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MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 41

PREPARED FOR ASSEMBLYMAN COLLINS
FEBRUARY 10, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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 thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *As used in this title, "Department" means the Department of*
4 *Wildlife.*
5 **Sec. 3.** *As used in this title, "Director" means the Director of the*
6 *Department.*
7 **Sec. 4.** NRS 501.047 is hereby amended to read as follows:
8 501.047 As used in this title, "game warden" means any person
9 authorized by the ~~{Administrator}~~ *Director* to enforce the provisions of this
10 title and of chapter 488 of NRS.
11 **Sec. 5.** NRS 501.119 is hereby amended to read as follows:
12 501.119 1. The ~~{Division}~~ *Department* is authorized to determine
13 methods of obtaining necessary data from hunters, trappers and fishermen
14 relative to their activities and success.
15 2. The methods may include return of reports attached to licenses and
16 tags or questionnaires addressed to license holders.

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PROPOSED AMENDMENT TO AB41

ASSEMBLY NATURAL RES., AGRICULTURE & MINING
DATE: 2/12/03 ROOM: 3161 EXHIBIT C1-9
SUBMITTED BY: Tom Collins

1 3. Failure to return such a report or questionnaire within the period
2 specified by regulation of the Commission or the submission of any false
3 statement thereon is cause for the Commission to:

4 (a) Deny the person the right to acquire any license provided under this
5 title for a period of 1 year; or

6 (b) Levy an administrative fine of \$50 against the person.

7 4. Any statement made on such a report or questionnaire may not be
8 the basis for prosecution for any indicated violations of other sections of
9 this title.

10 **Sec. 6.** NRS 501.181 is hereby amended to read as follows:

11 501.181 The Commission shall:

12 1. Establish broad policies for:

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

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

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

18 2. Guide the ~~{Division}~~ *Department* in its administration and
19 enforcement of the provisions of this title and of chapter 488 of NRS by
20 the establishment of such policies.

21 3. Establish policies for areas of interest including:

22 (a) The management of big and small game mammals, upland and
23 migratory game birds, fur-bearing mammals, game fish,
24 and protected and unprotected mammals, birds, fish, reptiles and
25 amphibians.

26 (b) The control of wildlife depredations.

27 (c) The acquisition of lands, water rights and easements
28 and other property for the management, propagation, protection and
29 restoration of wildlife.

30 (d) The entry, access to, and occupancy and use of such property,
31 including leases of grazing rights, sales of agricultural products and
32 requests by the ~~{Administrator}~~ *Director* to the State Land Registrar for the
33 sale of timber if the sale does not interfere with the use of the property on
34 which the timber is located for wildlife management or for hunting or
35 fishing thereon.

36 (e) The control of nonresident hunters.

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

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

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

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

1 (a) Regular and special seasons for hunting game mammals and game
2 birds, for hunting or trapping fur-bearing mammals and for fishing, the
3 daily and possession limits, the manner and means of taking wildlife,
4 including, but not limited to, the sex, size or other physical differentiation
5 for each species, and, when necessary for management purposes, the
6 emergency closing or extending of a season, reducing or increasing of the
7 bag or possession limits on a species, or the closing of any area to hunting,
8 fishing or trapping. The regulations must be established after first
9 considering the recommendations of the ~~{Division,}~~ Department, the
10 county advisory boards to manage wildlife and others who wish to present
11 their views at an open meeting. Any regulations relating to the closure of a
12 season must be based upon scientific data concerning the management of
13 wildlife. The data upon which the regulations are based must be collected
14 or developed by the ~~{Division,}~~ Department.

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

17 (c) The delineation of game management units embracing contiguous
18 territory located in more than one county, irrespective of county boundary
19 lines.

20 (d) The number of licenses issued to nonresidents for big game and, if
21 necessary, other game species for the regular and special seasons.

22 5. Adopt regulations requiring the ~~{Division}~~ Department to make
23 public, before official delivery, its proposed responses to any requests by
24 federal agencies for its comment on drafts of statements concerning the
25 environmental effect of proposed actions or regulations affecting public
26 lands.

27 6. Adopt regulations:

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

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

33 7. Designate those portions of wildlife management areas for big
34 game mammals that are of special concern for the regulation of the
35 importation, possession and propagation of alternative livestock pursuant
36 to NRS 576.129.

37 Sec. 7. NRS 501.1812 is hereby amended to read as follows:

38 501.1812 As used in NRS 501.1812 to 501.1818, inclusive, unless the
39 context otherwise requires:

40 1. "License" means a license or tag issued by the ~~{Division}~~
41 Department for:

42 (a) Recreational hunting or fishing; or

43 (b) Taking fur-bearing mammals, trapping unprotected mammals or
44 selling raw furs for profit.

