

Legislative Commission
of the
Legislative Counsel Bureau
State of Nevada

BULLETIN NO. 73

FISH AND GAME LAWS

Table of Contents

	<u>Page</u>
1. Legislative resolutions directing study: Senate Concurrent Resolution No. 10-- 54th Session of the Nevada Legisla- ture (1967).....	i
Senate Concurrent Resolution No. 35-- 54th Session of the Nevada Legisla- ture (1967).....	i
2. Report of the Legislative Commission.....	ii
3. Report to the Legislative Commission of its Subcommittee for Study of Fish and Game Laws.....	1
I. Introduction.....	1
II. Commission.....	1
III. Game Management Boards.....	2
IV. Department.....	2
V. Financial Needs.....	3
VI. Conflicts and Problems in Statutes.....	4
VII. General Observations.....	4
Suggested legislation: Revising fish and game laws to reflect modern fish and game management.....	Exhibit I
Revising fish and game license, permit and tag fees.....	Exhibit II
Making state board of fish and game commissioners appointive; creating Nevada department of fish and game; separating policy- making from enforcement.....	Exhibit III
Increasing tax on malt beverages for benefit of fish and game fund.....	Exhibit IV

* * * *

Legislative Commission

Senator B. Mahlon Brown	Assemblyman Melvin D. Close, Jr.
Senator Carl F. Dodge	Assemblyman Zelvin D. Lowman
Senator James I. Gibson	Assemblyman Marvin L. White
Senator Archie Pozzi, Jr.	Assemblyman James E. Wood

FILE NUMBER 133

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to make a study of Nevada's fish and game laws and report to the next regular session of the legislature.

WHEREAS, Hunting and fishing are of great importance to the state, providing both recreation and relaxation, and are a basis for a large portion of its tourist industry; and

WHEREAS, It has been 20 years since any thorough study has been made of the laws regulating hunting and fishing; and

WHEREAS, There have been many amendments to the fish and game laws made in a piecemeal fashion; and

WHEREAS, There has been a large increase in the population of the state, development of new game management techniques and a general change in the conditions affecting hunting and fishing in the last 20 years; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to make a study of the laws affecting hunting and fishing, and report the results of such study and make recommendations for legislation to the 55th session of the legislature of the State of Nevada.

FILE NUMBER 89

SENATE CONCURRENT RESOLUTION—Inviting persons and organizations directly interested in the actions of the state board of fish and game commissioners to suggest a more effective composition of the board.

WHEREAS, It is the consensus of the legislature that the state board of fish and game commissioners would operate more efficiently and effectively if its composition were changed; and

WHEREAS, It would be to the benefit of the people of the State of Nevada if the composition of the board were changed; and

WHEREAS, The legislature can more adequately serve the people of the State of Nevada if it receives views concerning this matter that are representative of the majority of the persons and organizations directly affected by the actions of the board; and

WHEREAS, Such persons and organizations should be given an opportunity to be heard as to the composition of the board; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That all persons and organizations in the State of Nevada which have a direct interest in the actions of the state board of fish and game commissioners are hereby invited to consult with each other and suggest to the legislature a more effective size and composition of the board; and be it further

Resolved, That such suggestions should be submitted to the legislative commission on or before December 1, 1967; and be it further

Resolved, That copies of this resolution be prepared and forwarded by the legislative counsel to:

1. The Nevada Wildlife Federation;
 2. Each county game management board in the state;
 3. Each member of the state board of fish and game commissioners;
- and
4. Any other group of persons interested in fish and game management in this state which requests a copy.

Report of the Legislative Commission

TO THE MEMBERS OF THE 55th SESSION OF THE NEVADA LEGISLATURE:

Senate Concurrent Resolution No. 10 of the 1967 session of the legislature directed the Legislative Commission to make a study of the laws affecting hunting and fishing and report the results of such study and make recommendations for legislation to the 55th session of the legislature of the State of Nevada. By the provisions of Senate Concurrent Resolution No. 35 of the 1967 session all persons and organizations in the state having a direct interest in the actions of the State Board of Fish and Game Commissioners were invited to consult with each other and suggest to the legislature through the Legislative Commission by December 1, 1967, a more effective size and composition of the State Board of Fish and Game Commissioners.

