
SENATE BILL NO. 130—SENATORS GOICOECHEA;
GUSTAVSON AND SETTELMAYER

FEBRUARY 9, 2015

JOINT SPONSOR: ASSEMBLYMAN ELLISON

Referred to Committee on Natural Resources

SUMMARY—Converts the Department of Wildlife into the Division of Wildlife of the State Department of Conservation and Natural Resources. (BDR 45-613)

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; converting the Department of Wildlife into the Division of Wildlife of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Assembly Bill No. 41 of the 2003 Legislative Session converted the Division of
2 Wildlife of the State Department of Conservation and Natural Resources into the
3 Department of Wildlife. (Chapter 292, Statutes of Nevada 2003, p. 1520) This bill
4 reverses the changes made by Assembly Bill No. 41 and makes other conforming
5 changes to convert the Department of Wildlife into the Division of Wildlife of the
6 State Department of Conservation and Natural Resources.

7 **Section 33** of this bill provides, in part, for the Legislative Counsel to substitute
8 appropriately throughout NRS any names changed by this bill, so that this bill does
9 not need to include every section of NRS in which a name needs to be changed.

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

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Administrator” means the Administrator of the*
4 *Division.*



1 **Sec. 3.** *“Division” means the Division of Wildlife of the State*
2 *Department of Conservation and Natural Resources.*

3 **Sec. 4.** NRS 501.001 is hereby amended to read as follows:

4 501.001 As used in this title, unless the context otherwise
5 requires, the words and terms defined in NRS 501.003 to 501.097,
6 inclusive, *and sections 2 and 3 of this act* have the meanings
7 ascribed to them in those sections.

8 **Sec. 5.** NRS 501.047 is hereby amended to read as follows:

9 501.047 “Game warden” means any person authorized by the
10 ~~Director~~ *Administrator* to enforce the provisions of this title and
11 of chapter 488 of NRS.

12 **Sec. 6.** NRS 501.119 is hereby amended to read as follows:

13 501.119 1. The ~~Department~~ *Division* is authorized to
14 determine methods of obtaining necessary data from hunters,
15 trappers and anglers relative to their activities and success.

16 2. The methods may include return of reports attached to
17 licenses and tags or questionnaires addressed to license holders.

18 3. Failure to return such a report or questionnaire within the
19 period specified by regulation of the Commission or the submission
20 of any false statement thereon is cause for the Commission to:

21 (a) Deny the person the right to acquire any license provided
22 under this title for a period of 1 year; or

23 (b) Levy an administrative fine of \$50 against the person.

24 4. Any statement made on such a report or questionnaire may
25 not be the basis for prosecution for any indicated violations of other
26 sections of this title.

27 **Sec. 7.** NRS 501.181 is hereby amended to read as follows:

28 501.181 The Commission shall:

29 1. Establish broad policies for:

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

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

34 (c) The promotion of uniformity of laws relating to policy
35 matters.

36 2. Guide the ~~Department~~ *Division* in its administration and
37 enforcement of the provisions of this title and of chapter 488 of
38 NRS by the establishment of such policies.

39 3. Establish policies for areas of interest including:

40 (a) The management of big and small game mammals, upland
41 and migratory game birds, fur-bearing mammals, game fish, and
42 protected and unprotected mammals, birds, fish, reptiles and
43 amphibians.

44 (b) The control of wildlife depredations.



1 (c) The acquisition of lands, water rights and easements and
2 other property for the management, propagation, protection and
3 restoration of wildlife.

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

10 (e) The control of nonresident hunters.

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

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

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

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

19 (a) Seasons for hunting game mammals and game birds, for
20 hunting or trapping fur-bearing mammals and for fishing, the daily
21 and possession limits, the manner and means of taking wildlife,
22 including, but not limited to, the sex, size or other physical
23 differentiation for each species, and, when necessary for
24 management purposes, the emergency closing or extending of a
25 season, reducing or increasing of the bag or possession limits on a
26 species, or the closing of any area to hunting, fishing or trapping.
27 The regulations must be established after first considering the
28 recommendations of the ~~Department~~ *Division*, the county
29 advisory boards to manage wildlife and others who wish to present
30 their views at an open meeting. Any regulations relating to the
31 closure of a season must be based upon scientific data concerning
32 the management of wildlife. The data upon which the regulations
33 are based must be collected or developed by the ~~Department~~
34 *Division*.

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

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

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

42 5. Adopt regulations requiring the ~~Department~~ *Division* to
43 make public, before official delivery, its proposed responses to any
44 requests by federal agencies for its comment on drafts of statements



1 concerning the environmental effect of proposed actions or
2 regulations affecting public lands.

3 6. Adopt regulations:

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

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

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

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

17 **Sec. 8.** NRS 501.1812 is hereby amended to read as follows:

18 501.1812 As used in NRS 501.1812 to 501.1818, inclusive,
19 unless the context otherwise requires:

20 1. "License" means a license or tag issued by the ~~Department~~
21 *Division* for:

22 (a) Recreational hunting or fishing; or

23 (b) Taking fur-bearing mammals, trapping unprotected
24 mammals or selling raw furs for profit.

25 2. "Permit" means a permit issued by the ~~Department~~
26 *Division* for recreational hunting or fishing.

27 3. "Wildlife conviction" means a conviction obtained in any
28 court of competent jurisdiction in this State, including, without
29 limitation, a conviction obtained upon a plea of nolo contendere or
30 upon a forfeiture of bail not vacated in any such court, for a
31 violation of:

32 (a) A provision of this title or any regulation adopted pursuant to
33 this title other than a provision of NRS 502.370, 502.390, 503.185,
34 503.310 or 504.295 to 504.398, inclusive; or

35 (b) A provision of the Lacey Act Amendments of 1981, 16
36 U.S.C. §§ 3371 et seq., if the violation of that provision is based on
37 a violation of a law or regulation of this State.

