

## SENATE BILL NO. 221—SENATORS DENIS AND HAMMOND

FEBRUARY 27, 2017

JOINT SPONSOR: ASSEMBLYMAN WATKINS

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing wildlife.  
(BDR 45-814)

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 Nevada Wildlife Public Education Committee within the Board of Wildlife Commissioners; prescribing the membership and duties of the Committee; authorizing the Department of Wildlife to fund the activities of the Committee from the Wildlife Heritage Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for appointment to the Committee; increasing the amount of money the Department may annually expend from the Account in certain circumstances; authorizing the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; requiring the Commission to ensure that a certain minimum balance is maintained in the Account; 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 Nevada Wildlife Public Education
- 4 Committee within the Board of Wildlife Commissioners and prescribes the
- 5 composition of the members of the Committee. **Section 5** of this bill requires the
- 6 Committee, in cooperation with the Department of Wildlife, to develop and carry
- 7 out a public information program to educate, promote and engage the residents of



\* S B 2 2 1 R 2 \*

8 this State concerning the responsible stewardship of wildlife in this State. **Section 5**  
9 further requires the Committee to prepare an operational plan to meet the future  
10 goals of the Committee and to report certain information to the Director of the  
11 Department and the Board of Wildlife Commissioners. **Sections 6, 9 and 10** of this  
12 bill authorize the Department to fund the activities of the Committee from the  
13 Wildlife Heritage Account. **Section 9** also: (1) increases the amount of money that  
14 the Department may annually expend from the Wildlife Heritage Account in certain  
15 circumstances; (2) authorizes the Department to request emergency funding from  
16 the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this  
17 State; and (3) requires the Board of Wildlife Commissioners to ensure that a certain  
18 minimum balance is maintained in the Account. **Section 8** of this bill requires the  
19 Commission to maintain a list of qualified candidates for appointment to the  
20 Committee.

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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.** *“Committee” means the Nevada Wildlife Public*  
5 *Education Committee created by section 3 of this act.*

6 **Sec. 3. 1.** *There is hereby created within the Commission*  
7 *the Nevada Wildlife Public Education Committee. The Committee*  
8 *consists of the following seven members appointed by the Chair of*  
9 *the Commission with the advice of the Director:*

10 *(a) One member of the Commission or his or her designee;*

11 *(b) Three residents of this State who are selected from the list*  
12 *of candidates compiled pursuant to subsection 10 of*  
13 *NRS 501.181;*

14 *(c) One resident of this State who represents small businesses*  
15 *that are substantially affected by recreational activities relating to*  
16 *wildlife in this State;*

17 *(d) One resident of this State who is not an employee of the*  
18 *Department and who has a background in media or marketing*  
19 *sufficient to advise the Committee in carrying out its duties*  
20 *pursuant to section 5 of this act; and*

21 *(e) One resident of this State who actively engages in watching*  
22 *or observing wildlife in this State.*

23 **2.** *The Chair of the Commission shall, to the extent*  
24 *practicable, ensure that the membership of the Committee*  
25 *represents all geographic areas of this State.*

26 **3.** *After the initial terms, each member of the Committee*  
27 *serves a term of 4 years.*

28 **4.** *A vacancy in the membership of the Committee must be*  
29 *filled in the same manner as the original appointment for the*  
30 *remainder of the unexpired term.*



1       5. *A member of the Committee may be reappointed, but must*  
2 *not serve more than two full terms.*

3       6. *Each member of the Committee:*

4       (a) *Serves without compensation; and*

5       (b) *While engaged in the business of the Committee, is entitled*  
6 *to receive the per diem allowance and travel expenses provided for*  
7 *state officers and employees generally.*

8       7. *The Chair of the Commission may remove any member of*  
9 *the Committee for just cause or any ground for removal of a*  
10 *member of the Commission set forth in NRS 501.172.*

11       **Sec. 4.** *1. At the first meeting of the Committee, the*  
12 *Committee shall adopt any rules and policies that are necessary to*  
13 *assist the Committee in carrying out its duties. The Chair of the*  
14 *Commission shall select from among the members of the*  
15 *Commission a Chair of the Committee. The Committee shall elect*  
16 *from among its members any other officers considered necessary*  
17 *or appropriate by the Committee. Upon the expiration of the term*  
18 *of an officer elected pursuant to this subsection, the Committee*  
19 *shall, at the next subsequent meeting of the Committee, elect an*  
20 *officer to fill the vacated position.*

