

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

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,  
Agriculture, and Mining

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

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

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

AN ACT relating to wildlife; revising the process by which the Board of Wildlife Commissioners establishes certain policies and adopts certain regulations; revising provisions governing programs for the management and control of predatory wildlife; revising provisions relating to the fees charged to an applicant for an elk tag; revising certain provisions governing county advisory boards to manage wildlife; revising the membership of the State Predatory Animal and Rodent Committee; making various other changes relating to wildlife; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

- 1 Existing law requires the Board of Wildlife Commissioners to establish policies  
2 for the management of wildlife in this State and to establish policies and adopt  
3 regulations necessary to the preservation, protection, management and restoration  
4 of wildlife and its habitat. (NRS 501.105, 501.181) **Sections 1 and 1.2** of this bill  
5 require the Commission, in establishing such policies and adopting such  
6 regulations, to first consider the recommendations of the Department of Wildlife,  
7 the county advisory boards to manage wildlife and other persons who present their  
8 views at an open meeting of the Commission.  
9 Existing law establishes a county advisory board to manage wildlife in each of  
10 the counties of this State. (NRS 501.260) **Sections 1.4-1.6** of this bill make various  
11 changes relating to those boards.



Existing law sets forth the fees to be charged by the Department of Wildlife to a hunter who applies for an elk tag. In addition to a fee for the tag itself, the Department is required to charge a fee for processing the application of not more than \$15, of which \$5 must be used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. (NRS 502.250) **Section 3** of this bill revises those provisions so that the fee for processing the application is fixed at \$10 and the fee to cover costs of prevention and mitigation is increased to not more than \$10, as provided by regulation of the Board of Wildlife Commissioners. **Sections 1.2 and 2** of this bill make conforming changes.

Existing law also provides that in addition to any fee charged and collected for a game tag, a fee of \$3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Fund Account in the State General Fund and used by the Department for costs related to certain programs, management activities and research relating to wildlife. (NRS 502.253) **Section 4** of this bill revises the provisions governing the use of this money. **Section 4** also requires the Commission to consider the recommendations of the State Predatory Animal and Rodent Committee, the county advisory boards to manage wildlife and other persons who present their views at an open meeting before approving certain programs, activities and research.

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

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

**Section 1.** NRS 501.105 is hereby amended to read as follows:  
501.105 The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat. *In establishing such policies and adopting such regulations, the Commission must first consider the recommendations of the Department, the county advisory boards to manage wildlife and other persons who present their views at an open meeting of the Commission.*

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

501.181 The Commission shall:

1. Establish broad policies for:

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

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

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

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



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



1 management of wildlife. The data upon which the regulations are  
2 based must be collected or developed by the Department.

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

5 (c) The delineation of game management units embracing  
6 contiguous territory located in more than one county, irrespective of  
7 county boundary lines.

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

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

15 6. Adopt regulations:

16 (a) Governing the provisions of the permit required by NRS  
17 502.390 and for the issuance, renewal and revocation of such a  
18 permit.

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

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

26 8. Adopt regulations governing the trapping of fur-bearing  
27 mammals in a residential area of a county whose population is  
28 100,000 or more.

29 *9. In establishing any policy or adopting any regulations*  
30 *pursuant to this section, first consider the recommendations of the*  
31 *Department, the county advisory boards to manage wildlife and*  
32 *other persons who present their views at an open meeting of the*  
33 *Commission.*

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

35 501.290 The board shall meet before ~~[those meetings]~~ *each*  
36 *meeting* of the Commission ~~[at which seasons, bag limits or hours~~  
37 ~~are to be established]~~ and at such other times as the chair may call or  
38 the Commission may request.

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

40 501.297 The boards shall solicit and evaluate local opinion and  
41 advise the Commission on matters relating to the management of  
42 wildlife. ~~[within their respective counties.]~~

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

44 501.303 1. The boards shall submit recommendations for *the*  
45 *management of wildlife and* setting seasons for fishing, hunting and



1 trapping, which must be considered by the Commission in its  
2 deliberation on and establishment of regulations . ~~[covering open or~~  
3 ~~closed seasons, bag limits, hours and other regulations or policies.]~~

4 2. The chair or vice chair, or members of the board appointed  
5 by them:

6 (a) Shall attend the meetings of the Commission ; ~~[at which~~  
7 ~~seasons are set or bag limits, hours or other regulations and policies~~  
8 ~~are established;]~~ and

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

11 **Sec. 1.8.** NRS 501.356 is hereby amended to read as follows:

12 501.356 1. Money received by the Department from:

13 (a) The sale of licenses;

14 (b) Fees pursuant to the provisions of NRS 488.075 and  
15 488.1795;

16 (c) Remittances from the State Treasurer pursuant to the  
17 provisions of NRS 365.535;

18 (d) Appropriations made by the Legislature; and

19 (e) All other sources, including, without limitation, the Federal  
20 Government, except money derived from the forfeiture of any  
21 property described in NRS 501.3857 or money deposited in the  
22 Wildlife Heritage Trust Account pursuant to NRS 501.3575, the  
23 Wildlife Trust Fund pursuant to NRS 501.3585, the Energy  
24 Planning and Conservation Account created by NRS 701.630 or the  
25 Account for the Recovery of Costs created by NRS 701.640,

26 ↪ must be deposited with the State Treasurer for credit to the  
27 Wildlife Fund Account in the State General Fund.