38 **Sec. 9.** NRS 501.243 is hereby amended to read as follows:

39 501.243 1. The ~~Department~~ *Division* shall execute,
40 administer and enforce, and perform the functions and duties
41 provided in chapter 488 of NRS.

42 2. The Commission has the power and authority to:

43 (a) Promulgate rules and regulations governing the use of waters
44 for recreational purposes, which waters are open to the public and



1 are not under the direct control of any other state or federal agency
2 for recreational use.

3 (b) Enter into cooperative agreements with federal, state and
4 county agencies having regulatory powers pertaining to the use of
5 public waters for recreational purposes for the purpose of
6 coordinating such rules and regulations.

7 **Sec. 10.** NRS 501.331 is hereby amended to read as follows:

8 501.331 The ~~{Department}~~ *Division* of Wildlife *of the State*
9 *Department of Conservation and Natural Resources* is hereby
10 created. The ~~{Department}~~ *Division* shall administer the wildlife
11 laws of this State, chapter 488 of NRS and NRS 701.610 to 701.640,
12 inclusive.

13 **Sec. 11.** NRS 501.333 is hereby amended to read as follows:

14 501.333 1. The ~~{Governor}~~ *Director of the State Department*
15 *of Conservation and Natural Resources* shall appoint ~~{a Director}~~
16 *an Administrator* of the ~~{Department,}~~ *Division*, who is its Chief
17 Administrative Officer. The ~~{Director}~~ *Administrator* serves at the
18 pleasure of the ~~{Governor,}~~ *Director*.

19 2. The ~~{Governor}~~ *Director* shall select as ~~{Director}~~
20 *Administrator* a person having an academic degree in the
21 management of wildlife or a closely related field, substantial
22 experience in the management of wildlife and a demonstrated ability
23 to administer a *division of a* major public agency. When appointing
24 the ~~{Director,}~~ *Administrator*, the ~~{Governor}~~ *Director* may consider
25 any person nominated by the Commission.

26 3. The ~~{Director}~~ *Administrator* is in the unclassified service of
27 the State.

28 **Sec. 12.** NRS 501.337 is hereby amended to read as follows:

29 501.337 The ~~{Director}~~ *Administrator* shall:

30 1. Carry out the policies and regulations of the Commission.

31 2. Direct and supervise all administrative and operational
32 activities of the ~~{Department,}~~ *Division*, and all programs
33 administered by the ~~{Department}~~ *Division* as provided by law.
34 Except as otherwise provided in NRS 284.143, the ~~{Director}~~
35 *Administrator* shall devote his or her entire time to the duties of the
36 office and shall not follow any other gainful employment or
37 occupation.

38 3. Within such limitations as may be provided by law, organize
39 the ~~{Department}~~ *Division* and, from time to time with the consent
40 of the Commission, may alter the organization. The ~~{Director}~~
41 *Administrator* shall reassign responsibilities and duties as he or she
42 may deem appropriate.

43 4. Appoint or remove such technical, clerical and operational
44 staff as the execution of his or her duties and the operation of the
45 ~~{Department}~~ *Division* may require, and all those employees are



1 responsible to the ~~{Director}~~ *Administrator* for the proper carrying
2 out of the duties and responsibilities of their respective positions.
3 The ~~{Director}~~ *Administrator* shall designate a number of
4 employees as game wardens and provide for their training.

5 5. Submit technical and other reports to the Commission as
6 may be necessary or as may be requested, which will enable the
7 Commission to establish policy and regulations.

8 6. Prepare ~~{, in consultation with the Commission,}~~ the biennial
9 budget of the ~~{Department}~~ *Division* consistent with the provisions
10 of this title, chapter 488 of NRS and NRS 701.610 to 701.640,
11 inclusive, and submit it to the Commission for its review and
12 ~~{recommendation before the budget is submitted to the Chief of the~~
13 ~~Budget Division of the Department of Administration pursuant to~~
14 ~~NRS 353.210.}~~ *comment.*

15 7. Administer real property assigned to the ~~{Department}~~
16 *Division.*

17 8. Maintain full control, by proper methods and inventories, of
18 all personal property of the State acquired and held for the purposes
19 contemplated by this title and by chapter 488 of NRS.

20 9. Act as nonvoting Secretary to the Commission.

21 10. Adopt the regulations required pursuant to NRS 701.610
22 and 701.630.

23 **Sec. 13.** NRS 501.354 is hereby amended to read as follows:

24 501.354 Except as otherwise provided by specific statute, the
25 ~~{Department}~~ *Division* shall receive, deposit and expend all money
26 provided by law for the administration of this title and of chapter
27 488 of NRS, pursuant to the authority contained in NRS 501.356
28 and in accordance with the Commission's policy.

29 **Sec. 14.** NRS 501.3585 is hereby amended to read as follows:

30 501.3585 1. The ~~{Department}~~ *Division* shall establish the
31 Wildlife Trust Fund. The ~~{Department}~~ *Division* may accept any
32 gift, donation, bequest or devise from any private source for deposit
33 in the Wildlife Trust Fund. Any money received is private money
34 and not state money. All money must be accounted for in the
35 Wildlife Trust Fund.

36 2. All of the money in the Wildlife Trust Fund must be
37 deposited in a financial institution to draw interest or to be
38 expended, invested and reinvested pursuant to the specific
39 instructions of the donor, or if no such specific instructions exist, in
40 the sound discretion of the ~~{Director}~~ *Administrator.* The
41 provisions of NRS 356.011 apply to any accounts in financial
42 institutions maintained pursuant to this section.

