

Amendment No. CA24

Conference Committee Amendment to Senate Bill No. 411 First Reprint	(BDR 45-1177)
Proposed by: Conference Committee	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

TMC



Date: 5/31/2009

S.B. No. 411—Revises provisions governing hunting, fishing and trapping.
(BDR 45-1177)



SENATE BILL NO. 411—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

APRIL 15, 2009

Referred to Committee on Finance

SUMMARY—Revises provisions governing hunting, fishing and trapping.
(BDR 45-1177)

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; providing for the permanent revocation of a license, permit or privilege to hunt, fish or trap in certain circumstances; requiring a person to maintain a principal and permanent residence in this State to be eligible for a resident license, tag or permit to hunt, fish or trap; providing for the forfeiture of a bonus point or other increased opportunity to be awarded a tag for making a false statement or furnishing false information in certain circumstances; requiring a person seeking to obtain a license, tag or permit on behalf of another for a fee or other compensation to have a power of attorney to do so; ~~making it unlawful intentionally to remove, disturb or interfere with the trap of a holder of a trapping license under certain circumstances; providing a penalty;~~ **revising provisions governing certain additional big game tags;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a license, permit or privilege of a person to hunt, fish or trap may be suspended or revoked for wildlife convictions, but not for more than 3 years except in certain circumstances. The license, permit or privilege of a person who is convicted pursuant to NRS 501.376 of: (1) a gross misdemeanor may not be suspended or revoked for more than 5 years; and (2) a felony may not be suspended or revoked for more than 10 years. (NRS 501.1816) **Section 2** of this bill expands the suspension and revocation penalties to require that the license, permit or privilege of a person who has been convicted of two or more felonies pursuant to NRS 501.376 be permanently revoked.

Existing law requires that a person meet certain requirements before he can be issued a resident license, tag or permit pursuant to chapter 502 of NRS. (NRS 502.015) **Section 3** of this bill clarifies the language regarding domicile to mean maintaining a principal and permanent residence in this State beyond just owning a home in Nevada.

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13 Existing law prohibits giving a false statement or furnishing false information to obtain
14 any license, tag or permit, making such an action a misdemeanor, or to obtain a big game tag,
15 making such an action a gross misdemeanor. (NRS 502.060) **Section 4** of this bill adds a
16 provision that any person who is convicted of giving a false statement or furnishing false
17 information to obtain a license, tag, permit or big game tag forfeits any bonus point or other
18 increased opportunity to be awarded a tag in a subsequent drawing.

19 Existing law requires a person attempting to obtain a license, tag or permit on behalf of
20 another person to have a power of attorney giving him the authority to do so. (NRS 502.061)
21 **Section 5** of this bill restricts the requirement to have a power of attorney to only those
22 persons attempting to acquire a license, tag or permit on behalf of another for a fee or other
23 compensation.

24 ~~Existing law makes it unlawful for a person to remove or disturb the trap of a holder of a~~
25 ~~trapping license while the trap is being used by the trapper on public land or on land where he~~
26 ~~has permission to trap. (NRS 502.454) If a person commits such a violation, he is guilty of a~~
27 ~~misdemeanor punishable by a fine of not less than \$50 or more than \$500, or by imprisonment~~
28 ~~in the county jail for not more than 6 months, or by both fine and imprisonment. (NRS~~
29 ~~501.285) Section 6 of this bill revises existing law by making it unlawful for a person~~
30 ~~intentionally to remove, disturb or interfere with the trap of the holder of the trapping license.~~
31 ~~Section 6 defines the phrase "interfere with" to mean any act that physically impedes, hinders~~
32 ~~or obstructs the trap. Sections 6.2-6.8, inclusive, of this bill revise various provisions~~
33 ~~governing certain additional big game tags to be known as "Dream Tags."~~

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

1 **Section 1.** NRS 501.1814 is hereby amended to read as follows:

2 501.1814 1. The Commission shall establish and the Department shall
3 administer and enforce a system of assessing demerit points for wildlife
4 convictions. The system must be uniform in its operation.