21       2. *The Committee shall meet at least once each calendar*  
22 *quarter and at other times upon the call of the Chair or a majority*  
23 *of its members.*

24       3. *A majority of the members of the Committee constitutes a*  
25 *quorum for the transaction of business, and a quorum may*  
26 *exercise any power or authority conferred on the Committee.*

27       4. *Meetings of the Committee must be conducted in*  
28 *accordance with chapter 241 of NRS.*

29       5. *Except as otherwise provided by a specific statute, the*  
30 *documents and other information compiled by the Committee in*  
31 *the course of its business are public records.*

32       6. *The Department shall provide the Committee with*  
33 *administrative support to comply with the provisions of chapter*  
34 *241 of NRS.*

35       **Sec. 5.** *1. The Committee shall, in cooperation with the*  
36 *Department:*

37       (a) *Develop and carry out, in collaboration with a marketing*  
38 *or advertising agency, an effective and comprehensive media-*  
39 *based public information program to educate, promote and engage*  
40 *the residents of this State concerning the responsible stewardship*  
41 *of wildlife in this State, including, without limitation, identifying:*

42       (1) *The essential role and contribution of the North*  
43 *American Model of Wildlife Conservation in restoring, protecting*  
44 *and enhancing all wildlife resources in this State;*

45       (2) *The history of wildlife in this State;*



- 1           (3) *The benefits of wildlife to the residents of this State;*  
2           (4) *The benefits of managing wildlife in this State;*  
3           (5) *The recreational opportunities provided by wildlife in*  
4 *this State;*  
5           (6) *The significant value of fish and game as a source of*  
6 *food; and*  
7           (7) *The economic benefit of wildlife to communities and*  
8 *tourism in this State.*  
9           (b) *Not later than 120 days after the Committee's first meeting*  
10 *of each year, and subject to the approval of the Commission,*  
11 *prepare an operational plan with strategic goals and milestones in*  
12 *furtherance of the duties of the Committee.*  
13           (c) *Prepare a request for proposals for the purpose of selecting*  
14 *a marketing or advertising agency.*  
15           (d) *Establish criteria for grading and selecting a marketing or*  
16 *advertising agency based on the submission of proposals.*  
17           (e) *Conduct surveys for the purpose of developing a marketing*  
18 *campaign and determining the effectiveness of a campaign.*  
19           2. *The Committee shall prepare, review and approve each*  
20 *annual budget for the Committee and review any periodic*  
21 *financial reports provided by the Department that are related to*  
22 *the activities of the Committee.*  
23           3. *The Committee shall, on or before January 31 of each*  
24 *even-numbered year, prepare and submit a report to the Director*  
25 *and the Commission setting forth:*  
26           (a) *The operational plan prepared pursuant to paragraph (b)*  
27 *of subsection 1 and each public information program developed*  
28 *and carried out pursuant to that subsection;*  
29           (b) *A financial accounting of the money provided to fund the*  
30 *activities of the Committee pursuant to section 6 of this act; and*  
31           (c) *Any recommendations concerning the Committee.*  
32           4. *As used in this section, "North American Model of Wildlife*  
33 *Conservation" means a common set of principles used as a model*  
34 *to guide decisions relating to the conservation and management of*  
35 *wildlife in the United States, including, without limitation:*  
36           (a) *The conservation and management of wildlife as a*  
37 *resource held in public trust;*  
38           (b) *The elimination of markets for game mammals;*  
39           (c) *The allocation of wildlife based upon laws and regulations;*  
40           (d) *The killing of wildlife only for a legitimate purpose;*  
41           (e) *The consideration of wildlife as an international resource;*  
42           (f) *The use of scientific methods in the conservation and*  
43 *management of wildlife; and*  
44           (g) *The conservation and management of wildlife based upon*  
45 *democratic principles.*



1       **Sec. 6. 1.** *Any money transferred from the Wildlife*  
2 *Heritage Account pursuant to NRS 501.3575 or received pursuant*  
3 *to subsection 2 must be accounted for separately in the State*  
4 *General Fund and used to fund the activities of the Committee*  
5 *pursuant to this section. The Department shall administer that*  
6 *money.*

7       **2.** *The Department or the Committee may apply for and*  
8 *accept any available grants and may accept any bequests, devises,*  
9 *donations or gifts from any public or private source to fund the*  
10 *activities of the Committee.*