In response to the mandates of the resolutions and subsequent to adjournment of the 1967 session, the Legislative Commission determined that it would conduct its study through a subcommittee. Appointed to serve on the subcommittee were:

Senator C. Clifton Young, Chairman
Reno, Nevada

Senator Vernon E. Bunker
Las Vegas, Nevada

Senator Warren L. Monroe
Elko, Nevada

Assemblyman Joseph E. Dini, Jr.
Yerington, Nevada

Assemblyman G. Joe Viani
Hawthorne, Nevada

Robert V. Broadbent, M.D.
Reno, Nevada

Mr. Mike Lemich
East Ely, Nevada

Mr. James R. Brunner
Winnemucca, Nevada

Mr. Donald O. Quilici
Lovelock, Nevada

Mr. Lawrence G. Gold
Carson City, Nevada

Mr. Ross E. Salter
Henderson, Nevada

Mr. Philip T. Gregory, Jr.
Las Vegas, Nevada

Mr. Arthur M. Smith
Las Vegas, Nevada

Mr. Frank Groves
Director of Fish and Game
Reno, Nevada

Mr. Bob Sorensen
Tonopah, Nevada

Mr. Wayne Kirch
Las Vegas, Nevada

Mr. James M. Toone
Reno, Nevada

The subcommittee encouraged the receipt of suggestions and did receive suggestions from interested persons and organizations pursuant to S.C.R. 35, and on September 5, 1968, the subcommittee presented its report to the Legislative Commission, which the commission accepted. That report follows.

The Legislative Commission wishes to acknowledge the constructive assistance given it by all members of the subcommittee. The

contributions of these men greatly aided the Legislative Commission and the subcommittee in their endeavors.

Respectfully submitted,

LEGISLATIVE COMMISSION
State of Nevada

Carson City, Nevada
September, 1968

REPORT OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
FOR STUDY OF FISH AND GAME LAWS

I. Introduction

Mindful of the fact that it has been more than 20 years since any thorough study has been made of the fish and game laws of this state, the subcommittee undertook a broad examination of Nevada's laws in the light of the rapidly increasing state population, the development of new game management techniques and the over-all change in the conditions affecting hunting and fishing.

At its first meeting, which was held in the State Capitol on January 13, 1968, the subcommittee determined to organize its study around the following pivotal topics:

1. History of the 17-man commission; advantages and disadvantages; effect of reapportionment;
2. Function of game management boards;
3. Staff organization; the "department" concept;
4. Financial needs, present and projected; federal aid; and
5. Conflicts and problems in statutes

At this first meeting it was also decided that "task force" meetings would be held throughout the state with sportsmen's organizations and service clubs to promote an understanding of the subcommittee's assignment and to enable the subcommittee to solicit and evaluate local opinion.

The results of the study and the subcommittee's recommendations for legislation are presented in this report, which has been arranged, as conformably as possible, under the topic headings that served as the study framework.

II. Commission

The state board of fish and game commissioners has been administering the fish and game laws of the state as a 17-man board since 1947. Administration has become increasingly difficult, in the opinion of the subcommittee, because of the ungainly approach a working, administrative commission must take to the day-by-day operation of an increasingly sophisticated fish and game management operation on a statewide basis. The responsibilities under the present law imposed on the several commissioners and on the state board as a whole are responsibilities which are coming to be realized in an increasing number of states as properly and more effectively placed in a fish and game department with full administrative powers. The commission is then able to function as it should, as a policymaking body, answerable, as it should be, to the appointing or electing authority for the quality of the day-by-day operation of the department by the director whom the commission appoints.

In its preparation for individual meetings around the state, the subcommittee distributed questionnaires inviting comment on matters covered by the subcommittee's topical study headings. One such question solicited opinions on the present commission arrangement. The responses to this question which were tabulated at the conclusion of the meetings indicated that sportsmen and interested members of the public, generally, favor a change from the present 17-man commission control.