43 3. The money in the Wildlife Trust Fund must be budgeted and
44 expended, within any limitations which may have been specified by
45 particular donors, at the discretion of the ~~{Director. The Director}~~



1 *Administrator. The Administrator* may authorize independent
2 contractors that may be funded in whole or in part from the money
3 in the Wildlife Trust Fund.

4 4. The ~~{Director}~~ *Administrator* or the ~~{Director's}~~
5 *Administrator's* designee shall submit semiannually to the Interim
6 Finance Committee and the Commission a report concerning the
7 investment and expenditure of the money in the Wildlife Trust Fund
8 in such form and detail as the Interim Finance Committee
9 determines is necessary.

10 5. A separate statement concerning the anticipated amount and
11 proposed expenditures of the money in the Wildlife Trust Fund must
12 be submitted to the Chief of the Budget Division of the Department
13 of Administration for his or her information at the same time and for
14 the same fiscal years as the requested budget of the *State*
15 Department *of Conservation and Natural Resources* submitted
16 pursuant to NRS 353.210. The statement must be attached to the
17 requested budget for the *State* Department *of Conservation and*
18 *Natural Resources* when the requested budget is submitted to the
19 Fiscal Analysis Division of the Legislative Counsel Bureau pursuant
20 to NRS 353.211.

21 6. The provisions of chapter 333 of NRS do not apply to the
22 expenditure of money in the Wildlife Trust Fund.

23 **Sec. 15.** NRS 502.400 is hereby amended to read as follows:

24 502.400 1. Except as otherwise provided in subsection 2, it is
25 unlawful for any person to hunt in the Carson Lake Wildlife
26 Management Area unless, at the time of entry and while hunting, the
27 person carries upon his or her person:

28 (a) An unexpired permit issued for that purpose on a form
29 specified by the ~~{Department;}~~ *Division;* or

30 (b) Any other documentation specified by the ~~{Department}~~
31 *Division* as proof that the person has paid to the ~~{Department;}~~
32 *Division*, for the period of licensing that includes the time the
33 person is hunting, a fee that is equal to the amount of the fee
34 required pursuant to subsection 4 for a seasonal permit or daily
35 permit, as appropriate.

36 2. The provisions of subsection 1 do not apply to a person
37 under 16 years of age who is accompanied by a person who is
38 carrying upon his or her person the permit or documentation
39 required pursuant to subsection 1.

40 3. A permit issued pursuant to subsection 1 may be sold only
41 by the ~~{Department}~~ *Division* or a person designated by the
42 ~~{Department;}~~ *Division.*

43 4. The ~~{Department}~~ *Division* shall charge and collect the
44 following fees for issuing a permit pursuant to subsection 1:



1 (a) Sixty dollars for a seasonal permit, the effective dates of
2 which must, as determined by the ~~{Department,}~~ *Division*, coincide
3 with the license to hunt of the person purchasing the permit.

4 (b) Fifteen dollars for a daily permit. The ~~{Department,}~~ *Division*
5 shall not make a daily permit specified in this paragraph available
6 for purchase before the second Monday of the open season for
7 ducks.

8 5. The fee required pursuant to subsection 4 is in addition to
9 any fee required for a license or permit to hunt pursuant to
10 NRS 502.240.

11 **Sec. 16.** NRS 502.410 is hereby amended to read as follows:

12 502.410 1. Any money received by the ~~{Department,}~~
13 *Division* pursuant to NRS 502.400 must be deposited with the State
14 Treasurer for credit to the Wildlife Fund Account in the State
15 General Fund.

16 2. The ~~{Department,}~~ *Division*:

17 (a) Shall maintain separate accounting records for the receipt
18 and expenditure of any money pursuant to this section or NRS
19 502.400; and

20 (b) Must use the money to operate and manage the Carson Lake
21 Wildlife Management Area.

22 **Sec. 17.** NRS 504.140 is hereby amended to read as follows:

23 504.140 1. The ~~{Department,}~~ *Division* is authorized, subject
24 to approval by the Commission, to enter into agreements with
25 landowners, individually or in groups, to establish wildlife
26 management areas and to enforce regulations necessary thereto for
27 the purpose of providing greater areas for the public to hunt or fish
28 on private lands and to protect the landowner or lessee from damage
29 due to trespass or excessive hunting or fishing pressure.

30 2. Such an agreement must require that the *State* Department
31 *of Conservation and Natural Resources* designate certain portions
32 of the area as closed zones for the protection of livestock, buildings,
33 persons and other properties.

34 3. The zones must be posted conspicuously along all
35 boundaries and it is unlawful to hunt, fish or trespass therein or to
36 hunt or fish on any cooperative area contrary to the regulations
37 provided.

38 4. The agreement may designate the number of hunters or
39 anglers who may be admitted to the area, if such limitation is
40 necessary or desirable.

41 **Sec. 18.** Chapter 232 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 **1. *The Division of Wildlife consists of the Administrator and***
44 ***any other necessary personnel.***



1 **2. The Administrator of the Division is appointed by the**
2 **Director pursuant to NRS 501.333 and is responsible to the**
3 **Director.**

4 **Sec. 19.** NRS 232.010 is hereby amended to read as follows:

5 232.010 As used in NRS 232.010 to 232.162, inclusive ~~(f)~~ ,
6 **and section 18 of this act:**

7 1. "Department" means the State Department of Conservation
8 and Natural Resources.

9 2. "Director" means the Director of the State Department of
10 Conservation and Natural Resources.

11 **Sec. 20.** NRS 232.090 is hereby amended to read as follows:

12 232.090 1. The Department consists of the Director and the
13 following:

14 (a) The Division of Water Resources.

15 (b) The Division of State Lands.

16 (c) The Division of Forestry.

17 (d) The Division of State Parks.

18 (e) The Division of Environmental Protection.

19 (f) The **Division of Wildlife.**

20 (g) **The** Office of Historic Preservation.