5 2. Pursuant to the schedule of demerit points established by regulation of the
6 Commission for each wildlife conviction occurring within this State affecting any
7 holder of a license, permit or privilege issued pursuant to this title, the Department
8 shall assess demerit points for the 60-month period preceding a person's most
9 recent wildlife conviction. Sixty months after the date of the conviction, the demerit
10 points for that conviction must be deleted from the total demerit points accumulated
11 by that person. The date of the ~~[violation]~~ conviction shall be deemed the date on
12 which accumulated demerit points must be assessed. If a conviction of two or more
13 wildlife violations committed at a single event is obtained, demerit points must be
14 assessed for the offense having the greater number of demerit points.

15 **Sec. 2.** NRS 501.1816 is hereby amended to read as follows:

16 501.1816 1. If a person accumulates 9 or more demerit points, but less than
17 12, the Department shall notify him of that fact by certified mail. If, after the
18 Department mails the notice, the person presents proof to the Department that he
19 has, after his most recent wildlife conviction, successfully completed a course of
20 instruction in the responsibilities of hunters approved by the Department, the
21 Department shall deduct 4 demerit points from his record. A person may attend a
22 course of instruction in the responsibilities of hunters only once in 60 months for
23 the purpose of reducing his demerit points.

24 2. If a person accumulates 12 or more demerit points before completing a
25 course of instruction pursuant to subsection 1, the Department shall suspend or
26 revoke any license, permit or privilege issued to him pursuant to this title.

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

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

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

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

13 5. The periods of suspension or revocation imposed pursuant to this section
14 must run concurrently. Except as otherwise provided in this subsection, no license,
15 permit or privilege may be suspended or revoked pursuant to this section for more
16 than 3 years. The license, permit or privilege of a person who is convicted pursuant
17 to NRS 501.376 of:

18 (a) A gross misdemeanor may not be suspended or revoked for more than 5
19 years; ~~for~~

20 (b) ~~[A]~~ *Except as otherwise provided in paragraph (c), a felony may not be*
21 *suspended or revoked for more than 10 years* ~~[]~~; *or*

22 *(c) Two or more felonies, arising from separate events, must be permanently*
23 *revoked.*

24 6. If the Department suspends or revokes a license, permit or privilege
25 pursuant to this section, the period of suspension or revocation begins 30 days after
26 notification pursuant to subsection 3 or a determination is made by the Commission
27 pursuant to subsection 4. After a person's license, permit or privilege is suspended
28 or revoked pursuant to this section, all demerit points accumulated by that person
29 must be cancelled.

30 **Sec. 3.** NRS 502.015 is hereby amended to read as follows:

31 502.015 1. For the purpose of issuing and using resident licenses, tags or
32 permits pursuant to this chapter, a person is considered to be a resident of the State
33 of Nevada if:

34 (a) He is a citizen of, or is lawfully entitled to remain in, the United States; and

35 (b) During the 6 months next preceding his application to the Department for a
36 license, tag or permit, he:

37 (1) ~~[Was domiciled]~~ *Maintained his principal and permanent residence*
38 *in this State;*

39 (2) Was physically present in this State, except for temporary absences;
40 and

41 (3) Did not purchase or apply for any resident license, tag or permit to
42 hunt, fish or trap in another state, country or province.

43 2. A person who ~~is not domiciled]~~ *does not maintain his principal and*
44 *permanent residence* in Nevada but who is attending an institution of higher
45 learning in this State as a full-time student is eligible for a resident license, tag or
46 permit if, during the 6 months next preceding his application to the Department for
47 a license, tag or permit, he:

48 (a) Was physically present in Nevada, except for temporary trips outside of the
49 State; and

50 (b) Did not purchase or apply for any resident license, tag or permit to hunt,
51 fish or trap in another state, country or province.

1 3. A resident license, tag or permit issued by this State is void if the person to
2 whom it was issued establishes *or maintains* his ~~[domicile]~~ *principal and*
3 *permanent residence* in and obtains any *hunting, fishing or trapping* privilege or
4 entitlement conditional on residency from another state, country or province.