Comparative studies made by the subcommittee indicate that commissions in other states studied are all fairly small groups. In six states closely comparable to Nevada-Utah, Arizona, New Mexico, Wyoming,

Colorado and Idaho - all but Colorado and Wyoming have five-man commissions.

The reapportionment, one-man-one-vote, issue was considered by the subcommittee as it might affect the constituency of the commission. The issue was brought into focus by Avery v. Midland County, Tex., a United States Supreme Court decision handed down April 1. The case extended the rule of one-man-one-vote to the election of officers of local government units having general governmental powers. While the subcommittee was advised that the commission was not, as a result of the decision and the present evolution of the rule, obliged to take reapportionment into account at the present time, the consensus has been to anticipate the probable, eventual impact of the rule and obviate its implication by choosing the appointive method of filling the board membership and by reducing its size.

Recommended legislation in this regard appears as a part of Exhibit III. In general, the provisions of the draft statute touching on this topic create a five-man commission, which shall be appointed by the governor and which must be bipartisan and representative of as many different counties. The powers and duties provided under the draft statute fall, for the most part, under five headings:

1. Policymaking;
2. Establishing of regulations, including the setting of seasons, bag limits and hours for hunting and fishing;
3. Entering into cooperative agreements with adjoining states;
4. Approving the biennial department budget; and
5. Appointing the director of the department.

III. Game Management Boards

The existence and present operation of the several game management boards present a kind of dual management system, which is unique to Nevada. While there was strong sentiment evident from the opinion collected around the state for the retention of such boards, there was also evident a general dissatisfaction with the impractical results and frequent contention arising from the less-than-satisfactory, present law governing the functions of the local boards. The fact of the matter is only seven counties have active boards.

From all that could be consulted on the subject, the subcommittee decided that the several county game management boards should be retained to advise the commission on matters pertaining to wildlife management within their respective counties. Additionally, it was decided that recommendations of the boards regarding seasons, bag limits and hours of hunting and fishing must be taken into consideration by the commission in its deliberation on this subject, preparatory to the establishment of regulations. This recommended legislation is attached to this report as a part of the draft statute marked Exhibit III.

IV. Department

The counterpart, in the majority of states which were compared to Nevada in this study, to the commission is the department. With the mounting pressure on administration traceable to population growth, laboratory findings, improved techniques and constantly multiplying threats to wildlife in our urbanized society, even in Nevada, relief has to be provided and efficiency and economy have to be sought. Again, from those responding to the questionnaires, it was discovered that the creation of a fish and game department is strongly favored among sportsmen and among those members of the public interested

enough to respond to the subcommittee's invitation to help it in its study.

Consideration was given to suggesting the placing of fish and game management in a department of natural resources, with parks and water resources. Correspondence directed to the director of the Bureau of Sports Fisheries and Wildlife in Washington, D.C., produced the picture of many such combinations in certain states. Many departments, however, have been created and remain as separate agencies. It may be of some interest to note that where interdepartmental arrangements are effected, care has to be exercised that federal funds are not lost thereby. The Dingell-Johnson and Pittman-Robertson acts prohibit the diversion of license fees paid by hunters or fishermen for any purpose other than the administration of the fish and game department.

The subcommittee feels that legislation recommended under this topic heading is essential to the overall management of the wildlife resources of this state. The draft statute marked as Exhibit III contains the provisions regarded as necessary to implement the department concept into our laws. Briefly, this concept finds expression in this statute, in the amendment of chapter 501 of NRS. There it is provided that the department shall be charged with the administration and enforcement of the fish and game laws and that the director shall be guided by commission policies. The director is charged with direction and supervision of all administrative and operational activities of the department.

V. Financial Needs

Basic questions in the contemplation of the financial support of the fish and game laws of this or any state are the importance of the preservation of the wildlife resources of the state and the manner in which the financial support burden should be distributed between the population as a whole and the active sportsmen. The present and long-range prospect is for ever-increasing costs to protect, maintain and improve the wildlife resources of Nevada if the first question is to be accorded an importance of any magnitude at all. As to the second question, in Nevada there are many times more non-game birds and animals than there are those designated as game species; yet the fish and game administration is obliged to stretch its funds to cover operations and management in this regard that produce no revenue but only consume the revenue largely produced by the presence of the sportsman in the wildlife habitat in Nevada.