21 ~~(g)~~ (h) Such other divisions as the Director may from time to
22 time establish.

23 2. The State Environmental Commission, the State
24 Conservation Commission, the Conservation Districts Program, the
25 Nevada Natural Heritage Program, the Sagebrush Ecosystem
26 Council and the Board to Review Claims are within the Department.

27 **Sec. 21.** NRS 445A.615 is hereby amended to read as follows:

28 445A.615 1. The Director may issue a permit to the
29 ~~Department~~ **Division of Wildlife of the Department** to kill fish
30 through the use of toxicants.

31 2. The permit must indicate the terms and conditions under
32 which the use of toxicants may take place.

33 **Sec. 22.** NRS 488.035 is hereby amended to read as follows:

34 488.035 As used in this chapter, unless the context otherwise
35 requires:

36 1. "Aquatic invasive species" means an aquatic species which
37 is exotic or not native to this State and which the Commission has
38 determined to be detrimental to aquatic life, water resources or
39 infrastructure for providing water in this State.

40 2. "Aquatic plant material" means aquatic plants or parts of
41 plants that are dependent on an aquatic environment to survive.

42 3. "Commission" means the Board of Wildlife Commissioners.

43 4. "Conveyance" means a motor vehicle, trailer or any other
44 equipment used to transport a vessel or containers or devices used to



1 haul water on a vessel that may contain or carry an aquatic invasive
2 species or aquatic plant material.

3 5. “Decontaminate” means eliminate any aquatic invasive
4 species on a vessel or conveyance in a manner specified by the
5 Commission which may include, without limitation, washing the
6 vessel or conveyance, draining the water in the vessel or
7 conveyance, drying the vessel or conveyance or chemically,
8 thermally or otherwise treating the vessel or conveyance.

9 6. ~~“Department”~~ **“Division”** means the ~~“Department”~~
10 **Division of Wildlife** ~~“Department”~~ **of the State Department of Conservation**
11 **and Natural Resources.**

12 7. “Flat wake” means the condition of the water close astern a
13 moving vessel that results in a flat wave disturbance.

14 8. “Interstate waters of this State” means waters forming the
15 boundary between the State of Nevada and an adjoining state.

16 9. “Legal owner” means a secured party under a security
17 agreement relating to a vessel or a renter or lessor of a vessel to the
18 State or any political subdivision of the State under a lease or an
19 agreement to lease and sell or to rent and purchase which grants
20 possession of the vessel to the lessee for a period of 30 consecutive
21 days or more.

22 10. “Motorboat” means any vessel propelled by machinery,
23 whether or not the machinery is the principal source of propulsion.

24 11. “Operate” means to navigate or otherwise use a motorboat
25 or a vessel.

26 12. “Owner” means:

27 (a) A person having all the incidents of ownership, including the
28 legal title of a vessel, whether or not he or she lends, rents or
29 pledges the vessel; and

30 (b) A debtor under a security agreement relating to a vessel.

31 ➤ “Owner” does not include a person defined as a “legal owner”
32 under subsection 9.

33 13. “Prohibited substance” has the meaning ascribed to it in
34 NRS 484C.080.

35 14. “Registered owner” means the person registered by the
36 Commission as the owner of a vessel.

37 15. A vessel is “under way” if it is adrift, making way or being
38 propelled, and is not aground, made fast to the shore, or tied or
39 made fast to a dock or mooring.

40 16. “Vessel” means every description of watercraft, other than
41 a seaplane on the water, used or capable of being used as a means of
42 transportation on water.

43 17. “Waters of this State” means any waters within the
44 territorial limits of this State.



1 **Sec. 23.** NRS 488.530 is hereby amended to read as follows:

2 488.530 1. It is unlawful for any person at any time to:

3 (a) Launch a vessel into any body of water in this State for
4 which the ~~{Department}~~ *Division* has approved an inspection
5 program without first complying with that program;

6 (b) Refuse to comply with any requirements of the ~~{Department}~~
7 *Division* or any requirements of an inspection program approved by
8 the ~~{Department}~~ *Division*; or

9 (c) Leave an impaired body of water in this State or any other
10 state after operating a vessel on that impaired body of water and
11 launch the vessel on any other body of water in this State without
12 first decontaminating the vessel and any conveyance used on the
13 impaired body of water.

14 2. In addition to any inspection conducted pursuant to NRS
15 488.900, each owner, operator or person in control of a vessel or
16 conveyance shall stop at any mandatory inspection station for
17 aquatic invasive species authorized by the ~~{Department}~~ *Division*.
18 If a peace officer reasonably believes, based on articulable facts,
19 that an aquatic invasive species or aquatic plant material may be
20 present on the vessel or conveyance, the peace officer may:

21 (a) Require the owner, operator or person in control of the vessel
22 or conveyance to decontaminate the vessel or conveyance; or

23 (b) In addition to any seizure required pursuant to NRS 488.910,
24 impound or quarantine the vessel or conveyance.

25 3. A peace officer may stop and inspect a vessel or conveyance
26 for the presence of aquatic invasive species or aquatic plant
27 material, or for proof of a required inspection:

28 (a) Before a vessel is launched into a body of water in this State;

29 (b) Before a vessel or conveyance departs from a body of water
30 in this State, a launch ramp or a vessel staging area;

31 (c) If the vessel or conveyance is visibly transporting any
32 aquatic invasive species or aquatic plant material; or

33 (d) If the peace officer reasonably believes, based on articulable
34 facts, that an aquatic invasive species or aquatic plant material is
35 present.

36 4. If a peace officer conducts an inspection of a vessel or
37 conveyance pursuant to this section and determines that an aquatic
38 invasive species or aquatic plant material is present on the vessel or
39 conveyance, the peace officer may order the vessel or conveyance to
40 be decontaminated.

