

ASSEMBLY BILL NO. 78—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to wildlife.
(BDR 45-362)

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 the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the Board of Wildlife Commissioners to establish policies
2 for the management of wildlife in this State and to establish policies and adopt
3 regulations necessary to the preservation, protection, management and restoration
4 of wildlife and its habitat. (NRS 501.105, 501.181) **Sections 1 and 1.2** of this bill
5 require the Commission, in establishing such policies and adopting such
6 regulations, to first consider the recommendations of the Department of Wildlife,
7 the county advisory boards to manage wildlife and other persons who present their
8 views at an open meeting of the Commission.
9 Existing law establishes a county advisory board to manage wildlife in each of
10 the counties of this State. (NRS 501.260) **Sections 1.4-1.6** of this bill make various
11 changes relating to those boards.
12 Existing law provides that in addition to any fee charged and collected for a
13 game tag, a fee of \$3 must be charged for processing each application for a game
14 tag, the revenue from which must be deposited with the State Treasurer for credit to



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15 the Wildlife Fund Account in the State General Fund and used by the Department
16 for costs related to certain programs, management activities and research relating to
17 wildlife. (NRS 502.253) **Section 4** of this bill revises the provisions governing the
18 use of this money. **Section 4** also requires the Commission to consider the
19 recommendations of the State Predatory Animal and Rodent Committee, the county
20 advisory boards to manage wildlife and other persons who present their views at an
21 open meeting before approving certain programs, activities and research.

22 Existing law creates and governs the State Predatory Animal and Rodent
23 Committee. (NRS 567.010-567.090) **Section 5** of this bill adds two new members
24 to the Committee and establishes their qualifications. **Section 8** of this bill requires
25 the Chair to designate the two additional members described in **section 5** of this bill
26 as soon as practicable after the effective date of this bill. **Sections 6 and 7** of this
27 bill make various changes relating to the meetings of the Committee.

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

1 **Section 1.** NRS 501.105 is hereby amended to read as follows:

2 501.105 The Commission shall establish policies and adopt
3 regulations necessary to the preservation, protection, management
4 and restoration of wildlife and its habitat. *In establishing such*
5 *policies and adopting such regulations, the Commission must first*
6 *consider the recommendations of the Department, the county*
7 *advisory boards to manage wildlife and other persons who present*
8 *their views at an open meeting of the Commission.*

9 **Sec. 1.2.** NRS 501.181 is hereby amended to read as follows:

10 501.181 The Commission shall:

11 1. Establish broad policies for:

12 (a) The protection, propagation, restoration, transplanting,
13 introduction and management of wildlife in this State.

14 (b) The promotion of the safety of persons using or property
15 used in the operation of vessels on the waters of this State.

16 (c) The promotion of uniformity of laws relating to policy
17 matters.

18 2. Guide the Department in its administration and enforcement
19 of the provisions of this title and of chapter 488 of NRS by the
20 establishment of such policies.

21 3. Establish policies for areas of interest including:

22 (a) The management of big and small game mammals, upland
23 and migratory game birds, fur-bearing mammals, game fish, and
24 protected and unprotected mammals, birds, fish, reptiles and
25 amphibians.

26 (b) The *management and* control of *predatory* wildlife .
27 ~~{depredations-}~~

28 (c) The acquisition of lands, water rights and easements and
29 other property for the management, propagation, protection and
30 restoration of wildlife.



1 (d) The entry, access to, and occupancy and use of such
2 property, including leases of grazing rights, sales of agricultural
3 products and requests by the Director to the State Land Registrar for
4 the sale of timber if the sale does not interfere with the use of the
5 property on which the timber is located for wildlife management or
6 for hunting or fishing thereon.

7 (e) The control of nonresident hunters.

8 (f) The introduction, transplanting or exporting of wildlife.

9 (g) Cooperation with federal, state and local agencies on wildlife
10 and boating programs.

11 (h) The revocation of licenses issued pursuant to this title to any
12 person who is convicted of a violation of any provision of this title
13 or any regulation adopted pursuant thereto.