5 4. *As used in this section, "principal and permanent residence" means a*
6 *place where a person is legally domiciled and maintains a permanent habitation*
7 *in which he lives and to which he intends to return when he leaves the state in*
8 *which the permanent habitation is located. The term does not include merely*
9 *owning a residence in a state.*

10 **Sec. 4.** NRS 502.060 is hereby amended to read as follows:

11 502.060 1. A person applying for and procuring a license, *tag or permit*, as
12 provided in this chapter, shall give to the license agent his name and residence
13 address, which must be entered by the license agent ~~[on the license and stub,]~~ ,
14 *manually or electronically in a record specified by the Department*, together with
15 the date of issuance and a description of the person. If a child under the age of 18
16 years is applying for a license to hunt, the child's parent or legal guardian must sign
17 the application and an attached statement acknowledging that the parent or legal
18 guardian has been advised of the provisions of NRS 41.472.

19 2. Except as otherwise provided in subsection 3, any person who makes any
20 false statement or furnishes false information to obtain any license, tag or permit
21 issued pursuant to the provisions of this title is guilty of a misdemeanor.

22 3. Any person who makes any false statement or furnishes false information
23 to obtain any big game tag issued pursuant to the provisions of this title is guilty of
24 a gross misdemeanor.

25 4. It is unlawful for any person to hunt, fish or trap using any hunting, fishing
26 or trapping license which is invalid by reason of expiration or a false statement
27 made to obtain the license.

28 5. *Any person convicted of violating the provisions of subsection 2 or 3*
29 *forfeits any bonus point or other increased opportunity to be awarded a tag in a*
30 *subsequent drawing conducted for that tag if the bonus point or other increased*
31 *opportunity was acquired by the false statement or false information.*

32 6. As used in this section, "big game tag" means a tag permitting a person to
33 hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion,
34 bighorn sheep or elk.

35 **Sec. 5.** NRS 502.061 is hereby amended to read as follows:

36 502.061 1. A person , *for a fee or other form of compensation*, may obtain
37 or attempt to obtain on behalf of an applicant any license, tag or permit issued
38 pursuant to this chapter *only* if the person acts pursuant to a power of attorney or
39 other written instrument that:

40 (a) Provides that the power of attorney or other written instrument is executed
41 for the sole purpose of authorizing the person to apply in the State of Nevada on
42 behalf of the applicant for a license, tag or permit for a specific season;

43 (b) Provides that the power of attorney or other written instrument expires on
44 February 28 of the year following the year in which the power of attorney or other
45 written instrument is executed; and

46 (c) Is acknowledged and includes a jurat as defined in NRS 240.0035, or is
47 otherwise certified.

48 2. Any license, tag or permit which is obtained by the use of a power of
49 attorney or other written instrument that does not comply with the provisions of
50 subsection 1 is void.

1 **Sec. 6.** ~~[NRS 503.454 is hereby amended to read as follows:~~
2 ~~503.454 1. Every person who takes fur bearing mammals by any legal~~
3 ~~method or unprotected mammals by trapping or sells raw furs for profit shall~~
4 ~~procure a trapping license.~~

5 ~~2. It is unlawful intentionally to remove, [or] disturb or interfere with the~~
6 ~~trap of any holder of a trapping license while the trap is being legally used by him~~
7 ~~on public land or on land where he has permission to trap. As used in this~~
8 ~~subsection, "interfere with" means any act that physically impedes, hinders or~~
9 ~~obstructs the trap.] (Deleted by amendment.)~~

10 **Sec. 6.2. Section 3 of Assembly Bill No. 246 of this Session is hereby**
11 **amended to read as follows:**

12 Sec. 3. 1. The Department shall issue an apprentice hunting
13 license to a person who:

- 14 (a) Is 12 years of age or older;
15 (b) Has not previously been issued a hunting license by the
16 Department, another state, ~~for~~ an agency of a Canadian province, ~~+~~ or an
17 agency of any other foreign country, including, without limitation, an
18 apprentice hunting license; and
19 (c) Except as otherwise provided in subsection 5, is otherwise qualified
20 to obtain a hunting license in this State.

21 2. Except as otherwise provided in this subsection, the Department
22 shall not impose a fee for the issuance of an apprentice hunting license. For
23 each apprentice hunting license issued, the applicant or the mentor hunter
24 for the applicant shall pay:

- 25 (a) Any service fee required by a license agent pursuant to NRS
26 502.040;
27 (b) The habitat conservation fee required by NRS 502.242; and
28 (c) Any transaction fee that is set forth in a contract of this State with a
29 third-party electronic services provider for each online transaction that is
30 conducted with the Department.