The irrefutable fact faced by the subcommittee was the need for tightening the fee schedule and casting around for sources of additional revenue. The first order of business under this topic, then, appeared to be the raising of fees for licenses, permits and tags and the elimination of all exempt categories. There has been no increase in Nevada's basic resident license structure since 1957. The results of the recognition of this harsh reality and the considered response to it appear in a draft bill identified as Exhibit II. The provisions of this recommended legislation fall mainly under the amendments to NRS 502.240 and 502.250. The elimination of the exempt status presently accorded resident Indians of Nevada and resident servicemen who are home on leave will be found as a part of the general revision draft bill marked Exhibit I.

The corollary action prompted by the subcommittee's examination of the financial needs of the administration of the fish and game program in the state was the recommendation of a 6-cent increase in the excise tax on the importing, possessing, storing or selling of malt beverage liquor and the distribution of one-half the net receipts

from such tax to the fish and game fund. This proposed legislation appears as the draft bill identified as Exhibit IV. It has been estimated this increase in the tax, together with the proportionate distribution, might produce as much as \$300,000 annually for the fish and game fund.

There remain other aspects of the financial underwriting that will be studied further by the subcommittee and the results and recommendations presented in a report supplemental to this one. Time has not permitted a thorough analysis of this topic by the subcommittee. There is under consideration a proposal to impose an excise on fishing and hunting equipment and supplies. Also, consideration is being given to a proposed constitutional amendment, which would make it possible for the fish and game fund to be augmented by the diversion of fines for violation of laws relating to fish and game from educational purpose funds.

VI. Conflicts and Problems in Statutes

The need for a general revision of Title 45 (Fish and Game) of Nevada Revised Statutes has been made apparent to the subcommittee upon examination of the many obsolete and conflicting provisions presently contained in the Title. This need is due in part to the piecemeal fashion by which amendments have been made over the years and in part to the fact that accepted practices and techniques in wildlife management and fish and game law enforcement simply do not find adequate statutory support in Title 45 as currently in force.

To enumerate and explain the numerous amendments recommended would subject this report to justifiable censure as being unduly prolix and, as well, would quite possibly lead to the error of omitting some important amendment or the explanation thereof. It is sufficient to point out that the amendments, appearing as:

1. Changes in text;
2. Additions to chapters of NRS; and
3. Repeals

are set out in a draft bill appended as Exhibit I.

The draft bill presents the amendments in an arrangement of sections, commencing with those contained in chapter 501 of NRS and carrying through to chapter 505 of NRS. The subcommittee spent a considerable amount of time considering the amendments here presented, devoting the major portion of its Las Vegas and Sparks-Reno meetings to this task. Throughout the draft bill occur amendments which are largely self-explanatory. Some amendments may be understood as necessary to the achievement of consistency with other proposed amendatory action in the Title.

An attempt has been made to clarify and simplify where possible. This accounts for a number of repealed sections. Many amendments accomplish nothing more than the consistent use of the word "wildlife", for instance. Throughout the bill an effort has been made to consolidate related but separately expressed provisions of existing law.

VII. General Observations

Backing this report is the work of the subcommittee arrayed over a considerable spectrum of endeavor.

Communications were exchanged with such organizations as the Bureau of Sports, Fisheries and Wildlife, the National Wildlife Federation and the Wildlife Management Institute.

Comparative studies were made of the fish and game laws of certain, previously indicated, states.

Opinion was solicited throughout the state from those members of the general public regarded as most interested in and most conversant with the aims of this study. "Task force" groups from the subcommittee were led by its chairman to all counties of the state, except Esmeralda County. While it was not easy to gain any consensus on the topics under study, the subcommittee did succeed thereby in gaining valuable ideas and in so doing, imparted some idea throughout the state of the legislative problems and proposals for solution.

