

SENATE BILL No. 406—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

APRIL 1, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to wildlife.
(BDR 45-1089)

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; revising provisions governing the Wildlife Trust Fund; authorizing a tag to be in an electronic format under certain circumstances; revising the requirements for an annual resident specialty combination hunting and fishing license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Wildlife to establish the Wildlife Trust Fund and authorizes the Department to accept gifts, donations, bequests or devises from any private source for deposit in the Wildlife Trust Fund. (NRS 501.3585) Existing law authorizes a state agency, with certain exceptions, to accept a gift or grant of property or services that is not included in an act of the Legislature authorizing the expenditure of nonappropriated money if the gift or grant is approved by the Governor or the Interim Finance Committee, as applicable. One of the exceptions from the requirement for such approval by the Interim Finance Committee is the acceptance by a state agency of a gift or grant from a private source that does not exceed \$20,000 in value. (NRS 353.335) **Section 6.5** of this bill exempts from any requirement for approval the first \$250,000 received by the Department of Wildlife as a gift, donation, bequest or devise, or combination thereof, from a private source for any one unanticipated emergency event. **Section 1.5** of this bill defines an “unanticipated emergency event” as: (1) the unanticipated spread of a communicable disease among wildlife in this State; (2) drought conditions in this State that the Department determines to be extreme; (3) a wildfire or the rehabilitation efforts related to a wildfire; or (4) any other similar unanticipated event that puts wildlife, wildlife habitat or human life at risk. **Section 1.5** requires the Director of the Department or his or her designee, as soon as



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practicable after receiving any gift, donation, bequest or devise from a private source for an unanticipated emergency event that is exempt from the requirement for approval, to submit a report regarding the gift, donation, bequest or devise to the Board of Wildlife Commissioners and the Interim Finance Committee. The approval procedure that existing law requires for gifts of \$20,000 or more in value which are made to state agencies by private sources applies to the acceptance by the Department of: (1) gifts, donations, bequests or devises of \$20,000 or more in value that are received from a private source for an unanticipated emergency event and are in excess of the first \$250,000 received from a private source as a gift, donation, bequest or devise, or combination thereof, for that event; and (2) gifts, donations, bequests or devises of \$20,000 or more in value that are received from a private source and which are not for an unanticipated emergency event. (NRS 353.335)

Existing law requires the Department of Wildlife to designate the form of a tag for certain species of wildlife. (NRS 502.160) Existing law also requires a tag to be attached to a species of wildlife before the holder of a tag takes possession of the species. (NRS 502.150) **Section 4** of this bill requires that the Department designate a paper or electronic form for a tag. **Section 3** of this bill provides that an electronic tag must be validated before the holder of the tag transports the species of wildlife. **Sections 2 and 5** of this bill make conforming changes relating to electronic tags and validating electronic tags.

Existing law requires the Department to issue an annual resident specialty combination hunting and fishing license to any person 65 years of age or older who has continuously resided in this State for a period of 5 years immediately preceding the date of the application for the license. (NRS 502.240) **Section 6** of this bill removes the requirement that such a person have continuously resided in the State for the 5 years immediately preceding the date of the application.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 501.3585 is hereby amended to read as follows:

501.3585 1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. ~~Any money received is private money and not state money.~~ All money must be accounted for in the Wildlife Trust Fund.

2. *As soon as practicable after receiving any gift, donation, bequest or devise for an unanticipated emergency event from any private source pursuant to subsection 1 that is exempt from the provisions of NRS 353.335 pursuant to paragraph (d) of subsection 6 of NRS 353.335, the Director or the Director's designee shall submit to the Commission and the Interim Finance Committee a report which states:*

(a) The unanticipated emergency event for which the gift, donation, bequest or devise was received;

(b) The amount of the gift, donation, bequest or devise;

(c) The amount of the gift, donation, bequest or devise that was expended for the unanticipated emergency event; and



(d) The private source from which the gift, donation, bequest or devise was received.

3. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

~~**13.1**~~ **4.** The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

~~**14.1**~~ **5.** The Director or the Director's designee shall annually post on the Internet website maintained by the Department a statement setting forth the investment and expenditure of the money in the Wildlife Trust Fund.

~~**15.1**~~ **6.** A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Director of the Office of Finance for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

~~**16.1**~~ **7.** The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

8. As used in this section, "unanticipated emergency event" means:

(a) The unanticipated spread of a communicable disease among wildlife in this State;

(b) Drought conditions in this State that the Department determines to be extreme;

(c) A wildfire or the rehabilitation efforts related to a wildfire;
or

(d) Any other similar unanticipated event that puts wildlife, wildlife habitat or human life at risk.