41 5. A peace officer may impound or quarantine a vessel if:

42 (a) An inspection conducted pursuant to this section indicates
43 the presence of an aquatic invasive species or aquatic plant material
44 on the vessel or conveyance; or



1 (b) The owner, operator or person in control of the vessel or
2 conveyance refuses to:

3 (1) Submit to an inspection authorized pursuant to this
4 section; or

5 (2) Comply with an order issued pursuant to this section to
6 decontaminate his or her vessel or conveyance.

7 6. As used in this section, "impaired body of water" means any
8 body of water in this State or any other state which the Commission
9 or another governmental entity has identified as containing an
10 aquatic invasive species.

11 **Sec. 24.** NRS 490.067 is hereby amended to read as follows:

12 490.067 1. The Commission on Off-Highway Vehicles is
13 hereby created.

14 2. The Commission consists of 11 members as follows:

15 (a) One member who is an authorized dealer, appointed by the
16 Governor;

17 (b) One member who is a sportsman, appointed by the Governor
18 from a list of persons submitted by the ~~Director~~ *Administrator*
19 of the ~~Department~~ *Division* of Wildlife ~~of the State Department~~
20 *of Conservation and Natural Resources;*

21 (c) One member who is a rancher, appointed by the Governor
22 from a list of persons submitted by the Director of the State
23 Department of Agriculture;

24 (d) One member who is a representative of the Nevada
25 Association of Counties, appointed by the Governor from a list of
26 persons submitted by the Executive Director of the Association;

27 (e) One member who is a representative of law enforcement,
28 appointed by the Governor from a list of persons submitted by the
29 Nevada Sheriffs' and Chiefs' Association;

30 (f) One member, appointed by the Governor from a list of
31 persons submitted by the Director of the State Department of
32 Conservation and Natural Resources, who:

33 (1) Possesses a degree in soil science, rangeland ecosystems
34 science or a related field;

35 (2) Has at least 5 years of experience working in one of the
36 fields described in subparagraph (1); and

37 (3) Is knowledgeable about the ecosystems of the Great
38 Basin Region of central Nevada or the Mojave Desert;

39 (g) One member, appointed by the Governor, who is a
40 representative of an organization that represents persons who use
41 off-highway vehicles to access areas to participate in recreational
42 activities that do not primarily involve off-highway vehicles; and

43 (h) Four members, appointed by the Governor, who reside in the
44 State of Nevada and have participated in recreational activities for
45 off-highway vehicles for at least 5 years using the type of



1 off-highway vehicle owned or operated by the persons they will
2 represent, as follows:

3 (1) One member who represents persons who own or operate
4 all-terrain vehicles;

5 (2) One member who represents persons who own or operate
6 all-terrain motorcycles;

7 (3) One member who represents persons who own or operate
8 snowmobiles; and

9 (4) One member who represents persons who own or
10 operate, and participate in the racing of, off-highway motorcycles.

11 3. The Governor shall not appoint to the Commission any
12 member described in paragraph (h) of subsection 2 unless the
13 member has been recommended to the Governor by an off-highway
14 vehicle organization. As used in this subsection, "off-highway
15 vehicle organization" means a profit or nonprofit corporation,
16 association or organization formed pursuant to the laws of this State
17 and which promotes off-highway vehicle recreation or racing.

18 4. After the initial terms, each member of the Commission
19 serves for a term of 3 years. A vacancy on the Commission must be
20 filled in the same manner as the original appointment.

21 5. Except as otherwise provided in this subsection, a member
22 of the Commission may not serve more than two consecutive terms
23 on the Commission. A member who has served two consecutive
24 terms on the Commission may be reappointed if the Governor does
25 not receive any applications for that member's seat or if the
26 Governor determines that no qualified applicants are available to fill
27 that member's seat.

28 6. The Governor shall ensure that, insofar as practicable, the
29 members appointed to the Commission reflect the geographical
30 diversity of this State.

31 7. Each member of the Commission:

32 (a) Is entitled to receive, if money is available for that purpose
33 from the fees collected pursuant to NRS 490.084, the per diem
34 allowance and travel expenses provided for state officers and
35 employees generally.

36 (b) Shall swear or affirm that he or she will work to create and
37 promote responsible off-highway vehicle recreation in the State. The
38 Governor may remove a member from the Commission if the
39 member violates the oath described in this paragraph.

40 8. The Commission may employ an Executive Secretary, who
41 must not be a member of the Commission, to assist in its daily
42 operations and in administering the Account for Off-Highway
43 Vehicles created by NRS 490.069.

44 9. The Commission may adopt regulations for the operation of
45 the Commission. Upon request by the Commission, the nonvoting



1 advisers solicited by the Commission pursuant to NRS 490.068 may
2 provide assistance to the Commission in adopting those regulations.

3 **Sec. 25.** NRS 490.068 is hereby amended to read as follows:

4 490.068 1. The Commission shall:

5 (a) Elect a Chair, Vice Chair, Secretary and Treasurer from
6 among its members.

7 (b) Meet at the call of the Chair.

8 (c) Meet at least four times each year.

9 (d) Solicit nine nonvoting advisers to the Commission to serve
10 for terms of 2 years as follows:

11 (1) One adviser from the Bureau of Land Management.

12 (2) One adviser from the United States Forest Service.

13 (3) One adviser who is:

14 (I) From the Natural Resources Conservation Service of
15 the United States Department of Agriculture; or

16 (II) A teacher, instructor or professor at an institution of
17 the Nevada System of Higher Education and who provides
18 instruction in environmental science or a related field.

19 (4) ~~One~~ *Other than the adviser specified in subparagraph*
20 *(5), one* adviser from the State Department of Conservation and
21 Natural Resources.

