

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

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,
Agriculture, and Mining

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

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to wildlife; revising provisions relating to the fees charged to an applicant for an elk tag; making various other changes relating to wildlife; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth the fees to be charged by the Department of Wildlife to a
2 hunter who applies for an elk tag. In addition to a fee for the tag itself, the
3 Department is required to charge a fee for processing the application of not more
4 than \$15, of which \$5 must be used for the prevention and mitigation of damage
5 caused by elk or game mammals not native to this State. (NRS 502.250) **Section 3**
6 of this bill revises those provisions so that the fee for processing the application is
7 fixed at \$10 and the fee to cover costs of prevention and mitigation is increased to
8 not more than \$10, as provided by regulation of the Board of Wildlife
9 Commissioners. **Sections 1 and 2** of this bill make conforming changes.

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

1 **Section 1.** NRS 501.356 is hereby amended to read as follows:
2 501.356 1. Money received by the Department from:
3 (a) The sale of licenses;
4 (b) Fees pursuant to the provisions of NRS 488.075 and
5 488.1795;



1 (c) Remittances from the State Treasurer pursuant to the
2 provisions of NRS 365.535;

3 (d) Appropriations made by the Legislature; and

4 (e) All other sources, including, without limitation, the Federal
5 Government, except money derived from the forfeiture of any
6 property described in NRS 501.3857 or money deposited in the
7 Wildlife Heritage Trust Account pursuant to NRS 501.3575, the
8 Wildlife Trust Fund pursuant to NRS 501.3585, the Energy
9 Planning and Conservation Account created by NRS 701.630 or the
10 Account for the Recovery of Costs created by NRS 701.640,

11 ➤ must be deposited with the State Treasurer for credit to the
12 Wildlife Fund Account in the State General Fund.

13 2. The interest and income earned on the money in the Wildlife
14 Fund Account, after deducting any applicable charges, must be
15 credited to the Account.

16 3. Except as otherwise provided in subsection 4 and NRS
17 503.597, the Department may use money in the Wildlife Fund
18 Account only to carry out the provisions of this title and chapter 488
19 of NRS and as provided in NRS 365.535, and the money must not
20 be diverted to any other use.

21 4. Except as otherwise provided in NRS 502.250 and 504.155,
22 all fees for the sale or issuance of stamps, tags, permits and licenses
23 that are required to be deposited in the Wildlife Fund Account
24 pursuant to the provisions of this title and any matching money
25 received by the Department from any source must be accounted for
26 separately and must be used:

27 (a) Only for the management of wildlife; and

28 (b) If the fee is for the sale or issuance of a license, permit or tag
29 other than a tag specified in subsection 5 ~~for 6~~, 7 or 8 of NRS
30 502.250, under the guidance of the Commission pursuant to
31 subsection 2 of NRS 501.181.

32 **Sec. 2.** NRS 502.142 is hereby amended to read as follows:

33 502.142 1. The Commission shall adopt regulations to
34 establish a program pursuant to which the Department will issue
35 special incentive elk tags. The regulations must:

36 (a) Set forth the application and annual review processes for the
37 issuance of special incentive elk tags.

38 (b) Require that an application for a special incentive elk tag
39 must be accompanied by:

40 (1) The fee charged for an elk tag pursuant to *subsection 1 of*
41 *NRS 502.250*; and

42 (2) Any administrative fee charged in connection with the
43 issuance of an elk tag pursuant to this chapter ~~4~~, *including,*
44 *without limitation, the fees charged pursuant to subsections 4 and*
45 *6 of NRS 502.250.*



1 (c) Provide for the issuance of a special incentive elk tag only to
2 a person who:

3 (1) Lawfully owns, leases or manages private land within an
4 actual elk use area; and

5 (2) If that private land blocks reasonable access to adjacent
6 public land, provides reasonable access through the private land to
7 allow a person or hunting party possessing a valid elk tag to hunt elk
8 on the adjacent public land.

9 (d) Establish criteria for the issuance of special incentive elk
10 tags based upon:

11 (1) The number of elk using private land controlled by the
12 applicant;

13 (2) The number of days the elk use private lands of the
14 applicant in a calendar year;

15 (3) The total number of elk; and

16 (4) Limiting the number of special incentive elk tags issued
17 in each calendar year to not more than one-half of the bull elk tags
18 issued in that calendar year,

19 ↪ within the actual elk use area in the unit or units of the
20 management area or areas in which the private land is located.

21 (e) Provide that special incentive elk tags are valid for both
22 sexes of elk.

23 (f) Prohibit a person who has, within a particular calendar year,
24 applied for or received compensation pursuant to NRS 504.165 as
25 reimbursement for damage caused by elk to private land from
26 applying, within the same calendar year, for a special incentive elk
27 tag for the same private land.

28 (g) Allow a group of owners, lessees and managers of private
29 land to qualify for a special incentive elk tag for their combined
30 lands.

31 (h) Ensure that the issuance of special incentive elk tags will not
32 result in the number of bull elk tags issued in any year being
33 reduced to a number below the quota for bull elk tags established by
34 the Commission for 1997.

