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SECOND REPRINT

S.B. 163

SENATE BILL NO. 163—SENATOR HAMMOND

FEBRUARY 16, 2015

JOINT SPONSOR: ASSEMBLYWOMAN JOINER

Referred to Committee on Natural Resources

SUMMARY—Creates the Advisory Council on Nevada Wildlife Conservation and Education within the Department of Wildlife. (BDR 45-616)

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; creating the Advisory Council on Nevada Wildlife Conservation and Education within the Department of Wildlife; prescribing the membership and duties of the Council; authorizing the Department to fund the activities of the Council from the Wildlife Heritage Trust Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides for the management of wildlife in this State, including
2 the regulation of hunting, fishing, trapping and the taking of game. (Title 45 of
3 NRS) **Section 3** of this bill creates the Advisory Council on Nevada Wildlife
4 Conservation and Education within the Department of Wildlife and prescribes the
5 composition of the members of the Council. **Section 5** of this bill requires the
6 Council, in cooperation with the Department, to develop and implement a public
7 information program for the purpose of promoting and educating the general public
8 on the history and benefits of wildlife and wildlife preservation in this State, and
9 the importance of hunting, fishing, trapping and the taking of game in this State.
10 **Section 5** further requires the Council to prepare an operational plan to meet the
11 future goals of the Council and to report certain information to the Director of the
12 Department and the Board of Wildlife Commissioners. **Sections 6, 9.3 and 9.7** of
13 this bill authorize the Department to fund the activities of the Council from the
14 Wildlife Heritage Trust Account. **Section 8** of this bill requires the Board of



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15 Wildlife Commissioners to maintain a list of qualified candidates for appointment
16 to the Council.

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 to 6, inclusive, of this
3 act.

4 **Sec. 2.** *“Council” means the Advisory Council on Nevada*
5 *Wildlife Conservation and Education created by section 3 of this*
6 *act.*

7 **Sec. 3. 1.** *There is hereby created within the Department*
8 *the Advisory Council on Nevada Wildlife Conservation and*
9 *Education. The Council consists of the following seven members:*

10 *(a) A representative of the Department, designated by the*
11 *Director; and*

12 *(b) The following members to be appointed by the Director*
13 *with the advice of the Chair of the Commission:*

14 *(1) One member of the Commission or his or her designee;*

15 *(2) Three residents of this State who are selected from the*
16 *list of candidates compiled pursuant to subsection 9 of*
17 *NRS 501.181;*

18 *(3) One resident of this State who represents small*
19 *businesses that are substantially affected by hunting, fishing and*
20 *trapping in this State; and*

21 *(4) One resident of this State who is not an employee of the*
22 *Department and who has a background in media or marketing*
23 *sufficient to advise the Council in carrying out its duties pursuant*
24 *to section 5 of this act.*

25 2. *The Director shall, to the extent practicable, ensure that*
26 *the membership of the Council represents all geographic areas of*
27 *this State.*

28 3. *After the initial terms, each member of the Council*
29 *appointed pursuant to paragraph (b) of subsection 1 serves a term*
30 *of 4 years.*

31 4. *A vacancy in the appointed membership of the Council*
32 *must be filled in the same manner as the original appointment for*
33 *the remainder of the unexpired term.*

34 5. *An appointed member of the Council may be reappointed,*
35 *but must not serve more than two full terms.*

36 6. *Each member of the Council:*

37 *(a) Serves without compensation; and*



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1 (b) While engaged in the business of the Council, is entitled to
2 receive the per diem allowance and travel expenses provided for
3 state officers and employees generally.

4 7. The Director may remove any appointed member of the
5 Council for good cause.

6 **Sec. 4.** 1. At the first meeting of the Council, the Council
7 shall elect from its members a Chair, a Vice Chair and a
8 Secretary, and shall adopt the policies of the Council. Upon the
9 expiration of the term of an officer elected pursuant to this
10 subsection, the Council shall, at the next subsequent meeting of
11 the Council, elect an officer to fill the vacated position.

12 2. The Council shall meet at least once each calendar quarter
13 and at other times upon the call of the Chair or a majority of its
14 members.

15 3. A majority of the members of the Council constitutes a
16 quorum for the transaction of business, and a quorum may
17 exercise any power or authority conferred on the Council.

18 4. Meetings of the Council must be conducted in accordance
19 with chapter 241 of NRS.

20 5. Except as otherwise provided by specific statute, the
21 documents and other information compiled by the Council in the
22 course of its business are public records.

23 **Sec. 5.** 1. Subject to approval by the Director, the Council
24 shall, in cooperation with the Department:

25 (a) Develop and implement, in collaboration with a marketing
26 or advertising agency, a comprehensive media-based public
27 information program to educate the general public on the history
28 of wildlife in Nevada, the benefits of wildlife to its citizens and the
29 benefits of wildlife management and wildlife recreational
30 opportunities in Nevada. The program must promote the essential
31 role that sportsmen and sportswomen play in furthering wildlife
32 conservation in this State and must include, without limitation,
33 education to teach that hunting, fishing, trapping and the taking
34 of game are:

35 (1) Necessary for the conservation, preservation and
36 management of the natural resources of this State;

37 (2) A valued and integral part of the cultural heritage of
38 this State that must forever be preserved; and

39 (3) An important part of the economy of this State.

