any fee paid by him or her to obtain the tag.~~

~~4. The Department may charge and collect a fee of not more than \$50 for transferring a tag pursuant to the program established pursuant to subsection 1.]~~
(Deleted by amendment.)

~~Sec. 3. [1. The Commission may adopt regulations establishing a program which authorizes a person who is 21 years of age or older to transfer a lawfully obtained tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat to a qualified organization for use by a person who:~~

~~(a) Has a disability or life threatening medical condition; or~~

~~(b) Is 16 years of age or younger and who is otherwise eligible to hunt in this State.~~

~~2. Any regulations adopted pursuant to subsection 1 must include, without limitation, provisions setting forth the manner in which a qualified organization may apply for eligibility to allow a person to use a tag to hunt any deer, elk, antelope, bighorn sheep, bear, moose or mountain goat pursuant to subsection 1.~~

~~3. As used in this section:~~

~~(a) "Disability" means a permanent physical impairment that substantially limits one or more major life activities and requires the assistance of another person or a mechanical device for physical mobility.~~

~~(b) "Qualified organization" means a nonprofit organization that:~~

~~(1) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3); and~~

~~(2) Provides opportunities to engage in various experiences to a person who is 16 years of age or younger, with a preference for such a child whose family has a household income that is less than 200 percent of the federally designated level signifying poverty or to such a child who has a disability or life threatening medical condition.]~~
(Deleted by amendment.)

~~Sec. 4. [NRS 502.010 is hereby amended to read as follows:~~

~~502.010 1. A person who hunts or fishes any wildlife without having first procured a license or permit to do so, as provided in this title, is guilty of a misdemeanor, except that:~~

~~(a) A license to hunt or fish is not required of a resident of this State who is under 12 years of age, unless required for the issuance of tags as prescribed in this title or by the regulations of the Commission.~~

~~— (b) A license to fish is not required of a nonresident of this State who is under 12 years of age, but the number of fish taken by the nonresident must not exceed 50 percent of the daily creel and possession limits as provided by law.~~

~~— (c) Except as otherwise provided in subsection 5 or 6 of NRS 202.300 and NRS 502.066, it is unlawful for any child who is under 18 years of age to hunt any wildlife with any firearm, unless the child is accompanied at all times by the child's parent or guardian or is accompanied at all times by an adult person authorized by the child's parent or guardian to have control or custody of the child to hunt if the authorized person is also licensed to hunt.~~

~~— (d) [A] Except as otherwise provided in sections 2 and 3 of this act, a child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada. This section does not prohibit any child from accompanying an adult licensed to hunt.~~

~~— (e) The Commission may adopt regulations setting forth:~~

~~— (1) The species of wildlife which may be hunted or trapped without a license or permit; or~~

~~— (2) The circumstances under which a person may fish without a license, permit or stamp in a lake or pond that is located entirely on private property and is stocked with lawfully acquired fish.~~

~~— (f) The Commission may declare 1 day per year as a day upon which persons may fish without a license to do so.~~

~~— 2. This section does not apply to the protection of persons or property from unprotected wildlife on or in the immediate vicinity of home or ranch premises.]~~

~~(Deleted by amendment.)~~

Sec. 5. ~~[NRS 502.066 is hereby amended to read as follows:~~

~~— 502.066 1. The Department shall issue an apprentice hunting license to a person who:~~

~~— (a) Is 12 years of age or older;~~

~~— (b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and~~

~~— (c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.~~

~~— 2. The Department shall charge and collect a fee in the amount of \$15 for the issuance of an apprentice hunting license.~~

~~— 3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.~~

~~— 4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:~~

~~— (a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and~~

~~— (b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.~~

~~— 5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.~~

~~— 6. The issuance of an apprentice hunting license does not:~~

~~— (a) Authorize the apprentice hunter to obtain any other hunting license;~~

~~— (b) [Authorize] Except as otherwise provided in sections 2 and 3 of this act, authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or~~

~~— (c) Exempt the apprentice hunter from any requirement of this title.~~

~~7. The Commission may adopt regulations to carry out the provisions of this section.~~

~~8. As used in this section:~~

~~(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.~~

~~(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.~~

~~(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.~~ **(Deleted by amendment.)**

Sec. 6. NRS 502.100 is hereby amended to read as follows:

502.100 ***Except as otherwise provided in ~~sections 2 and 3~~ section 1 of this act:***

1. No license provided by this title shall be transferable or used by any person other than the person to whom it was issued.

2. Every person lawfully having such licenses who transfers or disposes of the same to another person to be used as a hunting, trapping or fishing license shall forfeit the same.

Sec. 7. This act becomes effective:

1. Upon passage and approval for purposes of adopting regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2020, for all other purposes.