31 3. An apprentice hunting license authorizes the apprentice hunter to
32 hunt in this State as provided in this section.

33 4. It is unlawful for an apprentice hunter to hunt in this State unless a
34 mentor hunter accompanies and directly supervises the apprentice hunter at
35 all times during a hunt. During the hunt, the mentor hunter shall ensure that:

- 36 (a) The apprentice hunter safely handles and operates the firearm or
37 weapon used by the apprentice hunter; and
38 (b) The apprentice hunter complies with all applicable laws and
39 regulations concerning hunting and the use of firearms.

40 5. A person is not required to complete a course of instruction in the
41 responsibilities of hunters as provided in NRS 502.340 to obtain an
42 apprentice hunting license.

- 43 6. The issuance of an apprentice hunting license does not:
44 (a) Authorize the apprentice hunter to obtain any other hunting license;
45 (b) Authorize the apprentice hunter to hunt any animal for which a tag
46 is required pursuant to NRS 502.130; or
47 (c) Exempt the apprentice hunter from any requirement of this title.

48 7. The Commission may adopt regulations to carry out the provisions
49 of this section.

50 8. As used in this section:

- 51 (a) "Accompanies and directly supervises" means maintains close
52 visual and verbal contact with, provides adequate direction to and maintains

1 the ability readily to assume control of any firearm or weapon from an
2 apprentice hunter.

3 (b) "Apprentice hunter" means a person who obtains an apprentice
4 hunting license pursuant to this section.

5 (c) "Mentor hunter" means a person 18 years of age or older who holds
6 a hunting license issued in this State and who accompanies and directly
7 supervises an apprentice hunter. The term does not include a person who
8 holds an apprentice hunting license pursuant to this section.

9 **Sec. 6.4. Section 4 of Assembly Bill No. 246 of this Session is hereby**
10 **amended to read as follows:**

11 Sec. 4. 1. The Commission ~~{shall}~~ **may** establish a program for the
12 issuance of additional big game tags each year to be known as "Dream
13 Tags." ~~{The}~~ **If the Commission establishes such a program, the** program
14 must provide:

15 (a) For the issuance of ~~{a}~~ Dream ~~{Tag}~~ **Tags** to either a resident or
16 nonresident of this State;

17 (b) For the issuance of one Dream Tag for each species of big game for
18 which 50 or more tags were available under the quota established for the
19 species by the Commission during the previous year; **and**

20 (c) For the sale of Dream Tags to a nonprofit organization pursuant to
21 this section. ~~{and~~

22 ~~—(d) Such}~~

23 **2. The Commission may adopt regulations establishing such** other
24 provisions concerning ~~{a}~~ Dream ~~{Tag}~~ **Tags** as the Commission determines
25 reasonable or necessary in carrying out the program.

26 ~~{2}~~ **3.** A nonprofit organization established through the Community
27 Foundation of Western Nevada which is exempt from taxation pursuant to
28 26 U.S.C. § 501(c)(3) and which has as its principal purpose the
29 preservation, protection, management or restoration of wildlife and its
30 habitat may purchase such Dream Tags from the Department as are
31 authorized by the Commission, at prices established by the Commission,
32 subject to the following conditions:

33 (a) The nonprofit organization must agree to award the Dream Tags by
34 raffle, with unlimited chances to be sold for \$5 each to persons who
35 purchase a resource enhancement stamp pursuant to section 5 of this act.

36 (b) The nonprofit organization must agree to enter into a contract with
37 a private entity that is approved by the Department which requires that the
38 private entity agree to act as the agent of the nonprofit organization to sell
39 chances to win ~~{a}~~ Dream ~~{Tag}~~ **Tags**, conduct any required drawing for
40 ~~{a}~~ Dream ~~{Tag}~~ **Tags** and issue ~~{a}~~ Dream ~~{Tag}~~ **Tags**. For the purposes of
41 this paragraph, a private entity that has entered into a contract with the
42 Department pursuant to NRS 502.175 to conduct a drawing and to award
43 and issue tags or permits as established by the Commission shall be deemed
44 to be approved by the Department.