SUMMARY--Revises fish and game laws to reflect modern fish and game management. (BDR 45-6)

AN ACT revising certain fish and game laws; amending and repealing designated sections of chapters 501 to 505, inclusive, of NRS relating to fishing, hunting and trapping; eliminating obsolete and ambiguous provisions, incorporating modern fish and game management innovations and providing penalties; and providing other matters properly relating thereto.

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

Section 1. NRS 501.015 is hereby amended to read as follows:

501.015 As used in this Title, "closed season" means all periods [of time] except those designated as [open season.] "open season." During any such season it is unlawful to fish, to hunt game animals or game birds or to hunt or trap fur-bearing animals. There shall be no closed season on those species of fish, wild animals or wild birds classified as unprotected.

Sec. 2. NRS 501.030 is hereby amended to read as follows:

501.030 As used in this Title, the words "to fish" and their derivatives, "fishing" and "fished," mean [and include] catching, taking, capturing, killing, injuring [, gaffing, dip netting and] or crippling of fish [, and the pursuing, baiting and decoying of game fish with intent to catch, capture, kill, injure, gaff, dip net, or cripple the same,] and every attempt to [catch, capture, kill, injure, gaff, dip net, cripple, pursue, bait or decoy any game fish.] do so.

Sec. 3. NRS 501.035 is hereby amended to read as follows:

501.035 As used in this Title, "fur-bearing animal" means [and includes the marten or sable, fisher, beaver, wolverine, silver fox, red fox, muskrat, nutria, otter, mink and swift fox.] any animal so classified by commission regulation.

Sec. 4. NRS 501.040 is hereby amended to read as follows:

501.040 As used in this Title, "game animal" means [and includes the elk, antelope, deer, mountain sheep, mountain goat, black, brown

or grizzly bear, javelina, cottontail rabbit, pygmy rabbit, mountain hare, and all species of squirrels other than ground squirrels.] any animal so classified by commission regulation.

Sec. 5. NRS 501.045 is hereby amended to read as follows:

501.045 As used in this Title, "game fish" means [and includes steelhead and all other trout, charr, whitefish, salmon or landlocked salmon, large-mouth and small-mouth black bass, perch, frogs, and all varieties of sunfish, crappie, bluegill, calico bass and catfish. All other fish shall be deemed "coarse fish."] any fish so classified by commission regulation.

Sec. 6. NRS 501.050 is hereby amended to read as follows:

501.050 As used in this Title, the words "to hunt" and their derivatives, "hunting" and "hunted," mean [the search for or pursuit of] to search for, pursue or attract game animals or game birds for the purpose and with the means of capturing [and] , injuring or killing the same . [, and shall include the shooting, killing, capturing, wounding, injuring or crippling of game animals or game birds, and the pursuing, tracking, calling, baiting and decoying of such animals or birds with the intent to shoot, kill, capture, wound, injure or cripple the same, and the disturbing or worrying of game animals or game birds whether the same results in the shooting, killing, capturing, wounding, injuring or crippling or not, and every attempt to shoot, kill, capture, wound, injure, cripple, pursue, track, call, bait or decoy such game animals or game birds, and every act of assistance to any other person in shooting, killing, capturing, wounding, injuring, crippling, pursuing, tracking, calling, baiting or decoying game animals or game birds.]

Sec. 7. NRS 501.055 is hereby amended to read as follows:

501.055 As used in this Title, "migratory game birds" means [and includes the band-tailed pigeon, the mourning dove, the white-winged dove, the Anatidae or waterfowl, commonly known as geese, brant,

swans, river and diving ducks, the snipe, the rails and the coots.]
any birds so classified by commission regulation.

Sec. 8. NRS 501.065 is hereby amended to read as follows:

501.065 [As used in this Title, "open season" means that period of time designated by the county boards and the commission during which it shall be legal to take or attempt to take any species of game, fish, game bird, migratory game bird, game animal, or fur-bearing animal.] As used in this Title, "open season" means that period designated under the provisions of this Title during which it is legal to fish or to hunt game animals or game birds or to hunt or to trap fur-bearing animals. Such period includes the first day and last day designated. There shall be no open season on those species of wildlife classified as protected.

