
ASSEMBLY BILL NO. 301—ASSEMBLYMAN CARPENTER

MARCH 13, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions concerning special incentive elk tags and compensation from Board of Wildlife Commissioners for damage to certain property or land caused by certain animals. (BDR 45-883)

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

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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; prohibiting the Board of Wildlife Commissioners from requiring a person, as a condition of qualifying for a special incentive tag, to have more than 35 elk on private lands which are controlled by the person and are within an actual elk area; providing for the payment of money or materials to prevent or mitigate damages caused by certain animals to fences on private and public lands and to construct fences around certain areas of those lands; authorizing state grazing boards to apply for and accept such payments of money and materials; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 502.142 is hereby amended to read as follows:
2 502.142 1. The Commission shall adopt regulations to
3 establish a program pursuant to which the Division will issue special
4 incentive elk tags. The regulations must:
5 (a) Set forth the application and annual review processes for the
6 issuance of special incentive elk tags.



- 1 (b) Require that an application for a special incentive elk tag
2 must be accompanied by:
- 3 (1) The fee charged for an elk tag pursuant to NRS 502.250;
4 and
- 5 (2) Any administrative fee charged in connection with the
6 issuance of an elk tag pursuant to this chapter.
- 7 (c) Provide for the issuance of a special incentive elk tag only to
8 a person who:
- 9 (1) Lawfully owns, leases or manages private land within an
10 actual elk use area; and
- 11 (2) If that private land blocks reasonable access to adjacent
12 public land, provides reasonable access through the private land to
13 allow a person or hunting party possessing a valid elk tag to hunt elk
14 on the adjacent public land.
- 15 (d) Establish criteria for the issuance of special incentive elk
16 tags based upon:
- 17 (1) The number of elk using private land controlled by the
18 applicant;
- 19 (2) The number of days the elk use private lands of the
20 applicant in a calendar year;
- 21 (3) The total number of elk; and
- 22 (4) Limiting the number of special incentive elk tags issued
23 in each calendar year to not more than one-half of the bull elk tags
24 issued in that calendar year,
25 within the actual elk use area in the unit or units of the management
26 area or areas in which the private land is located.
- 27 (e) Provide that special incentive elk tags are valid for both
28 sexes of elk.
- 29 (f) Prohibit a person who has, within a particular calendar year,
30 applied for or received compensation pursuant to NRS 504.165 as
31 reimbursement for damage caused by elk to private land from
32 applying, within the same calendar year, for a special incentive elk
33 tag for the same private land.
- 34 (g) *Not require a person, as a condition of qualifying for a
35 special incentive tag, to have more than 35 elk on the private lands
36 which are controlled by the person and are within an actual elk
37 area;*
- 38 (h) Allow a group of owners, lessees and managers of private
39 land to qualify for a special incentive elk tag for their combined
40 lands.
- 41 ~~(h)~~ (i) Ensure that the issuance of special incentive elk tags
42 will not result in the number of bull elk tags issued in any year being
43 reduced to a number below the quota for bull elk tags established by
44 the Commission for 1997.



1 ~~[(j)]~~ (j) Provide that a person to whom a special incentive elk tag
2 is issued by the Commission pursuant to this section may:

3 (1) If he holds a valid hunting license issued by this state, use
4 the special incentive elk tag himself; or

5 (2) Sell the special incentive elk tag to another person who
6 holds a valid hunting license issued by this state at any price upon
7 which the parties mutually agree.

8 ~~[(k)]~~ (k) Require that a person who is issued a special incentive
9 elk tag must hunt:

10 (1) During the open season for elk.

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

13 ~~[(l)]~~ (l) Provide for the appointment of an arbitration panel to
14 resolve disputes between persons who apply for special incentive
15 elk tags and the Division regarding the issuance of such tags.

16 2. As used in this section, "actual elk use area" means an area
17 in which elk live, as identified and designated by the Division.

18 **Sec. 2.** NRS 504.165 is hereby amended to read as follows:

19 504.165 1. The Commission shall adopt regulations
20 governing the disbursement of money to:

21 (a) Prevent or mitigate damage to private property and privately
22 maintained improvements ~~[(j)]~~ , *including, without limitation,*
23 *fences;*

24 *(b) Prevent or mitigate damage to fences on public lands;*

25 *(c) Construct fences around sources of water on private lands*
26 *or public lands if there has been damage to the area near such*
27 *sources of water;* and

28 ~~[(d)]~~ (d) Compensate persons for grazing reductions and the loss
29 of stored and standing crops,
30 caused by elk or game mammals not native to this state.

31 2. The regulations must contain:

32 (a) Requirements for the eligibility of those persons claiming
33 damage to private property or privately maintained improvements to
34 receive money or materials from the Division, including a
35 requirement that such a person enter into a cooperative agreement
36 with the Administrator for purposes related to this title.