45 (c) All money received by the nonprofit organization from the
46 proceeds of the Dream Tag raffle, less the cost of the Dream Tags
47 purchased by the nonprofit organization and any administrative costs
48 charged by the Community Foundation of Western Nevada, must be used
49 for the preservation, protection, management or restoration of ~~{wildlife}~~
50 **game** and its habitat, as determined by the Advisory Board on Dream Tags
51 created by section 6 of this act.

1 ~~[3.]~~ 4. All money received by the Department for Dream Tags
2 pursuant to this section must be deposited with the State Treasurer for
3 credit to the Wildlife Account in the State General Fund.

4 ~~[4.]~~ 5. The ~~[Department]~~ nonprofit organization shall, on or before
5 February 1 of each year, report to the Commission and the Interim Finance
6 Committee concerning the Dream Tag program, including, without
7 limitation:

8 (a) The number of Dream Tags issued during the immediately
9 preceding calendar year;

10 (b) The total amount of money paid to the Department for Dream Tags
11 during the immediately preceding calendar year;

12 (c) The total amount of money received by the nonprofit organization
13 from the proceeds of the Dream Tag raffle, the amount of such money
14 expended by the nonprofit organization and a description of each project for
15 which the money was spent; and

16 (d) Any recommendations ~~[of the Department]~~ concerning the
17 continuation of the program or necessary legislation.

18 ~~[5.]~~ 6. As used in this section, "big game tag" means a tag permitting
19 a person to hunt any species of pronghorn antelope, bear, deer, mountain
20 goat, mountain lion, bighorn sheep or elk.

21 Sec. 6.6. Section 5 of Assembly Bill No. 246 of this Session is hereby
22 amended to read as follows:

23 Sec. 5. 1. To be eligible to participate in the Dream Tag raffle, a
24 person must purchase a resource enhancement stamp.

25 2. Resource enhancement stamps must be sold for a fee of \$10 each
26 by the Department and by persons authorized by the Department to sell the
27 stamps. All money received by the Department for resource enhancement
28 stamps pursuant to this section must be deposited with the State Treasurer
29 for credit to the Wildlife Account in the State General Fund.

30 3. The Department shall determine the form of the stamps.

31 Sec. 6.8. Section 6 of Assembly Bill No. 246 of this Session is hereby
32 amended to read as follows:

33 Sec. 6. 1. There is hereby created the Advisory Board on Dream
34 Tags, consisting of the following five members:

35 (a) One member appointed by the Governor;

36 (b) One member appointed by the Majority Leader of the Senate;

37 (c) One member appointed by the Speaker of the Assembly;

38 (d) One member appointed by the Advisory Board on Natural
39 Resources; and

40 (e) The Vice Chairman of the Commission, who serves as an ex officio
41 member of the Board.

42 2. Each appointed member of the Board must be a resident of this
43 State and, following the initial terms, serves a term of 2 years.

44 3. At its first meeting each year, the members of the Board shall elect
45 a Chairman, who shall serve until the next Chairman is elected. The Board
46 shall meet as necessary at the call of the Chairman.

47 4. A majority of the members of the Board constitutes a quorum for
48 the transaction of business, and a majority of those members present at any
49 meeting is sufficient for any official action taken by the Board.

50 5. While engaged in the business of the Board, to the extent of
51 legislative appropriation, each member of the Board is entitled to receive

1 the per diem allowance and travel expenses provided for state officers and
2 employees generally.

3 6. To the extent of legislative appropriation, the Department shall
4 provide the Board with such staff as is necessary to carry out the duties of
5 the Board.

6 7. The Board shall, in accordance with the requirements of paragraph
7 (c) of subsection ~~(2)~~ 3 of section 4 of this act, determine the appropriate use
8 of money received by a nonprofit organization from the proceeds of a
9 Dream Tag raffle.

10 **Sec. 7. 1. This section and sections 6.2 to 6.8, inclusive, of this act**
11 **become effective upon passage and approval.**

12 **2. Sections 1 to 6, inclusive, of this act ~~becomes~~ become effective on**
13 **January 1, 2010.**