Sec. 2. NRS 502.147 is hereby amended to read as follows:

502.147 1. The Department shall make available restricted nonresident deer tags in an amount not to exceed the amount set forth in this section. If the number of persons who apply for



restricted nonresident deer tags is greater than the number of tags to be issued, the Department shall conduct a drawing to determine the persons to whom to issue the tags.

2. The number of restricted nonresident deer tags must:

(a) Be subtracted from the quota of rifle deer tags for nonresidents; and

(b) Not exceed 16 percent of the deer tags issued to nonresidents during the previous year or 400 tags, whichever is greater.

3. The number of restricted nonresident deer tags issued for any management area or unit must not exceed 37.5 percent, rounded to the nearest whole number, of the rifle deer tags issued to nonresidents during the previous year for that management area or unit.

4. The Department shall ~~mail~~ *provide* the tags to the successful applicants ~~by mail or electronically, if the applicant elects to receive the tag in an electronic form.~~

Sec. 3. NRS 502.150 is hereby amended to read as follows:

502.150 1. Whenever tags are required for any species of wildlife, it is unlawful to have any of that species in possession without the *correct* tag . ~~attached thereto and such possession~~ *Before transporting any species of wildlife, or parts thereof, for which a tag is required, the holder of:*

(a) *A paper tag must attach the tag to the animal; or*

(b) *An electronic tag must validate the tag in accordance with the regulations adopted by the Commission pursuant to NRS 502.160.*

➤ Possession of any species of wildlife, or parts thereof, for which a tag is required without an attached or validated tag , as applicable, is prima facie evidence that the game is illegally taken and possessed.

2. It is unlawful to remove any tag from any wildlife for reuse or to be in possession of excess tags or used tags.

3. Whenever tags are required for any species of fur-bearing mammal, possession of a pelt of that species without the tag attached thereto *or validated, as applicable,* is prima facie evidence that such pelt is illegally taken and possessed.

Sec. 4. NRS 502.160 is hereby amended to read as follows:

502.160 1. The Department shall designate the ~~form~~ *electronic and paper forms* of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom it is issued. Each tag must show the game for which it may be used, the year and, whenever necessary, the management area in which it may be used.

2. The Commission may adopt any regulations necessary relative to the manner of qualifying and applying for, using,



1 completing, attaching, filling out, punching, inspecting, validating
2 or reporting such tags. It is unlawful for any person to fail to abide
3 by any such regulation.

4 **Sec. 5.** NRS 502.215 is hereby amended to read as follows:

5 502.215 1. If any person who possesses a tag to hunt a big
6 game mammal kills an animal that is believed to be diseased and
7 unfit for human consumption, the person shall place his or her tag
8 on the carcass ~~[in the manner provided by law or regulation]~~ **or**
9 **validate the tag in accordance with NRS 502.150 and any**
10 **regulations adopted by the Commission pursuant to NRS 502.160**
11 and provide the whole carcass for inspection by an authorized
12 representative of the Department or, at the person's own expense, by
13 a veterinarian licensed to practice in Nevada. Except as otherwise
14 provided in this subsection, the holder of the tag who provides the
15 carcass for such an inspection is entitled, if the carcass is diseased
16 and unfit for human consumption, to receive at no charge another
17 tag as a replacement for the ~~[one the holder placed on the carcass~~
18 ~~pursuant to this subsection.]~~ **carcass determined to be diseased and**
19 **unfit for consumption.** The holder shall choose whether the
20 replacement tag is to be issued for the current hunting season or for
21 the next similar season in the following year. If the holder chooses
22 to retain the head, antlers, carcass, horns or hide of the animal, and
23 the authorized representative of the Department approves the
24 retention, the holder shall be deemed to waive any claim the holder
25 may have had for the issuance of a replacement tag.

26 2. A replacement tag issued pursuant to subsection 1 for the
27 current hunting season is valid for:

28 (a) The entire remaining portion of the season for which the
29 original tag was issued; or

30 (b) If the original tag was issued for a period of a split season,
31 the entire remaining portion of the period for which the original tag
32 was issued or the entire following period, if any.

33 3. A replacement tag issued pursuant to subsection 1 must be:

34 (a) Issued for the same unit for which the original tag was
35 issued.

36 (b) Used in the same manner as or pursuant to the same
37 conditions or restrictions applicable to the original tag.

