

ASSEMBLY BILL NO. 332—ASSEMBLYMAN HANSEN

MARCH 20, 2017

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Creates the Licensing Review Panel. (BDR 45-882)

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 Licensing Review Panel; providing for the membership of the Panel; setting forth the powers and duties of the Panel; requiring the Panel to conduct hearings and issue decisions concerning certain actions of the Department of Wildlife relating to licensing disputes; requiring a person who wishes to appeal a decision of the Department relating to a licensing dispute to submit a notice to the Panel; requiring the Panel to take certain actions concerning the licensing dispute; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Department of Wildlife and requires the Department to
2 administer the wildlife laws of this State. All licenses, stamps and permits granting
3 the privilege to hunt, fish or trap during the open season must be issued by the
4 Department. Each license issued by the Department authorizes the person to whom
5 it is issued to hunt, fish or trap during open seasons. (NRS 501.331, 502.035,
6 502.090) **Sections 2-7** of this bill enact provisions which authorize a person to
7 appeal to the Licensing Review Panel any decision of the Department relating to
8 the issuance, renewal or denial of a license, tag or permit to hunt or fish or any
9 other decision of the Department relating to a licensing dispute. **Section 4** creates
10 the Licensing Review Panel and provides for the appointment of the members of
11 the Panel. **Section 5** sets forth certain procedural requirements and provides that
12 each member of the Panel is entitled to a per diem allowance and the payment of
13 travel expenses. **Section 6** requires a person who wishes to appeal a decision of the
14 Department concerning a licensing dispute to submit a notice to the Panel and
15 requires the Panel to conduct a hearing and issue a decision concerning the
16 licensing dispute. **Section 7** requires the Panel to adopt regulations for conducting
17 hearings and issuing decisions relating to a licensing dispute. **Section 8** of this bill
18 makes a conforming change.



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19 Existing law sets forth the manner in which a person may obtain a review of a
20 decision of a governmental agency in a contested case. (NRS 233B.121-233B.150)
21 **Section 9** of this bill exempts decisions of the Department relating to a licensing
22 dispute from the provisions of existing law governing a contested case.

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 7, inclusive, of this
3 act.

4 **Sec. 2.** *“Licensing dispute” means any issue or dispute*
5 *relating to:*

6 1. *A request for a refund of any fees paid for a license, tag or*
7 *permit issued by the Department pursuant to this title;*

8 2. *The issuance or reinstatement of any bonus point or other*
9 *increased opportunity for the award of a tag to a person to hunt in*
10 *this State;*

11 3. *Any error committed by an employee of the Department in*
12 *carrying out the provisions of this title, including, without*
13 *limitation, any error relating to the issuance, renewal or denial of*
14 *a license, tag or permit pursuant to this title; or*

15 4. *Any other issue or dispute relating to the issuance or*
16 *denial of a license, tag or permit by the Department or any other*
17 *action taken by the Department in carrying out the provisions of*
18 *this title.*

19 **Sec. 3.** *“Panel” means the Licensing Review Panel created*
20 *pursuant to section 4 of this act.*

21 **Sec. 4.** 1. *The Licensing Review Panel, consisting of three*
22 *members, is hereby created.*

23 2. *The Governor shall appoint to the Panel:*

24 (a) *An employee of the Department;*

25 (b) *The director, chair or other person in charge of any*
26 *organization for the conservation of wildlife; and*

27 (c) *A member of a county advisory board to manage wildlife.*

28 3. *After the initial terms, the term of each member of the*
29 *Panel is 2 years. A member may continue in office until the*
30 *appointment of a successor and may not serve more than two*
31 *consecutive terms.*

32 4. *Any vacancy in the membership of the Panel must be filled*
33 *for the unexpired term in the same manner as the original*
34 *appointment.*

35 **Sec. 5.** 1. *At its first meeting each year, the members of the*
36 *Panel shall elect a Chair, who serves until the Panel elects the*



1 *next Chair. The Panel shall meet as necessary at the call of the*
2 *Chair or a majority of the members of the Panel.*

3 *2. A majority of the members of the Panel constitutes a*
4 *quorum for the transaction of business and any official action*
5 *taken by the Panel.*

6 *3. While engaged in the business of the Panel, each member*
7 *of the Panel is entitled to receive the per diem allowance and*
8 *travel expenses provided for state officers and employees*
9 *generally. The Department shall pay any expenses incurred by the*
10 *Panel in carrying out the provisions of sections 2 to 7, inclusive, of*
11 *this act.*

12 *4. The Department shall:*

13 *(a) Provide the Panel with any staff necessary to carry out the*
14 *duties of the Panel.*

15 *(b) Pay any expenses incurred by the Panel in carrying out the*
16 *provisions of sections 2 to 7, inclusive, of this act.*

17 **Sec. 6. 1. Except as otherwise provided in NRS 502.040**
18 **and 502.390, a person who wishes to appeal a decision of the**
19 **Department relating to a licensing dispute must submit a notice to**
20 **the Panel on a form provided by the Department. Upon receipt of**
21 **a notice of a licensing dispute, the Panel shall conduct a hearing**
22 **relating to the licensing dispute within 30 days after receiving the**
23 **notice. At least 10 days before a hearing, the Panel shall submit a**
24 **notice to each party to the licensing dispute setting forth the time,**
25 **date and location of the hearing.**

26 *2. Any party to a licensing dispute may appear at the hearing*
27 *and present evidence and testimony relating to the licensing*
28 *dispute. Upon hearing all testimony and evidence, the Panel shall*
29 *issue a decision concerning the licensing dispute.*

30 *3. Notwithstanding any provision of law to the contrary, in*
31 *issuing a decision relating to a license dispute, the Panel may:*

32 *(a) Issue or reissue any license, tag or permit;*

33 *(b) Correct any actions of the Department which relate to the*
34 *licensing dispute; or*

35 *(c) Take any other action necessary to resolve the licensing*
36 *dispute.*

37 *4. A decision of the Panel relating to a licensing dispute is*
38 *final and not subject to appeal.*

39 **Sec. 7. The Panel shall:**

40 *1. Adopt regulations that are necessary to carry out the*
41 *provisions of sections 2 to 7, inclusive, of this act, including,*
42 *without limitation, regulations setting forth the procedure for*
43 *conducting hearings and issuing decisions relating to a licensing*
44 *dispute; and*



1 **2. Take any other action necessary to carry out those**
2 **provisions.**

3 **Sec. 8.** 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. 9.** NRS 233B.032 is hereby amended to read as follows:

9 233B.032 “Contested case” means a proceeding, including but
10 not restricted to rate making and licensing, in which the legal rights,
11 duties or privileges of a party are required by law to be determined
12 by an agency after an opportunity for hearing, or in which an
13 administrative penalty may be imposed. **The term does not include**
14 **a licensing dispute as defined in section 2 of this act.**

15 **Sec. 10.** This act becomes effective:

- 16 1. Upon passage and approval for the purpose of adopting
17 regulations and performing any preparatory administrative tasks that
18 are necessary to carry out the provisions of this act; and
19 2. On January 1, 2018, for all other purposes.