40 (b) Not later than 120 days after the Council's first meeting of
41 each year, prepare an operational plan with strategic goals and
42 milestones in furtherance of the duties of the Council.

43 (c) Prepare a request for proposals for the purpose of selecting
44 a marketing or advertising agency.



1 (d) *Establish criteria for grading and selecting a marketing or*
2 *advertising agency based on the submission of proposals.*

3 (e) *Conduct surveys for the purpose of developing a marketing*
4 *campaign and determining the effectiveness of a campaign.*

5 2. *Subject to approval by the Director, the Council shall*
6 *review and approve each annual budget for the Council and*
7 *review any periodic financial reports provided by the Department*
8 *that are related to the activities of the Council.*

9 3. *The Council shall, on or before December 31 of each*
10 *even-numbered year, prepare a report to the Director and the*
11 *Commission outlining the public information program*
12 *implemented and the operational plan prepared pursuant to*
13 *subsection 1 and the expenditures of the Council.*

14 **Sec. 6. 1.** *The activities of the Council must be funded by*
15 *allocations of money from the Wildlife Heritage Trust Account*
16 *that are made in accordance with the provisions of subsection 4 of*
17 *NRS 501.3575.*

18 2. *The Director and the Council may apply for and accept*
19 *any available grants and may accept any bequests, devises,*
20 *donations or gifts from any public or private source to fund the*
21 *activities of the Council.*

22 3. *Any money described in subsections 1 and 2 must be used*
23 *for the activities of the Council and accounted for separately.*
24 *Except as otherwise provided by law or by the terms of any grant,*
25 *bequest, devise, donation or gift, any money remaining in the*
26 *Account at the end of a fiscal year does not revert to the State*
27 *General Fund and must be carried over to the next fiscal year.*

28 **Sec. 7.** NRS 501.001 is hereby amended to read as follows:

29 501.001 As used in this title, unless the context otherwise
30 requires, the words and terms defined in NRS 501.003 to 501.097,
31 inclusive, *and section 2 of this act* have the meanings ascribed to
32 them in those sections.

33 **Sec. 8.** NRS 501.181 is hereby amended to read as follows:

34 501.181 The Commission shall:

35 1. Establish broad policies for:

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

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

40 (c) The promotion of uniformity of laws relating to policy
41 matters.

42 2. Guide the Department in its administration and enforcement
43 of the provisions of this title and of chapter 488 of NRS by the
44 establishment of such policies.

45 3. Establish policies for areas of interest including:



1 (a) The management of big and small game mammals, upland
2 and migratory game birds, fur-bearing mammals, game fish, and
3 protected and unprotected mammals, birds, fish, reptiles and
4 amphibians.

5 (b) The control of wildlife depredations.

6 (c) The acquisition of lands, water rights and easements and
7 other property for the management, propagation, protection and
8 restoration of wildlife.

9 (d) The entry, access to, and occupancy and use of such
10 property, including leases of grazing rights, sales of agricultural
11 products and requests by the Director to the State Land Registrar for
12 the sale of timber if the sale does not interfere with the use of the
13 property on which the timber is located for wildlife management or
14 for hunting or fishing thereon.

15 (e) The control of nonresident hunters.

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

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

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

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

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

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

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

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



1 5. Adopt regulations requiring the Department to make public,
2 before official delivery, its proposed responses to any requests by
3 federal agencies for its comment on drafts of statements concerning
4 the environmental effect of proposed actions or regulations affecting
5 public lands.

6 6. Adopt regulations:

7 (a) Governing the provisions of the permit required by NRS
8 502.390 and for the issuance, renewal and revocation of such a
9 permit.

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

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

17 8. Adopt regulations governing the trapping of fur-bearing
18 mammals in a residential area of a county whose population is
19 100,000 or more.

20 ***9. Maintain a list of qualified candidates for appointment to***
21 ***the Council that is compiled from recommendations by any***
22 ***Nevada sportsmen's organization. The Commission shall not***
23 ***include a person on the list of candidates unless the person has***
24 ***been a resident of this State for at least 5 years and has held a***
25 ***hunting, fishing or trapping license, or any combination of such***
26 ***licenses, in this State for at least 3 of the immediately preceding 5***
27 ***years.***

28 **Sec. 9.** (Deleted by amendment.)