1 2. "Permit" means a permit issued by the ~~{Division}~~ *Department* for
2 recreational hunting or fishing.

3 3. "Wildlife conviction" means a conviction obtained in any court of
4 competent jurisdiction in this state, including, without limitation, a
5 conviction obtained upon a plea of nolo contendere or upon a forfeiture of
6 bail not vacated in any such court, for a violation of:

7 (a) A provision of this title or any regulation adopted pursuant to this
8 title other than a provision of NRS 502.370, 502.390, 503.185, 503.310 or
9 504.295 to 504.390, inclusive; or

10 (b) A provision of the Lacey Act Amendment of 1981, Public Law 97-
11 79, if the violation of that provision is based on a violation of a law or
12 regulation of this state.

13 **Sec. 8.** NRS 501.1814 is hereby amended to read as follows:

14 501.1814 1. The Commission shall establish and the ~~{Division}~~
15 *Department* shall administer and enforce a system of assessing demerit
16 points for wildlife convictions. The system must be uniform in its
17 operation.

18 2. Pursuant to the schedule of demerit points established by regulation
19 of the Commission for each wildlife conviction occurring within this state
20 affecting any holder of a license, permit or privilege issued pursuant to this
21 title, the ~~{Division}~~ *Department* shall assess demerit points for the 60-
22 month period preceding a person's most recent wildlife conviction. Sixty
23 months after the date of the conviction, the demerit points for that
24 conviction must be deleted from the total demerit points accumulated by
25 that person. The date of the violation shall be deemed the date on which
26 accumulated demerit points must be assessed. If a conviction of two or
27 more wildlife violations committed at a single event is obtained, demerit
28 points must be assessed for the offense having the greater number of
29 demerit points.

30 **Sec. 9.** NRS 501.1816 is hereby amended to read as follows:

31 501.1816 1. If a person accumulates 6 or more demerit points, but
32 less than 12, the ~~{Division}~~ *Department* shall notify him of that fact by
33 certified mail. If, after the ~~{Division}~~ *Department* mails the notice, the
34 person presents proof to the ~~{Division}~~ *Department* that he has, after his
35 most recent wildlife conviction, successfully completed a course of
36 instruction in the responsibilities of hunters approved by the ~~{Division, the~~
37 *Division}* *Department*, the *Department* shall deduct 4 demerit points from
38 his record. A person may attend a course of instruction in the
39 responsibilities of hunters only once in 60 months for the purpose of
40 reducing his demerit points.

41 2. If a person accumulates 12 or more demerit points before
42 completing a course of instruction pursuant to subsection 1, the ~~{Division}~~
43 *Department* shall suspend or revoke any license, permit or privilege issued
44 to him pursuant to this title.

1 3. Not later than 60 days after the {Division} Department determines
2 that a person has accumulated 12 demerit points, the {Division}
3 Department shall notify the person by certified mail that his privileges will
4 be suspended or revoked. Except as otherwise provided in subsection 4,
5 the {Division} Department shall suspend or revoke those privileges 30
6 days after it mails the notice.

7 4. Any person who receives the notice required by subsection 3 may
8 submit to the {Division} Department a written request for a hearing before
9 the Commission not later than 30 days after the receipt of the notice. If a
10 written request for a hearing is received by the {Division} Department:

11 (a) The suspension or revocation of the license, permit or privilege is
12 stayed until a determination is made by the Commission after the hearing.

13 (b) The hearing must be held within 60 days after the request is
14 received.

15 5. The periods of suspension or revocation imposed pursuant to this
16 section must run concurrently. No license, permit or privilege may be
17 suspended or revoked pursuant to this section for more than 3 years.

18 6. If the {Division} Department suspends or revokes a license, permit
19 or privilege pursuant to this section, the period of suspension or revocation
20 begins 30 days after notification pursuant to subsection 3 or a
21 determination is made by the Commission pursuant to subsection 4. After a
22 person's license, permit or privilege is suspended or revoked pursuant to
23 this section, all demerit points accumulated by that person must be
24 canceled.

25 **Sec. 10.** NRS 501.1817 is hereby amended to read as follows:

26 501.1817 Any person whose license, permit or privilege has been
27 suspended or revoked by the {Division} Department pursuant to NRS
28 501.1816 is entitled to judicial review of the decision in the manner
29 provided by chapter 233B of NRS.

30 **Sec. 11.** NRS 501.243 is hereby amended to read as follows:

31 501.243 1. The {Division} Department shall execute, administer
32 and enforce , and perform the functions and duties provided in chapter 488
33 of NRS.