22 (5) One adviser from the ~~Department~~ *Division* of Wildlife
23 *of the State Department of Conservation and Natural*
24 *Resources.*

25 (6) One adviser from the Department of Motor Vehicles.

26 (7) One adviser from the Commission on Tourism, other than
27 the Chair of the Nevada Indian Commission.

28 (8) One adviser from the Nevada Indian Commission.

29 (9) One adviser from the United States Fish and Wildlife
30 Service.

31 2. The Commission may award a grant of money from the
32 Account for Off-Highway Vehicles created by NRS 490.069. Any
33 such grant must comply with the requirements set forth in NRS
34 490.069. The Commission shall:

35 (a) Adopt regulations setting forth who may apply for a grant of
36 money from the Account for Off-Highway Vehicles and the manner
37 in which such a person may submit the application to the
38 Commission. The regulations adopted pursuant to this paragraph
39 must include, without limitation, requirements that:

40 (1) Any person requesting a grant provide proof satisfactory
41 to the Commission that the appropriate federal, state or local
42 governmental agency has been consulted regarding the nature of the
43 project to be funded by the grant and regarding the area affected by
44 the project;



1 (2) The application for the grant address all applicable laws
2 and regulations, including, without limitation, those concerning:

3 (I) Threatened and endangered species in the area affected
4 by the project;

5 (II) Ecological, cultural and archaeological sites in the
6 area affected by the project; and

7 (III) Existing land use authorizations and prohibitions,
8 land use plans, special designations and local ordinances for the area
9 affected by the project; and

10 (3) Any compliance information provided by an appropriate
11 federal, state or local governmental agency, and any information or
12 advice provided by any agency, group or individual be submitted
13 with the application for the grant.

14 (b) Adopt regulations for awarding grants from the Account.

15 (c) Adopt regulations for determining the acceptable
16 performance of work on a project for which a grant is awarded.

17 (d) Approve the completion of, and payment of money for, work
18 performed on a project for which a grant is awarded, if the
19 Commission determines the work is acceptable.

20 (e) Monitor the accounting activities of the Account.

21 3. The nonvoting advisers solicited by the Commission
22 pursuant to paragraph (d) of subsection 1 shall assist the
23 Commission in carrying out the duties set forth in this section and
24 shall review for completeness and for compliance with the
25 requirements of paragraph (a) of subsection 2 all applications for
26 grants.

27 4. For each regular session of the Legislature, the Commission
28 shall prepare a comprehensive report, including, without limitation,
29 a summary of any grants that the Commission awarded and of the
30 accounting activities of the Account, and any recommendations of
31 the Commission for proposed legislation. The report must be
32 submitted to the Director of the Legislative Counsel Bureau for
33 distribution to the Legislature not later than September 1 of each
34 even-numbered year.

35 **Sec. 26.** NRS 701.180 is hereby amended to read as follows:

36 701.180 The Director shall:

37 1. Acquire and analyze information relating to energy and to
38 the supply, demand and conservation of its sources, including,
39 without limitation:

40 (a) Information relating to the Solar Energy Systems Incentive
41 Program created pursuant to NRS 701B.240 and the Wind Energy
42 Systems Demonstration Program created pursuant to 701B.580,
43 including, without limitation, information relating to:



1 (1) The development of distributed generation systems in this
2 State pursuant to participation in the Solar Energy Systems
3 Incentive Program;

4 (2) The use of carbon-based energy in residential and
5 commercial applications due to participation in the Programs; and

6 (3) The average cost of generation on a kilowatt-hour basis
7 for residential and commercial applications due to participation in
8 the Programs; and

9 (b) Information relating to any money distributed pursuant to
10 NRS 702.270.

11 2. Review and evaluate information which identifies trends and
12 permits forecasting of the energy available to the State. Such
13 forecasts must include estimates on:

14 (a) The level of demand for energy in the State for 5-, 10- and
15 20-year periods;

16 (b) The amount of energy available to meet each level of
17 demand;

18 (c) The probable implications of the forecast on the demand and
19 supply of energy; and

20 (d) The sources of renewable energy and other alternative
21 sources of energy which are available and their possible effects.

22 3. Study means of reducing wasteful, inefficient, unnecessary
23 or uneconomical uses of energy and encourage the maximum
24 utilization of existing sources of energy in the State.

25 4. Solicit and serve as the point of contact for grants and other
26 money from the Federal Government, including, without limitation,
27 any grants and other money available pursuant to any program
28 administered by the United States Department of Energy, and other
29 sources:

30 (a) To promote energy projects that enhance the economic
31 development of the State;

32 (b) To promote the use of renewable energy in this State;

33 (c) To promote the use of measures which conserve or reduce
34 the demand for energy or which result in more efficient use of
35 energy;

36 (d) To develop a comprehensive program for retrofitting public
37 buildings in this State with energy efficiency measures; and

38 (e) If the Director determines that it is feasible and cost-
39 effective, to enter into contracts with researchers from the Nevada
40 System of Higher Education for the design of energy efficiency and
41 retrofit projects to carry out the comprehensive program for
42 retrofitting public buildings in this State developed pursuant to
43 paragraph (d).

44 5. Coordinate the activities and programs of the Office of
45 Energy with the activities and programs of the Consumer's



1 Advocate and the Public Utilities Commission of Nevada, and with
2 other federal, state and local officers and agencies that promote,
3 fund, administer or operate activities and programs related to the use
4 of renewable energy and the use of measures which conserve or
5 reduce the demand for energy or which result in more efficient use
6 of energy.

7 6. If requested to make a determination pursuant to NRS
8 111.239 or 278.0208, make the determination within 30 days after
9 receiving the request. If the Director needs additional information to
10 make the determination, the Director may request the information
11 from the person making the request for a determination. Within 15
12 days after receiving the additional information, the Director shall
13 make a determination on the request.