14 4. Establish regulations necessary to carry out the provisions of
15 this title and of chapter 488 of NRS, including:

16 (a) Seasons for hunting game mammals and game birds, for
17 hunting or trapping fur-bearing mammals and for fishing, the daily
18 and possession limits, the manner and means of taking wildlife,
19 including, but not limited to, the sex, size or other physical
20 differentiation for each species, and, when necessary for
21 management purposes, the emergency closing or extending of a
22 season, reducing or increasing of the bag or possession limits on a
23 species, or the closing of any area to hunting, fishing or trapping.
24 ~~{The} If, in establishing any regulations {must be established after~~
25 ~~first considering} pursuant to this subsection, the Commission~~
26 ~~rejects~~ the recommendations of ~~{the Department, the}~~ a county
27 advisory ~~{boards}~~ board to manage wildlife ~~{and others who wish to~~
28 ~~present their views at an open meeting.}~~ *with regard to the length of*
29 *seasons for fishing, hunting and trapping or the bag or possession*
30 *limits applicable within the respective county, the Commission*
31 *shall provide to the county advisory board to manage wildlife a*
32 *written explanation of the Commission's decision to reject the*
33 *recommendations.* Any regulations relating to the closure of a
34 season must be based upon scientific data concerning the
35 management of wildlife. The data upon which the regulations are
36 based must be collected or developed by the Department.

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

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

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

44 5. Adopt regulations requiring the Department to make public,
45 before official delivery, its proposed responses to any requests by



1 federal agencies for its comment on drafts of statements concerning
2 the environmental effect of proposed actions or regulations affecting
3 public lands.

4 6. Adopt regulations:

5 (a) Governing the provisions of the permit required by NRS
6 502.390 and for the issuance, renewal and revocation of such a
7 permit.

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

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

15 8. Adopt regulations governing the trapping of fur-bearing
16 mammals in a residential area of a county whose population is
17 100,000 or more.

18 ***9. In establishing any policy or adopting any regulations***
19 ***pursuant to this section, first consider the recommendations of the***
20 ***Department, the county advisory boards to manage wildlife and***
21 ***other persons who present their views at an open meeting of the***
22 ***Commission.***

23 **Sec. 1.4.** NRS 501.290 is hereby amended to read as follows:

24 501.290 The board shall meet before ~~{those meetings}~~ ***each***
25 ***meeting*** of the Commission ~~{at which seasons, bag limits or hours~~
26 ~~***are to be established.***}~~ and at such other times as the chair may call or
27 the Commission may request.

28 **Sec. 1.5.** NRS 501.297 is hereby amended to read as follows:

29 501.297 The boards shall solicit and evaluate local opinion and
30 advise the Commission on matters relating to the management of
31 wildlife. ~~{within their respective counties.}~~

32 **Sec. 1.6.** NRS 501.303 is hereby amended to read as follows:

33 501.303 1. The boards shall submit recommendations for ***the***
34 ***management of wildlife and*** setting seasons for fishing, hunting and
35 trapping, which must be considered by the Commission in its
36 deliberation on and establishment of regulations. ~~{covering open or~~
37 ~~***closed seasons, bag limits, hours and other regulations or policies.***}~~

38 2. The chair or vice chair, or members of the board appointed
39 by them:

40 (a) Shall attend the meetings of the Commission ; ~~{at which~~
41 ~~***seasons are set or bag limits, hours or other regulations and policies***~~
42 ~~***are established.***}~~ and

43 (b) Are entitled to receive such travel and per diem expenses as
44 are allowed by law.

45 **Sec. 1.8.** (Deleted by amendment.)



1 **Sec. 2.** (Deleted by amendment.)

2 **Sec. 3.** (Deleted by amendment.)

3 **Sec. 4.** NRS 502.253 is hereby amended to read as follows:

4 502.253 1. In addition to any fee charged and collected
5 pursuant to NRS 502.250, a fee of \$3 must be charged for
6 processing each application for a game tag, the revenue from which
7 must be accounted for separately, deposited with the State Treasurer
8 for credit to the Wildlife Fund Account in the State General Fund
9 and used by the Department for costs related to:

10 (a) ~~{Programs}~~ *Developing and implementing an annual*
11 *program* for the management and control of ~~{injurious}~~ predatory
12 wildlife;

13 (b) Wildlife management activities relating to the protection of
14 nonpredatory game animals ~~{}~~ *and* sensitive wildlife species ; and
15 ~~{related wildlife habitat;}~~

16 (c) Conducting research ~~{, as needed,}~~ *necessary* to determine
17 successful techniques for managing and controlling predatory
18 ~~{wildlife, including studies necessary to ensure effective programs~~
19 ~~for the management and control of injurious predatory wildlife; and~~
20 ~~—(d) Programs for the education of the general public concerning~~
21 ~~the management and control of predatory}~~ wildlife.