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

31 3. Except as otherwise provided in subsection 4 and NRS  
32 503.597, the Department may use money in the Wildlife Fund  
33 Account only to carry out the provisions of this title and chapter 488  
34 of NRS and as provided in NRS 365.535, and the money must not  
35 be diverted to any other use.

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

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

43 (b) If the fee is for the sale or issuance of a license, permit or tag  
44 other than a tag specified in subsection 5 ~~[or 6]~~ , 7 or 8 of



1 NRS 502.250, under the guidance of the Commission pursuant to  
2 subsection 2 of NRS 501.181.

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

4 502.142 1. The Commission shall adopt regulations to  
5 establish a program pursuant to which the Department will issue  
6 special incentive elk tags. The regulations must:

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

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

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

13 (2) Any administrative fee charged in connection with the  
14 issuance of an elk tag pursuant to this chapter ~~4~~, *including,*  
15 *without limitation, the fees charged pursuant to subsections 4 and*  
16 *6 of NRS 502.250.*

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

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

21 (2) If that private land blocks reasonable access to adjacent  
22 public land, provides reasonable access through the private land to  
23 allow a person or hunting party possessing a valid elk tag to hunt elk  
24 on the adjacent public land.

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

27 (1) The number of elk using private land controlled by the  
28 applicant;

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

31 (3) The total number of elk; and

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

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

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

39 (f) Prohibit a person who has, within a particular calendar year,  
40 applied for or received compensation pursuant to NRS 504.165 as  
41 reimbursement for damage caused by elk to private land from  
42 applying, within the same calendar year, for a special incentive elk  
43 tag for the same private land.



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

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

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

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

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

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

17 (1) During the open season for elk.

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

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

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

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

26 502.250 1. The amount of the fee that must be charged for  
27 the following tags is:

28		
29	Resident deer tag .....	\$30
30	Resident antelope tag.....	60
31	Resident elk tag .....	120
32	Resident bighorn sheep tag.....	120
33	Resident mountain goat tag .....	120
34	Resident mountain lion tag.....	25
35	Nonresident deer tag.....	240
36	Nonresident antelope tag .....	300
37	Nonresident antlered elk tag.....	1,200
38	Nonresident antlerless elk tag.....	500
39	Nonresident bighorn sheep tag .....	1,200
40	Nonresident mountain goat tag.....	1,200
41	Nonresident mountain lion tag .....	100
42		

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



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

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

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

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

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

28 7. The Commission may accept sealed bids for, or award  
29 through an auction or a Silver State Tag Drawing, or any  
30 combination thereof, not more than 15 big game tags and not more  
31 than 5 wild turkey tags each year. To reimburse the Department for  
32 the cost of managing wildlife and administering and conducting the  
33 bid, auction or Silver State Tag Drawing, not more than 18 percent  
34 of the total amount of money received from the bid, auction or  
35 Silver State Tag Drawing may be deposited with the State Treasurer  
36 for credit to the Wildlife Fund Account in the State General Fund.  
37 Any amount of money received from the bid, auction or Silver State  
38 Tag Drawing that is not so deposited must be deposited with the  
39 State Treasurer for credit to the Wildlife Heritage Trust Account in  
40 the State General Fund in accordance with the provisions of  
41 NRS 501.3575.

42 ~~[6.]~~ 8. The Commission may by regulation establish an  
43 additional drawing for big game tags, which may be entitled the  
44 Partnership in Wildlife Drawing. To reimburse the Department for  
45 the cost of managing wildlife and administering and conducting the





1 drawing, not more than 18 percent of the total amount of money  
2 received from the drawing may be deposited with the State  
3 Treasurer for credit to the Wildlife Fund Account in the State  
4 General Fund. Except as otherwise provided by regulations adopted  
5 by the Commission pursuant to subsection ~~[7,]~~ 9, the money  
6 received by the Department from applicants in the drawing who are  
7 not awarded big game tags must be deposited with the State  
8 Treasurer for credit to the Wildlife Heritage Trust Account in  
9 accordance with the provisions of NRS 501.3575.

10 ~~[7,]~~ 9. The Commission may adopt regulations which  
11 authorize the return of all or a portion of any fee collected from a  
12 person pursuant to the provisions of this section.