11       **3.** *Any money that is accounted for separately pursuant to*  
12 *subsection 1 is hereby authorized for expenditure as a continuing*  
13 *appropriation for the purpose of funding the activities of the*  
14 *Committee. Except as otherwise provided by law or by the terms of*  
15 *any grant, bequest, devise, donation or gift, any money that is*  
16 *accounted for separately pursuant to subsection 1 and is*  
17 *remaining at the end of a fiscal year does not revert and must be*  
18 *carried over to the next fiscal year.*

19       **4.** *The Committee shall approve expenditures of the money*  
20 *that is accounted for separately pursuant to subsection 1:*

21       **(a)** *To support the public information program developed*  
22 *pursuant to section 5 of this act and to pay any costs incurred by*  
23 *the Department in administering the provisions of sections 2 to 6,*  
24 *inclusive, of this act, but such costs must not exceed 20 percent of*  
25 *the annual expenditures of the money that is accounted for*  
26 *separately pursuant to subsection 1;*

27       **(b)** *In accordance with the operational plan prepared pursuant*  
28 *to section 5 of this act and within the scope of any activities and*  
29 *amounts of funding authorized pursuant to the operational plan;*  
30 *and*

31       **(c)** *To comply with any requirements to obtain any aid or*  
32 *benefits pursuant to NRS 501.115 and 501.117.*

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

34       501.001 As used in this title, unless the context otherwise  
35 requires, the words and terms defined in NRS 501.003 to 501.097,  
36 inclusive, **and section 2 of this act** have the meanings ascribed to  
37 them in those sections.

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

39       501.181 The Commission shall:

40       1. Establish broad policies for:

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

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



- 1 (c) The promotion of uniformity of laws relating to policy  
2 matters.
- 3 2. Guide the Department in its administration and enforcement  
4 of the provisions of this title and of chapter 488 of NRS by the  
5 establishment of such policies.
- 6 3. Establish policies for areas of interest including:
- 7 (a) The management of big and small game mammals, upland  
8 and migratory game birds, fur-bearing mammals, game fish, and  
9 protected and unprotected mammals, birds, fish, reptiles and  
10 amphibians.
- 11 (b) The management and control of predatory wildlife.
- 12 (c) The acquisition of lands, water rights and easements and  
13 other property for the management, propagation, protection and  
14 restoration of wildlife.
- 15 (d) The entry, access to, and occupancy and use of such  
16 property, including leases of grazing rights, sales of agricultural  
17 products and requests by the Director to the State Land Registrar for  
18 the sale of timber if the sale does not interfere with the use of the  
19 property on which the timber is located for wildlife management or  
20 for hunting or fishing thereon.
- 21 (e) The control of nonresident hunters.
- 22 (f) The introduction, transplanting or exporting of wildlife.
- 23 (g) Cooperation with federal, state and local agencies on wildlife  
24 and boating programs.
- 25 (h) The revocation of licenses issued pursuant to this title to any  
26 person who is convicted of a violation of any provision of this title  
27 or any regulation adopted pursuant thereto.
- 28 4. Establish regulations necessary to carry out the provisions of  
29 this title and of chapter 488 of NRS, including:
- 30 (a) Seasons for hunting game mammals and game birds, for  
31 hunting or trapping fur-bearing mammals and for fishing, the daily  
32 and possession limits, the manner and means of taking wildlife,  
33 including, but not limited to, the sex, size or other physical  
34 differentiation for each species, and, when necessary for  
35 management purposes, the emergency closing or extending of a  
36 season, reducing or increasing of the bag or possession limits on a  
37 species, or the closing of any area to hunting, fishing or trapping. If,  
38 in establishing any regulations pursuant to this subsection, the  
39 Commission rejects the recommendations of a county advisory  
40 board to manage wildlife with regard to the length of seasons for  
41 fishing, hunting and trapping or the bag or possession limits  
42 applicable within the respective county, the Commission shall  
43 provide to the county advisory board to manage wildlife at the  
44 meeting an explanation of the Commission's decision to reject the  
45 recommendations and, as soon as practicable after the meeting, a



1 written explanation of the Commission's decision to reject the  
2 recommendations. Any regulations relating to the closure of a  
3 season must be based upon scientific data concerning the  
4 management of wildlife. The data upon which the regulations are  
5 based must be collected or developed by the Department.