14 7. Cooperate with the ~~Department~~ *Division* of Wildlife *of the*
15 *State Department of Conservation and Natural Resources* in
16 carrying out the provisions of NRS 701.600 to 701.640, inclusive.

17 8. Upon request by a developer of an energy development
18 project or a local government in a county in which an energy
19 development project is proposed to be located, coordinate
20 discussions, not otherwise required by any existing regulatory
21 agency, with interested parties concerning any potential effect of the
22 energy development project.

23 9. Carry out all other directives concerning energy that are
24 prescribed by the Governor.

25 **Sec. 27.** NRS 701.450 is hereby amended to read as follows:

26 701.450 1. The State and Local Government Panel on
27 Renewable and Efficient Energy is hereby created.

28 2. Except as otherwise provided in subsection 3, the Panel
29 consists of the Director and the following seven members appointed
30 by the Director:

31 (a) A representative of the State Public Works Board;

32 (b) A representative of the Housing Division of the Department
33 of Business and Industry;

34 (c) A representative of the Buildings and Grounds Section of the
35 State Public Works Division of the Department of Administration;

36 (d) A representative of the ~~Department~~ *Division* of Wildlife ~~of~~
37 *of the State Department of Conservation and Natural Resources*;

38 (e) A representative of the Nevada Association of Counties or its
39 successor organization;

40 (f) A representative of the Nevada League of Cities or its
41 successor organization; and

42 (g) A representative of the Nevada Association of School
43 Boards or its successor organization.

44 3. The Director may appoint not more than three additional
45 members to the Panel to represent state and local government



1 agencies or private industry in the field of renewable energy or
2 energy efficiency.

3 **Sec. 28.** NRS 701.610 is hereby amended to read as follows:

4 701.610 1. Except as otherwise provided in NRS 701.600, a
5 person who files an application with the Federal Government for a
6 lease or easement for a right-of-way for an energy development
7 project or an application with the Public Utilities Commission of
8 Nevada or any county in this State relating to the construction of an
9 energy development project shall, concurrently with the filing of the
10 application, file a notice of the energy development project with the
11 ~~{Department}~~ *Division of Wildlife* ~~{}~~ *of the State Department of*
12 *Conservation and Natural Resources.*

13 2. The notice required by subsection 1 must be provided to the
14 ~~{Department}~~ *Division* of Wildlife in such form as the ~~{Department}~~
15 *Division* prescribes and contain:

16 (a) A description of the location and the energy development
17 project to be built thereon;

18 (b) A description of the boundaries of the project and the
19 estimated requirements for infrastructure of the project; and

20 (c) The estimated energy output for the energy development
21 project.

22 3. Within 30 days after a notice is filed pursuant to subsection
23 1, the ~~{Department}~~ *Division* of Wildlife shall provide a copy of the
24 notice to the Office of Energy.

25 4. The ~~{Department}~~ *Division* of Wildlife shall, in consultation
26 with the Office of Energy, adopt regulations to carry out the
27 provisions of this section. The regulations must include, without
28 limitation:

29 (a) Provisions setting forth the requirements for making
30 reasonable deposits and reimbursing the ~~{Department}~~ *Division* of
31 Wildlife for the actual costs, not to exceed \$100,000, incurred by the
32 ~~{Department}~~ *Division* for providing to the Federal Government, the
33 Public Utilities Commission of Nevada, an applicant or any county
34 in this State any information relating to any wildlife or wildlife
35 habitat based on the location of the energy development project for
36 which a notice is filed pursuant to subsection 1; and

37 (b) Except as otherwise provided in subsection 5, any other
38 requirements concerning the filing of a notice pursuant to
39 subsection 1.

40 5. Any regulations adopted pursuant to subsection 4 must not
41 require a person to reimburse any costs incurred by the
42 ~~{Department}~~ *Division* of Wildlife for providing any information
43 requested by the Federal Government, the Public Utilities
44 Commission of Nevada or an applicant relating to an energy



1 development project that was previously provided pursuant to
2 paragraph (a) of subsection 4.

3 **Sec. 29.** NRS 701.620 is hereby amended to read as follows:

4 701.620 The ~~{Department}~~ *Division* of Wildlife *of the State*
5 *Department of Conservation and Natural Resources* shall:

6 1. Compile and maintain detailed information concerning each
7 energy development project for which notice is filed pursuant to
8 NRS 701.610. The information must include, without limitation:

9 (a) The location of the energy development project;

10 (b) A description of the energy development project;

11 (c) The estimated energy output of the energy development
12 project; and

13 (d) The amount charged for the reimbursement of costs for the
14 energy development project in accordance with the regulations
15 specified in subsection 4 of NRS 701.610.

16 2. Prepare a report:

17 (a) Containing the information compiled pursuant to subsection
18 1; and

19 (b) Setting forth the effect, if any, on the budget of the
20 ~~{Department}~~ *Division* of Wildlife as a result of receiving the
21 reimbursement of costs for providing information concerning energy
22 development projects and the manner in which the total amount
23 received for those costs was used by the ~~{Department}~~ *Division*.

24 3. On or before January 1 of each even-numbered year, submit
25 the report required pursuant to subsection 2 to the Legislative
26 Commission. On or before January 1 of each odd-numbered year,
27 the ~~{Department}~~ *Division* of Wildlife shall submit the report
28 required pursuant to subsection 2 to the Director of the Legislative
29 Counsel Bureau for transmittal to the Legislature.

30 **Sec. 30.** NRS 701.630 is hereby amended to read as follows:

31 701.630 1. The Energy Planning and Conservation Account
32 is hereby created in the State General Fund.

33 2. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division*
34 of Wildlife *of the State Department of Conservation and Natural*
35 *Resources* may apply for and accept any gift, donation, bequest,
36 grant or other source of money for use by the Account. Any money
37 so received must be deposited in the Account.