38 4. The Commission shall adopt by regulation:

39 (a) A procedure for the inspection and verification of the
40 condition of such a carcass;

41 (b) Requirements for the disposal of such a carcass if it is
42 determined to be diseased and unfit for human consumption;

43 (c) Requirements for the disposition of the hide and the antlers
44 or horns of the animal; and



(d) Except as otherwise provided in subsection 2, a procedure for the issuance of a replacement tag pursuant to this section.

5. For the purposes of this section, "split season" means a season which is divided into two or more periods.

Sec. 6. NRS 502.240 is hereby amended to read as follows:

502.240 1. The Department shall issue:

(a) Resident licenses and limited permits pursuant to this section to any person who is a resident of this State pursuant to NRS 502.015.

(b) Nonresident licenses and limited permits pursuant to this section to any person who does not qualify as a resident of this State pursuant to NRS 502.015.

2. Except as otherwise provided in NRS 504.390, the Department shall issue a license or permit to any person who is 18 years or older upon the payment of the following fee for:

A resident annual fishing license.....	\$40
A resident 1-day permit to fish.....	9
Each consecutive day added to a resident 1-day permit to fish	3
A resident annual hunting license.....	38
A resident annual combination hunting and fishing license.....	75
A resident trapping license	40
A resident fur dealer's license	63
A resident master guide's license	750
A resident subguide's license	125
A nonresident annual fishing license.....	80
A nonresident annual license to fish solely in the reciprocal waters of the Colorado River, Lake Mead, Lake Mojave, Lake Tahoe and Topaz Lake.....	30
A nonresident 1-day permit to fish.....	18
Each consecutive day added to a nonresident 1-day permit to fish	7
A nonresident annual combination hunting and fishing license.....	155
A nonresident trapping license	188
A nonresident fur dealer's license	125
A nonresident master guide's license	1,500
A nonresident subguide's license	250
A nonresident 1-day combination permit to fish and hunt upland game birds and migratory game birds.....	23



1 Each consecutive day added to a nonresident 1-day
2 combination permit to fish and hunt upland
3 game birds and migratory game birds\$8
4

5 3. The Department shall issue a license to any person who is at
6 least 12 years of age but less than 18 years of age upon payment of
7 the following fee for:
8

9 A resident youth combination hunting and fishing
10 license.....\$15
11 A resident youth trapping license15
12 A nonresident youth combination hunting and
13 fishing license.....15
14

15 4. Except as otherwise provided in subsection 5, the
16 Department shall issue an annual resident specialty combination
17 hunting and fishing license pursuant to this chapter upon satisfactory
18 proof of the requisite facts and the payment of a fee of \$15 to:

19 (a) Any person who has been considered to be a resident of this
20 State pursuant to NRS 502.015 ~~continuously for the 5 years~~
21 immediately preceding the date of application for the license and is
22 65 years of age or older.

23 (b) Any person who is a resident of this State pursuant to NRS
24 502.015 and who has a severe physical disability.

25 (c) Any person who is a resident of this State pursuant to NRS
26 502.015 and who has incurred a service-connected disability
27 specified in NRS 502.072.

28 5. The Department shall issue an annual resident specialty
29 combination hunting and fishing license pursuant to this chapter
30 upon satisfactory proof of the requisite facts and the payment of a
31 fee of \$10 to any resident Native American of this State pursuant to
32 NRS 502.280.

33 6. The Department shall issue to any person, without regard to
34 residence, upon the payment of a fee of:

35 For a noncommercial license for the possession of
36 live wildlife\$15
37 For a commercial or private shooting preserve125
38 For a commercial license for the possession of live
39 wildlife500
40 For a live bait dealer's permit.....44
41 For a competitive field trials permit31
42 For a permit to train dogs or falcons15
43 For a 1-year falconry license38
44 For a 3-year falconry license94



For an importation permit.....	\$15
For an import eligibility permit	31
For an exportation permit	15
For any other special permit issued by the Department, a fee not to exceed the highest fee established for any other special permit set by the Commission.	

7. As used in this section, “severe physical disability” means a physical disability which materially limits a person’s ability to engage in gainful employment.

Sec. 6.5. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.



4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding \$20,000 each in value; and

(b) Governmental grants not exceeding \$150,000 each in value,
 if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490;

~~for~~ (c) Artifacts donated to the Department of Tourism and Cultural Affairs ~~H~~; or

(d) The initial \$250,000 received by the Department of Wildlife pursuant to subsection 1 of NRS 501.3585 as a gift, donation, bequest or devise, or combination thereof, for an unanticipated emergency event, as defined in NRS 501.3585.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.

Sec. 10. This act becomes effective on July 1, 2021.