Sec. 9. NRS 501.090 is hereby amended to read as follows:

501.090 As used in this Title, the words "to trap" and their derivatives, "trapping" and "trapped," mean [and include the killing, catching, capturing, injuring, crippling, baiting, or decoying of any wild animal or bird, by means of any trap, net, snare, deadfall, or other device used or capable of being used for the purpose of killing, catching, capturing, injuring, crippling, baiting or decoying the same, and every attempt to kill, catch, capture, injure, cripple, bait or decoy any wild animal or bird by means of any such device, and every act of assistance to any person in killing, catching, capturing, injuring, crippling, baiting or decoying any wild animal or bird by means of any such device.] to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wild animal or wild bird.

Sec. 10. NRS 501.095 is hereby amended to read as follows:

501.095 As used in this Title, "upland game birds" means [and includes the sagehen and sagecock and all other grouse, wild turkey, all pheasants, bobwhite quail, mountain quail, valley quail, Gambel quail and all other quail, and Hungarian, chukar and all other partridge.] any birds so classified by commission regulation.

Sec. 11. NRS 501.100 is hereby amended to read as follows:

501.100 [Wild animals, wild birds and fish] 1. Wildlife in this state not domesticated and in [their] its natural habitat [are] is part of the natural resources belonging to the people of the State of Nevada.

2. The preservation, protection, management and restoration of wildlife within the state contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

3. No right, title, interest or property in such wildlife can be acquired or transferred, nor can any possession be established or maintained, except as expressly provided by law.

Sec. 12. NRS 501.105 is hereby amended to read as follows:

501.105 [The commission together with the county boards shall have jurisdiction to enforce the provisions of this Title and all laws relating to game animals, fur-bearing animals, game birds, nongame birds and fish.] 1. The commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife.

2. County boards may advise the commission on wildlife management needs peculiar to their respective counties.

Sec. 13. NRS 501.110 is hereby amended to read as follows:

501.110 1. For the purposes of this Title, [wild animals, wild birds and fish shall be classified as follows:

(a) Wild animals shall be classified as either game animals, fur-bearing animals, nongame animals or predatory animals.

(b) Wild birds shall be classified as either migratory game birds, upland game birds, predatory birds or nongame birds.

(c) Fish shall be classified as either game fish or coarse fish.

2.] wildlife shall be classified as follows:

(a) Wild animals, which shall be further classified as either game animals, fur-bearing animals, protected or unprotected animals.

(b) Wild birds, which shall be further classified as either game birds, protected birds or unprotected birds. Game birds shall be further classified as upland game birds or migratory game birds.

(c) Fish, which shall be further classified as either game fish or protected fish or unprotected fish.

(d) Reptiles, which shall be further classified as either protected reptiles or unprotected reptiles.

(e) Amphibians, which shall be further classified as either game amphibians, protected amphibians or unprotected amphibians.

2. Each species of wildlife shall be placed in a classification by commission regulation and, when it is in the public interest to do so, species may be moved from one classification to another, in accordance with the procedure set by chapter 233B of NRS.

3. Whenever it is in the public interest to do so, and upon reasonable public notice, the commission may add to or take from any of the appropriate classifications any animal, bird or fish.

Sec. 14. NRS 501.155 is hereby amended to read as follows:

501.155 1. Each 2 years after July 1, 1947, the commission shall meet and organize by the election of an executive board of five members from the membership of the commission. [One member of the executive board shall be elected from each of the five districts as defined in NRS 501.335.]

2. The executive board shall elect one member of the executive board as chairman, and one member of the executive board as secretary. The chairman and secretary shall act as chairman and secretary, respectively, of the commission.

Sec. 15. NRS 501.355 is hereby amended to read as follows:

501.355 1. [A member of the commission, every fish or] Every game warden throughout the state, and every sheriff and constable in his respective county is authorized and required to enforce this Title and to seize any [game or fish] wildlife taken or held in possession in violation of this Title.

2. Such officer shall have full power and authority:

(a) With or without a warrant, to open, enter or examine [all camps, wagons, cars, automobiles, stages, tents, packs, warehouses, stores, outhouses, stables, barns and other places, boxes, barrels, baskets and packages] any camp, structure, aircraft, boat, vehicle, box, game bag or other package where he has reason to believe any [fish or game] wildlife taken or held in violation of any of the provisions of this Title is [or are] to be found, and to seize the same.

