

Amendment No. 37

Assembly Amendment to Assembly Bill No. 89	(BDR 45-588)
Proposed by: Assembly 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.



ASSEMBLY BILL NO. 89—ASSEMBLYMEN TITUS AND WATTS

FEBRUARY 2, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to wildlife. (BDR 45-588)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; authorizing the Board of Wildlife Commissioners to establish a program which authorizes a person to transfer his or her tag to hunt a big game mammal to a qualified organization for use by certain persons; authorizing, under certain circumstances, a family member of a deceased big game hunter to transfer a tag to hunt a big game mammal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with certain exceptions, a person who hunts or fishes any wildlife in this State to obtain a license for such activities and, if he or she wishes to hunt certain designated big game mammals, to obtain an additional license, known as a tag, to do so. (NRS 502.010, 502.130) Any such ~~license~~ tag is not transferrable unless the person to whom the ~~license~~ tag was issued can demonstrate, in accordance with regulations adopted by the Board of Wildlife Commissioners, the existence of an extenuating circumstance which causes the person to be unable to use the tag. (NRS 502.100, 502.103)

Section 4.5 of this bill provides that the death of a big game hunter is an extenuating circumstance and authorizes the Commission to establish a process by which a family member of the deceased big game hunter may transfer the tag of the deceased big game hunter to another person.

Section 1 of this bill authorizes the Commission to adopt regulations establishing a program that allows a person to transfer his or her tag to hunt a big game mammal to an eligible qualified organization 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. Any regulations adopted by the Commission are required to include provisions setting forth how a qualified organization may apply for eligibility to participate in such a program. Section 4 of this bill makes conforming changes to provide that the transfer of a tag under this program is an exception to the general prohibition on the transfer of tags.

Existing law prohibits a child under the age of 12 from hunting big game mammal in this State and provides that an apprentice hunting license issued to a person 12 years of age or older does not authorize the person to hunt any animal for which a tag is required. (NRS 502.010, 502.066) Sections 2 and 3 of this bill ~~provides~~ provide that a person under 16 years of age who participates in a program established by the Commission pursuant to section 1 may hunt a big game mammal for which a tag is required.

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 a new section to read as follows:

1. The Commission may adopt regulations establishing a program which authorizes a person to transfer his or her tag to hunt a big game mammal to an eligible 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 participate in the program and allow a person to use a tag to hunt a big game mammal 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 ~~is~~ demonstrates to the Commission in its application to participate in the program established pursuant to subsection 1 that it is recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3) ~~and~~

~~(2)~~ :

(1) Provides opportunities to engage in various experiences to a person, regardless of age, who has a disability or life-threatening medical condition; or

(2) Provides opportunities to engage in various experiences to a person who is 16 years of age or younger, with a preference for a person:

(I) With a disability or life-threatening medical condition; or

(II) Whose household income is not more than 150 percent of the federally designated level signifying poverty.

Sec. 2. 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 6 or 7 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 child under 12 years of age, whether accompanied by a qualified person or not, shall not hunt big game in the State of Nevada ~~unless he or she participates in a program established pursuant to section 1 of this act.~~ 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.

Sec. 3. 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 the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130 ~~§~~ *unless he or she participates in a program established pursuant to section 1 of this act;* 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.

1 **Sec. 4.** NRS 502.100 is hereby amended to read as follows:

2 502.100 Except as otherwise provided in NRS 502.103 ~~§~~ *and section 1 of*
3 *this act*:

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

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

9 **Sec. 4.5.** NRS 502.103 is hereby amended to read as follows:

10 502.103 1. The Commission may adopt regulations establishing:

11 (a) Conditions or events which are extenuating circumstances;

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

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

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

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

20 (3) Return his or her tag to the Department for restoration by the
21 Department of any bonus points that he or she used to obtain the tag that is being
22 returned ~~§~~; *and*

23 (d) A process through which a family member of a deceased big game hunter
24 may provide documentation to the Department of the death of the big game
25 hunter and transfer the tag of the deceased big game hunter to another person
26 who is otherwise eligible to hunt a big game mammal in this State.

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

30 3. As used in this section:

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

32 (b) "Extenuating circumstance" means any injury, illness or other condition or
33 event, as determined by the Commission, of a big game hunter or a family member
34 of a big game hunter that causes the big game hunter to be unable to use his or her
35 tag. The term includes, without limitation, the death of the big game hunter.

36 (c) "Family member" means:

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

38 (2) A person who is related to the big game hunter within the first degree
39 of consanguinity; or

40 (3) A stepchild of the big game hunter.

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

42 **Sec. 5.** 1. This section becomes effective upon passage and approval.

43 2. Sections 1 to ~~§~~ *4.5*, inclusive, of this act become effective:

44 (a) Upon passage and approval for purposes of adopting regulations and any
45 other preparatory administrative tasks that are necessary to carry out the provisions
46 of this act; and

47 (b) On July 1, 2021, for all other purposes.