35 (i) Provide that a person to whom a special incentive elk tag is
36 issued by the Commission pursuant to this section may:

37 (1) If the person holds a valid hunting license issued by this
38 State, use the special incentive elk tag himself or herself; or

39 (2) Sell the special incentive elk tag to another person who
40 holds a valid hunting license issued by this State at any price upon
41 which the parties mutually agree.

42 (j) Require that a person who is issued a special incentive elk tag
43 must hunt:

44 (1) During the open season for elk.



1 (2) In the unit or units within the management area or areas
2 in which the private land is located.

3 (k) Provide for the appointment of an arbitration panel to resolve
4 disputes between persons who apply for special incentive elk tags
5 and the Department regarding the issuance of such tags.

6 2. As used in this section, "actual elk use area" means an area
7 in which elk live, as identified and designated by the Department.

8 **Sec. 3.** NRS 502.250 is hereby amended to read as follows:

9 502.250 1. The amount of the fee that must be charged for
10 the following tags is:

11		
12	Resident deer tag	\$30
13	Resident antelope tag.....	60
14	Resident elk tag	120
15	Resident bighorn sheep tag.....	120
16	Resident mountain goat tag	120
17	Resident mountain lion tag.....	25
18	Nonresident deer tag.....	240
19	Nonresident antelope tag	300
20	Nonresident antlered elk tag.....	1,200
21	Nonresident antlerless elk tag.....	500
22	Nonresident bighorn sheep tag	1,200
23	Nonresident mountain goat tag.....	1,200
24	Nonresident mountain lion tag	100
25		

26 2. The amount of the fee for other resident or nonresident big
27 game tags must not exceed the highest fee for a resident or
28 nonresident big game tag established pursuant to this section.

29 3. The amount of the fee for a tag determined to be necessary
30 by the Commission for other species pursuant to NRS 502.130 must
31 not exceed the highest fee for a resident or nonresident tag
32 established pursuant to this section.

33 4. A fee not to exceed \$10 may be charged for processing an
34 application for a game species or permit other than an application
35 for ~~an elk. A fee of not less than \$5 but not more than \$15 must be~~
36 ~~charged for processing an application for an elk, \$5 of which]~~ *a*
37 *Silver State Tag. Any fee collected pursuant to this subsection*
38 *must be deposited with the State Treasurer for credit to the Wildlife*
39 *Fund Account in the State General Fund . [and used for the*
40 ~~prevention and mitigation of damage caused by elk or game~~
41 ~~mammals not native to this State.]~~

42 5. A fee of not less than \$15 and not more than \$50 must be
43 charged for processing an application for a Silver State Tag.



1 ~~[5.]~~ Any fee collected pursuant to this subsection must be
2 deposited with the State Treasurer for credit to the Wildlife
3 Heritage Trust Account in the State General Fund.

4 6. If an application is for an elk, in addition to the fee for the
5 elk tag required by subsection 1 and the fee for processing an
6 application required by subsection 4 or 5, a fee of not less than \$5
7 and not more than \$10, as provided by regulation of the
8 Commission, must be charged. Any fee collected pursuant to this
9 subsection must be deposited with the State Treasurer for credit to
10 the Wildlife Fund Account in the State General Fund and used
11 pursuant to NRS 504.155 for the prevention and mitigation of
12 damage caused by elk or game mammals not native to this State.

13 7. The Commission may accept sealed bids for, or award
14 through an auction or a Silver State Tag Drawing, or any
15 combination thereof, not more than 15 big game tags and not more
16 than 5 wild turkey tags each year. To reimburse the Department for
17 the cost of managing wildlife and administering and conducting the
18 bid, auction or Silver State Tag Drawing, not more than 18 percent
19 of the total amount of money received from the bid, auction or
20 Silver State Tag Drawing may be deposited with the State Treasurer
21 for credit to the Wildlife Fund Account in the State General Fund.
22 Any amount of money received from the bid, auction or Silver State
23 Tag Drawing that is not so deposited must be deposited with the
24 State Treasurer for credit to the Wildlife Heritage Trust Account in
25 the State General Fund in accordance with the provisions of
26 NRS 501.3575.

27 ~~[6.]~~ 8. The Commission may by regulation establish an
28 additional drawing for big game tags, which may be entitled the
29 Partnership in Wildlife Drawing. To reimburse the Department for
30 the cost of managing wildlife and administering and conducting the
31 drawing, not more than 18 percent of the total amount of money
32 received from the drawing may be deposited with the State
33 Treasurer for credit to the Wildlife Fund Account in the State
34 General Fund. Except as otherwise provided by regulations adopted
35 by the Commission pursuant to subsection ~~[7.]~~ 9, the money
36 received by the Department from applicants in the drawing who are
37 not awarded big game tags must be deposited with the State
38 Treasurer for credit to the Wildlife Heritage Trust Account in
39 accordance with the provisions of NRS 501.3575.

40 ~~[7.]~~ 9. The Commission may adopt regulations which
41 authorize the return of all or a portion of any fee collected from a
42 person pursuant to the provisions of this section.

43 **Sec. 4.** This act becomes effective upon passage and approval.