34 2. The Commission has the power and authority to:

35 (a) Promulgate rules and regulations governing the use of waters for
36 recreational purposes, which waters are open to the public and are not
37 under the direct control of any other state or federal agency for recreational
38 use.

39 (b) Enter into cooperative agreements with federal, state and county
40 agencies having regulatory powers pertaining to the use of public waters
41 for recreational purposes for the purpose of coordinating such rules and
42 regulations.

43 **Sec. 12.** NRS 501.310 is hereby amended to read as follows:

44 501.310 There is hereby created in each of the counties of this state a
45 fund for the advisory board. The fund must be kept in the county treasury,

1 and all money received from the ~~{Division}~~ *Department* must be placed in
2 the fund.

3 **Sec. 13.** NRS 501.320 is hereby amended to read as follows:

4 501.320 1. Annually, not later than May 1, each board shall prepare
5 a budget for the period ending June 30 of the following year, setting forth
6 in detail its proposed expenditures for carrying out its duties as specified in
7 this title within its county, and submit the budget to the Commission
8 accompanied by a statement of the previous year's expenditures, certified
9 by the county auditor.

10 2. The Commission shall examine the budget in conjunction with the
11 ~~{Administrator}~~ *Director* or a person designated by him, and may increase,
12 decrease, alter or amend the budget.

13 3. Upon approval of the budget, the ~~{Division}~~ *Department* shall
14 transmit a copy of the approved budget to the board, and at the same time
15 withdraw from the Wildlife Account within the State General Fund and
16 transmit to the board the money required under the approved budget for
17 disposition by the board in accordance with the approved budget. All
18 money so received must be placed in the fund for the advisory board.

19 **Sec. 14.** NRS 501.331 is hereby amended to read as follows:

20 501.331 There is hereby created the ~~{Division of Wildlife of the~~
21 ~~State} Department of {Conservation and Natural Resources,} *Wildlife*~~
22 ~~which shall administer the wildlife laws of this state and chapter 488 of~~
23 ~~NRS. *The Department is under the control of the Commission.*~~

24 **Sec. 15.** NRS 501.333 is hereby amended to read as follows:

25 501.333 1. From among three or more nominees of the
26 Commission, the ~~{Director of the State Department of Conservation and~~
27 ~~Natural Resources} *Governor* shall appoint ~~{an Administrator}~~ *a Director*
28 of the ~~{Division,} *Department*~~, who is its Chief Administrative Officer.
29 The ~~{Administrator}~~ *Director* serves at the pleasure of the ~~{director,}~~
30 *Governor*.~~

31 2. The ~~{Director}~~ *Governor* shall select as ~~{Administrator}~~ *Director* a
32 person having an academic degree in the management of wildlife or a
33 closely related field, substantial experience in the management of wildlife
34 and a demonstrated ability to administer ~~{a division of}~~ a major public
35 agency.

36 3. The ~~{Administrator}~~ *Director* is in the unclassified service of the
37 State.

38 **Sec. 16.** NRS 501.337 is hereby amended to read as follows:

39 501.337 The ~~{Administrator}~~ *Director* shall:

40 1. Carry out the policies and regulations of the Commission.

41 2. Direct and supervise all administrative and operational activities of
42 the ~~{Division,} *Department*~~, and all programs administered by the
43 ~~{Division} *Department*~~ as provided by law. Except as otherwise provided
44 in NRS 284.143, the ~~{Administrator}~~ *Director* shall devote his entire time

Delete language that would place the
Department of Wildlife under the
Board of Wildlife Commissioners

1 to the duties of his office and shall not follow any other gainful
2 employment or occupation.

3 3. Within such limitations as may be provided by law, organize the
4 ~~{Division}~~ *Department* and, from time to time with the consent of the
5 Commission, *may* alter the organization. The ~~{Administrator}~~ *Director*
6 shall reassign responsibilities and duties as he may deem appropriate.

7 4. Appoint or remove such technical, clerical and operational staff as
8 the execution of his duties and the operation of the ~~{Division}~~ *Department*
9 may require, and all those employees are responsible to him for the proper
10 carrying out of the duties and responsibilities of their respective positions.
11 The ~~{Administrator}~~ *Director* shall designate a number of employees as
12 game wardens and provide for their training.

13 5. Submit technical and other reports to the Commission as may be
14 necessary or as may be requested, which will enable the Commission to
15 establish policy and regulations.

16 6. Prepare the biennial budget of the ~~{Division}~~ *Department*
17 consistent with the provisions of this title and chapter 488 of NRS and
18 submit it to the Commission for its review and ~~{comment}~~ ~~approval~~
19 consent/concurrence before being submitted to the Chief of the Budget
20 Division of the Department of Administration pursuant to
21 NRS 353.210.