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

8 (c) The delineation of game management units embracing  
9 contiguous territory located in more than one county, irrespective of  
10 county boundary lines.

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

13 5. Adopt regulations requiring the Department to make public,  
14 before official delivery, its proposed responses to any requests by  
15 federal agencies for its comment on drafts of statements concerning  
16 the environmental effect of proposed actions or regulations affecting  
17 public lands.

18 6. Adopt regulations:

19 (a) Governing the provisions of the permit required by NRS  
20 502.390 and for the issuance, renewal and revocation of such a  
21 permit.

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

25 7. Designate those portions of wildlife management areas for  
26 big game mammals that are of special concern for the regulation of  
27 the importation, possession and propagation of alternative livestock  
28 pursuant to NRS 576.129.

29 8. Adopt regulations governing the trapping of fur-bearing  
30 mammals in a residential area of a county whose population is  
31 100,000 or more.

32 9. Adopt regulations prescribing the circumstances under  
33 which a person, regardless of whether the person has obtained a  
34 valid tag issued by the Department, may assist in the killing and  
35 retrieval of a wounded big game mammal by another person who:

36 (a) Is a paraplegic, has had one or both legs amputated or has  
37 suffered a paralysis of one or both legs which severely impedes the  
38 person's walking; and

39 (b) Has obtained a valid tag issued by the Department for  
40 hunting that animal.

41 10. *Maintain a list of candidates qualified for appointment to*  
42 *the Committee pursuant to paragraph (b) of subsection 1 of*  
43 *section 3 of this act that is compiled from recommendations made*  
44 *by any established Nevada organization for sportsmen and*  
45 *sportswomen and the county advisory boards to manage wildlife.*



1 *Except as otherwise provided in this subsection, the Commission*  
2 *shall not appoint a person from the list of candidates unless the*  
3 *person has been a resident of this State for at least 5 years and has*  
4 *held a hunting, fishing or trapping license, or any combination of*  
5 *those licenses, in this State for at least 3 of the immediately*  
6 *preceding 5 years. The Commission may waive the required period*  
7 *of residency and the period for holding any of those licenses for*  
8 *appointment if the Commission determines it is in the best interest*  
9 *of the State.*

10 *11.* In establishing any policy or adopting any regulations  
11 pursuant to this section, first consider the recommendations of the  
12 Department, the county advisory boards to manage wildlife and  
13 other persons who present their views at an open meeting of the  
14 Commission.

15 **Sec. 9.** NRS 501.3575 is hereby amended to read as follows:

16 501.3575 1. The Wildlife Heritage Account is hereby created  
17 in the State General Fund. The money in the Account must be used  
18 by the Department as provided in this section for:

19 (a) The protection, propagation, restoration, transplation,  
20 introduction and management of any game fish, game mammal,  
21 game bird or fur-bearing mammal in this State; ~~and~~

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

24 *(c) Funding the activities of the Committee.*

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

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

29 (b) A gift of money made by any person to the Wildlife Heritage  
30 Account,

31 **↪** must be deposited with the State Treasurer for credit to the  
32 Account.

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

36 4. *For the period beginning on July 1, 2017, and ending on*  
37 *June 30, 2021, and except as otherwise provided in this*  
38 *subsection, the Department may periodically transfer money from*  
39 *the principal in the Wildlife Heritage Account to be used to fund*  
40 *the activities of the Committee pursuant to section 6 of this act.*  
41 *The amount of money transferred during that period pursuant to*  
42 *this subsection must not exceed \$2,000,000.*

43 5. ~~The~~ *Except as otherwise provided in subsection 7:*

44 (a) *Except as otherwise provided in paragraph (b), the*  
45 Department may annually expend from the Wildlife Heritage





1 Account an amount of money not greater than ~~75~~ 80 percent of the  
2 money deposited in the Account pursuant to subsection 2 during the  
3 previous year and the total amount of interest earned on the money  
4 in the Account during the previous year. ~~The~~

5 *(b) If the adjusted principal balance in the Account falls below*  
6 *\$5,000,000, any annual expenditures pursuant to this subsection*  
7 *must be reduced to not greater than 75 percent of the money*  
8 *deposited in the Account pursuant to subsection 2 during the*  
9 *previous year and the total amount of interest earned on the*  
10 *money in the Account during the previous year until an adjusted*  
11 *principal balance of at least \$5,000,000 is achieved for the*  
12 *Account.*