38 3. The interest and income earned on the money in the
39 Account, after deducting any applicable charges, must be credited to
40 the Account. Claims against the Account must be paid as other
41 claims against the State are paid.

42 4. Any money remaining in the Account at the end of a fiscal
43 year does not revert to the State General Fund, and the balance in
44 the Account must be carried forward to the next fiscal year.



1 5. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division*
2 of Wildlife shall administer the Account. The money in the Account
3 must be used in accordance with the State Wildlife Action Plan and
4 used by the ~~{Department:}~~ *Division:*

5 (a) To conduct surveys of wildlife;

6 (b) To map locations of wildlife and wildlife habitat in this
7 State;

8 (c) To pay for conservation projects for wildlife and its habitat;

9 (d) To match any federal money for a project or program for the
10 conservation of any species of wildlife which is of critical concern;
11 and

12 (e) To coordinate carrying out the provisions of this subsection
13 in cooperation with the Office of Energy.

14 6. The ~~{Department}~~ *Division* of Wildlife shall adopt
15 regulations to carry out the provisions of this section. The
16 regulations must include, without limitation, the criteria for projects
17 for which the ~~{Department}~~ *Division* may use money from the
18 Account.

19 7. As used in this section, "State Wildlife Action Plan" means
20 a statewide plan prepared by the ~~{Department}~~ *Division* of Wildlife
21 and approved by the United States Fish and Wildlife Service which
22 sets forth provisions for the conservation of wildlife and wildlife
23 habitat, including, without limitation, provisions for assisting in the
24 prevention of any species of wildlife from becoming threatened or
25 endangered.

26 **Sec. 31.** NRS 701.640 is hereby amended to read as follows:

27 701.640 1. The Account for the Recovery of Costs is hereby
28 created in the State General Fund.

29 2. All money collected by the ~~{Department}~~ *Division* of
30 Wildlife *of the State Department of Conservation and Natural*
31 *Resources* in accordance with regulations adopted pursuant to NRS
32 701.610 must be deposited in the Account.

33 3. The interest and income earned on the money in the
34 Account, after deducting any applicable charges, must be credited to
35 the Account. Claims against the Account must be paid as other
36 claims against the State are paid.

37 4. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division*
38 of Wildlife may apply for and accept any gift, donation, bequest,
39 grant or other source of money for use by the Account. Any money
40 so received must be deposited in the Account. If the ~~{Director}~~
41 *Administrator* of the ~~{Department}~~ *Division* of Wildlife receives
42 any matching federal money which is credited to the Account
43 pursuant to this subsection, the amount of money credited may be
44 transferred to the Energy Planning and Conservation Account
45 created by NRS 701.630.



1 5. Any money remaining in the Account at the end of a fiscal
2 year does not revert to the State General Fund, and the balance in
3 the Account must be carried forward to the next fiscal year.

4 6. The ~~{Director}~~ *Administrator* of the ~~{Department}~~ *Division*
5 of Wildlife shall administer the Account. The money in the Account
6 must be used by the ~~{Department}~~ *Division* of Wildlife solely:

7 (a) To provide to the Federal Government, the Public Utilities
8 Commission of Nevada or any person any information relating to
9 wildlife or wildlife habitat based on the location of an energy
10 development project; or

11 (b) To match any federal money for a project or program for the
12 conservation of any species of wildlife.

13 **Sec. 32.** 1. Any administrative regulations adopted by an
14 officer, agency or other entity whose name has been changed or
15 whose responsibilities have been transferred pursuant to the
16 provisions of this act to another officer, agency or other entity
17 remain in force until amended by the officer, agency or other entity
18 to which the responsibility for the adoption of the regulations has
19 been transferred.

20 2. Any contracts or other agreements entered into by an officer,
21 agency or other entity whose name has been changed or whose
22 responsibilities have been transferred pursuant to the provisions of
23 this act to another officer, agency or other entity are binding upon
24 the officer, agency or other entity to which the responsibility for
25 the administration of the provisions of the contract or other agreement
26 have been transferred. Such contracts and other agreements may be
27 enforced by the officer, agency or other entity to which the
28 responsibility for the enforcement of the provisions of the contract
29 or other agreement has been transferred.

30 3. Any action taken by an officer, agency or other entity whose
31 name has been changed or whose responsibilities have been
32 transferred pursuant to the provisions of this act to another officer,
33 agency or entity remains in effect as if taken by the officer, agency
34 or other entity to which the responsibility for the enforcement of
35 such actions has been transferred.

36 **Sec. 33.** The Legislative Counsel shall:

37 1. In preparing the Nevada Revised Statutes, use the authority
38 set forth in subsection 10 of NRS 220.120 to substitute
39 appropriately the name of any agency, officer or instrumentality of
40 the State whose name is changed by this act for the name which the
41 agency, officer or instrumentality previously used; and

42 2. In preparing supplements to the Nevada Administrative
43 Code, substitute appropriately the name of any agency, officer or
44 instrumentality of the State whose name is changed by this act for



1 the name which the agency, officer or instrumentality previously
2 used.

3 **Sec. 34.** NRS 501.024 and 501.026 are hereby repealed.

4 **Sec. 35.** 1. This section and sections 1 to 14, inclusive, and
5 17 to 34, inclusive, of this act become effective on July 1, 2015.

6 2. Sections 15 and 16 of this act become effective upon
7 conveyance of the Carson Lake Pasture to the State of Nevada in
8 accordance with chapter 209, Statutes of Nevada 1993, at page 447.

TEXT OF REPEALED SECTIONS

501.024 “Department” defined. “Department” means the Department of Wildlife.

501.026 “Director” defined. “Director” means the Director of the Department.