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

26 3. Any program developed or wildlife management activity or
27 research conducted pursuant to this section ~~{must be developed or~~
28 ~~conducted under the guidance of}~~ *may be implemented or*
29 *conducted only if the program, activity or research is approved by*
30 *the Commission pursuant to subsection 4 and is in accordance*
31 *with the policies adopted by the Commission* pursuant to
32 ~~{subsection 2 of}~~ NRS 501.181.

33 4. *The Commission:*

34 (a) *In approving any program developed or wildlife*
35 *management activity or research conducted pursuant to this*
36 *section, shall first consider the recommendations of the State*
37 *Predatory Animal and Rodent Committee created by NRS 567.020,*
38 *the county advisory boards to manage wildlife and other persons*
39 *who present their views at an open meeting of the Commission.*

40 (b) *Shall not approve any program for the management and*
41 *control of predatory wildlife developed pursuant to this section*
42 *that provides for the expenditure of less than 80 percent of the*
43 *amount of money collected pursuant to subsection 1 in the*
44 *immediately preceding fiscal year for the purposes of lethal*
45 *management and control of predatory wildlife.*



1 **5.** The money in the Wildlife Fund Account remains in the
2 Account and does not revert to the State General Fund at the end of
3 any fiscal year.

4 **Sec. 5.** NRS 567.030 is hereby amended to read as follows:

5 567.030 The Committee consists of ~~five~~ *the following seven*
6 members ~~+~~:

7 **1.** Two members ~~must be~~ designated by the State Board of
8 Agriculture from among its members, one of which must be the
9 appointee for range or semirange sheep production.

10 **2.** One member ~~must be~~ designated by the Board of Wildlife
11 Commissioners from among its members.

12 **3.** One member ~~must be~~ designated by the State Board of
13 Health from among its members.

14 **4.** One member ~~must be~~ designated by the Nevada Farm
15 Bureau *Federation* from among its members.

16 **5.** *One member designated by the Chair of the Committee*
17 *from among the persons who make application to the Committee*
18 *who:*

19 **(a)** *Must have been issued a license to hunt, trap or fish in this*
20 *State in at least 3 of the 5 years immediately preceding the date on*
21 *which he or she is designated as a member; and*

22 **(b)** *Must not have been convicted of any violation of the*
23 *provisions of this title or any regulations adopted pursuant thereto*
24 *or any federal law or regulation or any law or regulation of any*
25 *other state relating to hunting, trapping or fishing in the 5 years*
26 *immediately preceding the date on which he or she is designated*
27 *as a member.*

28 **6.** *One member designated by the Chair of the Committee*
29 *from among the persons who make application to the Committee*
30 *who:*

31 **(a)** *Must hold a license as a master guide issued pursuant to*
32 *NRS 504.390; and*

33 **(b)** *Must not have been convicted of any violation of the*
34 *provisions of this title or any regulations adopted pursuant thereto*
35 *or any federal law or regulation or any law or regulation of any*
36 *other state relating to hunting, trapping or fishing in the 5 years*
37 *immediately preceding the date on which he or she is designated*
38 *as a member.*

39 **Sec. 6.** NRS 567.040 is hereby amended to read as follows:

40 567.040 1. ~~Upon and following its organization~~ *At the first*
41 *meeting of each year, the* Committee shall select its own Chair ~~+~~
42 *and Vice Chair from among its members. A member may not serve*
43 *as the Chair or Vice Chair for more than two consecutive terms.*



1 2. *Upon the selection of the Chair at the first meeting of each*
2 *year, the Chair shall designate the members described in*
3 *subsections 5 and 6 of NRS 567.030.*

4 3. The Secretary of the State Board of Agriculture shall serve
5 as Secretary of the Committee.

6 **Sec. 7.** NRS 567.070 is hereby amended to read as follows:

7 567.070 The Committee's Secretary shall call the first meeting
8 of the Committee *each year* following the designation of ~~its~~ *the*
9 members ~~as provided~~ *described* in *subsections 1 to 4, inclusive, of*
10 *NRS 567.030.*

11 **Sec. 8.** Notwithstanding the amendatory provisions of
12 subsection 2 of section 6 of this act, the Chair of the State Predatory
13 Animal and Rodent Committee shall, as soon as practicable after the
14 effective date of this act, designate the members of the Committee
15 described in subsections 5 and 6 of NRS 567.030, as amended by
16 section 5 of this act, each to serve a term that expires on the date of
17 the first meeting of the Committee that occurs on or after January 1,
18 2017.

19 **Sec. 9.** This act becomes effective upon passage and approval.