22 7. Administer real property assigned to the ~~{Division}~~ *Department*.

23 8. Maintain full control, by proper methods and inventories, of all
24 personal property of the State acquired and held for the purposes
25 contemplated by this title and by chapter 488 of NRS.

26 9. Act as nonvoting Secretary to the Commission.

27 **Sec. 17.** NRS 501.339 is hereby amended to read as follows:

28 501.339 The ~~{Administrator}~~ *Director* may:

29 1. In cases of emergency, with the prior approval of the Governor,
30 exercise the powers of the Commission until such time as the Commission
31 meets or the emergency ends.

32 2. Designate an employee or employees of the ~~{Division}~~ *Department*
33 to act as his deputy or deputies. In the ~~{Administrator's}~~ *Director's*
34 absence or inability to discharge the powers and duties of his office, the
35 powers and duties devolve upon his deputy or deputies.

36 3. Designate persons outside the ~~{Division}~~ *Department* as game
37 wardens if, in his opinion, the need for such designations exists.

38 **Sec. 18.** NRS 501.341 is hereby amended to read as follows:

39 501.341 The headquarters of the ~~{Division}~~ *Department* must be
40 maintained at such a location in the State, and other offices may be
41 established throughout the State in such number and location, as will, in
42 the opinion of the ~~{Administrator}~~ *Director* and the Commission, provide
43 an efficient ~~{divisional}~~ *departmental* operation.

44 **Sec. 19.** NRS 501.343 is hereby amended to read as follows:

45 501.343 The ~~{Division}~~ *Department* may:

Delete the word "approval" of the Department of Wildlife's biennial budget by the Board of Wildlife Commissioners. Replace with "consent" or "concurrence."

1 1. Collect and disseminate, throughout the State, information
2 calculated to educate and benefit the people of the State regarding wildlife
3 and boating, and information pertaining to any program administered by
4 the ~~{Division}~~ *Department*.

5 2. Publish wildlife journals and other official publications, for which
6 a specific charge may be made, such charge to be determined by the
7 Commission, with the proceeds to be deposited in the Wildlife Account
8 within the State General Fund. No charge may be made for any publication
9 required by a regulation of the Commission.

10 **Sec. 20.** NRS 501.349 is hereby amended to read as follows:

11 501.349 Regular employees and others designated by the
12 ~~{Administrator}~~ *Director* as game wardens shall enforce all provisions of
13 this title and of chapter 488 of NRS.

14 **Sec. 21.** NRS 501.351 is hereby amended to read as follows:

15 501.351 1. The ~~{Administrator}~~ *Director* may enter into cooperative
16 or reciprocal agreements with the Federal Government or any agency
17 thereof, any other state or any agency thereof, any other agency of this
18 state, any county or other political subdivision of this state, to the extent
19 permitted by the provisions of chapter 277 of NRS, any public or private
20 corporation, or any person, in accordance with and for the purpose of
21 carrying out the policy of the Commission.

22 2. Such agreements do not relieve any party thereto of any liability,
23 independent of such agreements, existing under any provision of law.

24 **Sec. 22.** NRS 501.352 is hereby amended to read as follows:

25 501.352 The ~~{Administrator}~~ *Director* shall require the personnel of
26 the ~~{Division}~~ *Department* to report to him as soon as practicable any
27 reasonable suspicion that a communicable disease may be present in
28 wildlife in Nevada. The ~~{Administrator}~~ *Director* shall, as soon as
29 possible, inform the Director of the State Department of Agriculture of any
30 reasonable suspicion reported to him. Any sample collected by the
31 personnel of the ~~{Division}~~ *Department* in evaluating such a suspicion
32 must be forwarded to the Director of the State Department of Agriculture
33 as soon as practicable.

34 **Sec. 23.** NRS 501.354 is hereby amended to read as follows:

35 501.354 Except as otherwise provided by specific statute, the
36 ~~{Division}~~ *Department* shall receive, deposit and expend all money
37 provided by law for the administration of this title and of chapter 488 of
38 NRS, pursuant to the authority contained in NRS 501.356 and in
39 accordance with the Commission's policy.

40 **Sec. 24.** NRS 501.356 is hereby amended to read as follows:

41 501.356 1. Money received by the ~~{Division}~~ *Department* from:

42 (a) The sale of licenses;

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

44 (c) Remittances from the State Treasurer pursuant to the provisions of
45 NRS 365.535;

The remainder of A.B. 41 remains unchanged
by this amendment.