29 **Sec. 9.3.** NRS 501.3575 is hereby amended to read as follows:

30 501.3575 1. The Wildlife Heritage Trust Account is hereby
31 created in the State General Fund. The money in the Account must
32 be used by the Department as provided in this section for:

33 (a) The protection, propagation, restoration, transplantation,
34 introduction and management of any game fish, game mammal,
35 game bird or fur-bearing mammal in this State; ~~and~~

36 (b) The management and control of predatory wildlife in this
37 State ~~;~~ **and**

38 ***(c) Funding the activities of the Council.***

39 2. Except as otherwise provided in NRS 502.250, money
40 received by the Department from:

41 (a) A bid, auction, Silver State Tag Drawing or Partnership in
42 Wildlife Drawing conducted pursuant to NRS 502.250; and

43 (b) A gift of money made by any person to the Wildlife Heritage
44 Trust Account,



1 ↪ must be deposited with the State Treasurer for credit to the
2 Account.

3 3. The interest and income earned on the money in the Wildlife
4 Heritage Trust Account, after deducting any applicable charges,
5 must be credited to the Account.

6 4. *For the period beginning on July 1, 2015, and ending on*
7 *June 30, 2019, to fund the activities of the Council, the*
8 *Department may annually expend from the principal of the*
9 *Wildlife Heritage Trust Account:*

10 (a) *Not more than \$250,000; and*

11 (b) *In addition, an amount of money not greater than 25*
12 *percent of the amount of money deposited in the Account pursuant*
13 *to subsection 2 during the previous year.*

14 5. The Department may annually expend from the Wildlife
15 Heritage Trust Account an amount of money not greater than 75
16 percent of the money deposited in the Account pursuant to
17 subsection 2 during the previous year and the total amount of
18 interest earned on the money in the Account during the previous
19 year. ~~The~~

20 6. *Except for expenditures made pursuant to subsection 4, the*
21 Commission shall review and approve expenditures from the
22 Account ~~Not~~, *and no* money may be expended from the Account
23 without the prior approval of the Commission.

24 ~~§~~ 7. The Commission shall administer the provisions of this
25 section and may adopt any regulations necessary for that purpose.

26 **Sec. 9.7.** Section 9.3 of this act is hereby amended to read as
27 follows:

28 Sec. 9.3. NRS 501.3575 is hereby amended to read as
29 follows:

30 501.3575 1. The Wildlife Heritage Trust Account is
31 hereby created in the State General Fund. The money in the
32 Account must be used by the Department as provided in this
33 section for:

34 (a) The protection, propagation, restoration,
35 transplantation, introduction and management of any game
36 fish, game mammal, game bird or fur-bearing mammal in this
37 State;

38 (b) The management and control of predatory wildlife in
39 this State; and

40 (c) Funding the activities of the Council.

41 2. Except as otherwise provided in NRS 502.250, money
42 received by the Department from:

43 (a) A bid, auction, Silver State Tag Drawing or
44 Partnership in Wildlife Drawing conducted pursuant to
45 NRS 502.250; and



1 (b) A gift of money made by any person to the Wildlife
2 Heritage Trust Account,
3 ↪ must be deposited with the State Treasurer for credit to the
4 Account.

5 3. The interest and income earned on the money in the
6 Wildlife Heritage Trust Account, after deducting any
7 applicable charges, must be credited to the Account.

8 4. ~~For the period beginning on July 1, 2015, and ending~~
9 ~~on June 30, 2019, to~~ To fund the activities of the Council,
10 the Department may annually expend from the principal of
11 the Wildlife Heritage Trust Account ~~:-~~

12 ~~—(a) Not more than \$250,000; and~~

13 ~~—(b) In addition,;~~ an amount of money not greater than 25
14 percent of the amount of money deposited in the Account
15 pursuant to subsection 2 during the previous year.

16 5. The Department may annually expend from the
17 Wildlife Heritage Trust Account an amount of money not
18 greater than 75 percent of the money deposited in the
19 Account pursuant to subsection 2 during the previous year
20 and the total amount of interest earned on the money in the
21 Account during the previous year.

22 6. Except for expenditures made pursuant to subsection
23 4, the Commission shall review and approve expenditures
24 from the Account, and no money may be expended from the
25 Account without the prior approval of the Commission.

26 7. The Commission shall administer the provisions of
27 this section and may adopt any regulations necessary for that
28 purpose.

29 **Sec. 10.** (Deleted by amendment.)

30 **Sec. 11.** 1. The Director of the Department of Wildlife shall:

31 (a) Appoint the initial members to the Advisory Council on
32 Nevada Wildlife Conservation and Education in accordance with
33 paragraph (b) of subsection 1 of section 3 of this act not later than
34 October 1, 2015.

35 (b) Call the first meeting of the Council, which must take place
36 on or before December 31, 2015.

37 2. At the first meeting of the Council, the six members initially
38 appointed by the Director of the Department of Wildlife pursuant to
39 paragraph (a) of subsection 1 shall choose their terms of office by
40 lot, in the following manner:

41 (a) Two members for terms of 2 years;

42 (b) Two members for terms of 3 years; and

43 (c) Two members for terms of 4 years.

44 **Sec. 12.** 1. This section and sections 1 to 9.3, inclusive, and
45 11 of this act become effective on July 1, 2015.



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2. Section 9.7 of this act becomes effective on July 1, 2019.

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