13 *6. Except as otherwise provided in subsection 7, if, as*  
14 *determined by the Department, a catastrophic threat to wildlife or*  
15 *wildlife habitat occurs in this State, the Department may request*  
16 *emergency funding in an amount of money not more than 50*  
17 *percent of the amount of principal in the Wildlife Heritage*  
18 *Account, adjusted for any outstanding commitments previously*  
19 *made but not paid at the time of the request.*

20 *7. The Commission shall ensure that a minimum adjusted*  
21 *principal balance of at least \$3,000,000 is maintained at all times*  
22 *in the Wildlife Heritage Account.*

23 *8. Except for expenditures made pursuant to subsection 5, the*  
24 Commission shall review and approve expenditures from the  
25 Account ~~No~~, and no money may be expended from the Account  
26 without the prior approval of the Commission.

27 ~~5~~ 9. The Commission shall administer the provisions of this  
28 section and may adopt any regulations necessary for that purpose.

29 **Sec. 10.** NRS 501.3575 is hereby amended to read as follows:

30 501.3575 1. The Wildlife Heritage Account is hereby created  
31 in the State General Fund. The money in the Account must be used  
32 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;

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

38 (c) Funding the activities of the Committee.

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 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 Account, after deducting any applicable charges, must be  
5 credited to the Account.

6   4. ~~For the period beginning on July 1, 2017, and ending on~~  
7 ~~June 30, 2021, and except as otherwise provided in this subsection,~~  
8 ~~the~~ The Department may periodically transfer money from the  
9 principal in the Wildlife Heritage Account to be used to fund the  
10 activities of the Committee pursuant to section 6 of this act. ~~The~~  
11 ~~amount of money transferred during that period pursuant to this~~  
12 ~~subsection must not exceed \$2,000,000~~

13   5. Except as otherwise provided in subsection 7:

14   (a) Except as otherwise provided in paragraph (b), the  
15 Department may annually expend from the Wildlife Heritage  
16 Account an amount of money not greater than 80 percent of the  
17 money deposited in the Account pursuant to subsection 2 during the  
18 previous year and the total amount of interest earned on the money  
19 in the Account during the previous year.

20   (b) If the adjusted principal balance in the Account falls below  
21 \$5,000,000, any annual expenditures pursuant to this subsection  
22 must be reduced to not greater than 75 percent of the money  
23 deposited in the Account pursuant to subsection 2 during the  
24 previous year and the total amount of interest earned on the money  
25 in the Account during the previous year until an adjusted principal  
26 balance of at least \$5,000,000 is achieved for the Account.

27   6. Except as otherwise provided in subsection 7, if, as  
28 determined by the Department, a catastrophic threat to wildlife or  
29 wildlife habitat occurs in this State, the Department may request  
30 emergency funding in an amount of money not more than 50 percent  
31 of the amount of principal in the Wildlife Heritage Account,  
32 adjusted for any outstanding commitments previously made but not  
33 paid at the time of the request.

34   7. The Commission shall ensure that a minimum adjusted  
35 principal balance of at least \$3,000,000 is maintained at all times in  
36 the Wildlife Heritage Account.

37   8. Except for expenditures made pursuant to subsection 5, the  
38 Commission shall review and approve expenditures from the  
39 Account, and no money may be expended from the Account without  
40 the prior approval of the Commission.

41   9. The Commission shall administer the provisions of this  
42 section and may adopt any regulations necessary for that purpose.

43   **Sec. 11.** 1. The Chair of the Board of Wildlife  
44 Commissioners shall:



1 (a) Appoint the initial members of the Nevada Wildlife Public  
2 Education Committee created by section 3 of this act in accordance  
3 with subsection 1 of section 3 of this act not later than October 1,  
4 2017.

5 (b) Call the first meeting of the Committee, which must take  
6 place on or before December 31, 2017.

7 2. At the first meeting of the Committee, the members initially  
8 appointed by the Chair of the Board of Wildlife Commissioners  
9 pursuant to subsection 1 shall choose their initial terms by lot, in the  
10 following manner:

11 (a) Two members to serve for terms of 2 years;

12 (b) Two members to serve for terms of 3 years; and

13 (c) Two members to serve for terms of 4 years.

14 **Sec. 12.** 1. This section and sections 1 to 9, inclusive, and 11  
15 of this act become effective on July 1, 2017.

16 2. Section 10 of this act becomes effective on July 1, 2021.