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

14 502.253 1. In addition to any fee charged and collected  
15 pursuant to NRS 502.250, a fee of \$3 must be charged for  
16 processing each application for a game tag, the revenue from which  
17 must be accounted for separately, deposited with the State Treasurer  
18 for credit to the Wildlife Fund Account in the State General Fund  
19 and used by the Department for costs related to:

20 (a) ~~[Programs]~~ *Developing and implementing an annual*  
21 *program* for the management and control of ~~[injurious]~~ predatory  
22 wildlife;

23 (b) Wildlife management activities relating to the protection of  
24 nonpredatory game animals ~~[,]~~ *and* sensitive wildlife species ; and  
25 ~~[related wildlife habitat;]~~

26 (c) Conducting research ~~[, as needed,]~~ *necessary* to determine  
27 successful techniques for managing and controlling predatory  
28 ~~[wildlife, including studies necessary to ensure effective programs~~  
29 ~~for the management and control of injurious predatory wildlife; and~~

30 ~~—(d) Programs for the education of the general public concerning~~  
31 ~~the management and control of predatory]~~ wildlife.

32 2. The Department of Wildlife is hereby authorized to expend a  
33 portion of the money collected pursuant to subsection 1 to enable  
34 the State Department of Agriculture to develop and carry out the  
35 programs described in subsection 1.

36 3. Any program developed or wildlife management activity or  
37 research conducted pursuant to this section ~~[must be developed or~~  
38 ~~conducted under the guidance of]~~ *may be implemented or*  
39 *conducted only if the program, activity or research is approved by*  
40 *the Commission pursuant to subsection 4 and is in accordance*  
41 *with the policies adopted by the Commission* pursuant to  
42 ~~[subsection 2 of]~~ NRS 501.181.

43 4. *The Commission:*

44 (a) *In approving any program developed or wildlife*  
45 *management activity or research conducted pursuant to this*



1 *section, shall first consider the recommendations of the State*  
2 *Predatory Animal and Rodent Committee created by NRS 567.020,*  
3 *the county advisory boards to manage wildlife and other persons*  
4 *who present their views at an open meeting of the Commission.*

5 *(b) Shall not approve any program for the management and*  
6 *control of predatory wildlife developed pursuant to this section*  
7 *that provides for the expenditure of less than 80 percent of the*  
8 *amount of money collected pursuant to subsection 1 in the*  
9 *immediately preceding fiscal year for the purposes of lethal*  
10 *management and control of predatory wildlife.*

11 5. The money in the Wildlife Fund Account remains in the  
12 Account and does not revert to the State General Fund at the end of  
13 any fiscal year.

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

15 567.030 The Committee consists of ~~five~~ *the following seven*  
16 *members* ~~{-}~~:

17 1. Two members ~~must be~~ designated by the State Board of  
18 Agriculture from among its members, one of which must be the  
19 appointee for range or semirange sheep production.

20 2. One member ~~must be~~ designated by the Board of Wildlife  
21 Commissioners from among its members.

22 3. One member ~~must be~~ designated by the State Board of  
23 Health from among its members.

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

26 5. *One member designated by the Chair of the Committee*  
27 *from among the persons who make application to the Committee*  
28 *who:*

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

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

38 6. *One member designated by the Chair of the Committee*  
39 *from among the persons who make application to the Committee*  
40 *who:*

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

43 *(b) Must not have been convicted of any violation of the*  
44 *provisions of this title or any regulations adopted pursuant thereto*  
45 *or any federal law or regulation or any law or regulation of any*



1 *other state relating to hunting, trapping or fishing in the 5 years*  
2 *immediately preceding the date on which he or she is designated*  
3 *as a member.*

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

5 567.040 1. ~~Upon and following its organization~~ *At the first*  
6 *meeting of each year, the* Committee shall select its own Chair ~~[-]~~  
7 *and Vice Chair from among its members. A member may not serve*  
8 *as the Chair or Vice Chair for more than two consecutive terms.*

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

12 3. The Secretary of the State Board of Agriculture shall serve  
13 as Secretary of the Committee.

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

15 567.070 The Committee's Secretary shall call the first meeting  
16 of the Committee *each year* following the designation of ~~its~~ *the*  
17 members ~~as provided~~ *described in subsections 1 to 4, inclusive, of*  
18 *NRS 567.030.*

19 **Sec. 8.** Notwithstanding the amendatory provisions of  
20 subsection 2 of section 6 of this act, the Chair of the State Predatory  
21 Animal and Rodent Committee shall, as soon as practicable after the  
22 effective date of this act, designate the members of the Committee  
23 described in subsections 5 and 6 of NRS 567.030, as amended by  
24 section 5 of this act, each to serve a term that expires on the date of  
25 the first meeting of the Committee that occurs on or after January 1,  
26 2017.

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