37 *(b) Requirements for the eligibility of a person or state grazing*
38 *board claiming damage to fences on public lands or damage to*
39 *areas near sources of water on public lands to receive money or*
40 *materials from the Division, including a requirement that the*
41 *person or state grazing board enter into a cooperative agreement*
42 *with the Administrator for purposes related to this title.*



1 (c) Procedures for the formation of local panels to assess
2 damage caused by elk or game mammals not native to this state and
3 to determine the value of a loss claimed if the person *or state*
4 *grazing board* claiming the loss and the Division do not agree on
5 the value of the loss.

6 ~~(c)~~ (d) Procedures for the use on private property *or public*
7 *lands* of materials purchased by the State to prevent damage caused
8 by elk or game mammals not native to this state.

9 ~~(d)~~ (e) Any other regulations necessary to carry out the
10 provisions of this section and NRS 504.155 and 504.175.

11 3. The regulations must:

12 (a) Provide for the payment of money or other compensation to
13 cover the costs of labor and materials necessary to ~~prevent~~ :

14 (1) *Prevent* or mitigate damage to private property , ~~and~~
15 privately maintained improvements *and fences on public lands*
16 caused by elk or game mammals not native to this state ~~;~~ ; and

17 (2) *Construct fences around sources of water on private or*
18 *public lands if elk or game mammals not native to this state have*
19 *caused damage to the area near such sources of water.*

20 (b) Prohibit a person who has, within a particular calendar year,
21 applied for or received a special incentive elk tag pursuant to NRS
22 502.142 from applying, within the same calendar year, for
23 compensation pursuant to this section for the same private land.

24 4. Money may not be disbursed to a claimant pursuant to this
25 section unless the claimant shows by a preponderance of the
26 evidence that the damage for which ~~he~~ *the claimant* is seeking
27 compensation was caused solely by elk or game mammals not
28 native to this state.

29 5. *As used in this section:*

30 (a) *“Public lands” means all lands within the exterior*
31 *boundaries of the State of Nevada except lands:*

32 (1) *To which title is held by any private person or entity;*

33 (2) *To which title is held by the State of Nevada, any of its*
34 *local governments or the University and Community College*
35 *System of Nevada;*

36 (3) *Which are located within congressionally authorized*
37 *national parks, monuments, national forests or wildlife refuges, or*
38 *which are lands acquired by purchase consented to by the*
39 *Legislature;*

40 (4) *Which are controlled by the United States Department*
41 *of Defense, Department of Energy or Bureau of Reclamation; or*

42 (5) *Which are held in trust for Indian purposes or are*
43 *Indian reservations.*



1 (b) "State grazing board" means a state grazing board created
2 within the State Department of Agriculture pursuant to
3 NRS 568.040.

4 **Sec. 3.** Chapter 568 of NRS is hereby amended by adding
5 thereto a new section to read as follows:

6 *A state grazing board may apply for and accept money and*
7 *materials distributed by the Division of Wildlife of the State*
8 *Department of Conservation and Natural Resources pursuant to*
9 *NRS 504.165 for the construction or repair of fences within a*
10 *grazing district. Such money shall be subject to disposition only by*
11 *the state grazing board which accepts such money for the grazing*
12 *district concerned.*

13 **Sec. 4.** NRS 568.010 is hereby amended to read as follows:

14 568.010 As used in NRS 568.010 to 568.210, inclusive, *and*
15 *section 3 of this act*, "Taylor Grazing Act" means the Act of
16 Congress entitled "An act to stop injury to the public grazing lands
17 by preventing overgrazing and soil deterioration, to provide for their
18 orderly use, improvement and development, to stabilize the
19 livestock industry dependent upon the public range, and for other
20 purposes," approved June 28, 1934, being c. 865, 48 Stat. 1269, also
21 designated as 43 U.S.C. §§ 315 to 315r, inclusive, any amendment
22 thereto and any replacement therefor, including provisions of the
23 Code of Federal Regulations adopted and promulgated pursuant to
24 any such act, amendment or replacement, providing for grazing
25 districts or for payment of a portion of the moneys derived from
26 grazing fees or grazing leases to the State of Nevada.

27 **Sec. 5.** NRS 568.100 is hereby amended to read as follows:

28 568.100 All moneys in the range improvement fund of a
29 grazing district *or received by a state grazing board pursuant to*
30 *section 3 of this act* shall be paid out on claims signed by the
31 chairman and secretary of the state grazing board of the district.
32 Claims shall be approved by the board and preaudited by the county
33 auditor of the county concerned before they are paid.

34 **Sec. 6.** NRS 568.140 is hereby amended to read as follows:

35 568.140 1. Any project involving construction and
36 maintenance of range improvements as provided for in NRS
37 568.010 to 568.210, inclusive, *and section 3 of this act*, on public
38 lands within any grazing district established under the provisions of
39 the Taylor Grazing Act, shall be undertaken only under cooperative
40 agreements entered into on the part either of the state grazing boards
41 or the boards of county commissioners, as the case may be, and the
42 federal officials in charge of the grazing district concerned.

43 2. Any project mentioned in NRS 568.120 that is within the
44 jurisdiction of a governmental entity and does not involve
45 construction and maintenance of range improvements shall be



- 1 undertaken only under cooperative agreements entered into by the
- 2 state grazing boards and the appropriate governmental entities.

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