(b) To seize and hold for evidence only any [fish or game] wildlife so found and any guns, ammunition, traps, snares, tackle and other illegal devices or equipment, when it appears that a violation of this Title has occurred.

3. A dwelling house actually occupied can be entered for examination only in pursuance of a warrant.

Sec. 16. NRS 501.365 is hereby amended to read as follows:

501.365 1. Upon a second conviction within 5 years of a violation of the provisions of this Title, in addition to the penalty provided for such violation, the court:

(a) Shall require the surrender of all licenses issued under the provisions of this Title and held by the convicted person; and

(b) May recommend to the commission that no license be issued to such person for any period not to exceed 2 years from the date of such conviction.

Upon receipt of any recommendation from the court as provided in paragraph (b), the commission may refuse to issue any license to the convicted person during the period recommended by the court.

2. In addition to the penalty provided for the violation of any of the provisions of this Title, the court may cause to be confiscated all [wild animals, wild birds or fish] wildlife taken or possessed by the violator, and may, in its discretion, confiscate any fishing , trapping or hunting equipment used in any unlawful taking of [fish and game.] wildlife. All confiscated [fish and game shall be placed

in the hands of the county board of the county in which the conviction is had for disposal to the needy or for destruction, or the commission, through its bona fide employees, may so dispose of confiscated fish or game or salvaged fish and game to the needy or by destruction, if unfit for human consumption.] wildlife shall be disposed of as directed by the court.

3. Notwithstanding the prior conviction requirement provided in subsection 1, the court may, in its discretion, require the surrender of all licenses issued under the provisions of this Title and held by the convicted person whether or not there has been a prior conviction within 5 years of a violation of the provisions of this Title.

Sec. 17. NRS 501.370 is hereby amended to read as follows:

501.370 1. Whenever any fishing , trapping or hunting equipment used in any unlawful taking of [fish or game] wildlife is, in the discretion of the justice of the peace or other judicial officer having jurisdiction, confiscated, the same shall be kept under the control of the court until July 1 or December 31 next following and then sold at public auction sale to the highest bidder by the justice of the peace or other judicial officer.

2. Before any such sale, notice of the time and place thereof shall be given by publication in a newspaper published nearest to the place of sale and by posting three notices, one at the courtroom of the court and the others in conspicuous public places. Such notices shall be published at least once and posted at a time no less than 10 days before the date of sale.

3. The proceeds of such sales shall be subject to the constitutional provisions respecting fines and forfeitures.

4. Any person of lawful age and not an alien may purchase any such equipment, whether a prior owner or not.

5. Equipment seized as evidence in accordance with NRS 501.355 and not recovered by the owner within 1 year from the date of seizure may be disposed of as confiscated equipment.

Sec. 18. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 25, inclusive, of this act.

Sec. 19. As used in this Title, "chumming" means the placing in the water of fish, parts of fish or other material upon which fish feed, for the purpose of attracting fish to a particular area in order that they may be taken.

Sec. 20. As used in this Title, "department" means the Nevada department of fish and game.

Sec. 21. As used in this Title, "director" means the director of the Nevada department of fish and game.

Sec. 22. As used in this Title, "game warden" means any person authorized by the director to enforce the provisions of this Title and of chapter 488 of NRS.

Sec. 23. As used in this Title, "person" means an individual, partnership, firm, corporation, association or other entity.

Sec. 24. As used in this Title, "wildlife" means any wild animal, wild bird, fish, reptile or amphibian found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

Sec. 25. It is unlawful to remove, tamper with or alter any evidence identification tag placed on wildlife or on any equipment seized as evidence for the violation of any provision of this Title.

Sec. 26. NRS 502.010 is hereby amended to read as follows:

502.010 1. Every person who hunts any of the wild birds or animals, traps any of the fur-bearing animals, or who fishes without having first procured a license or permit therefor, as provided in this Title, shall be guilty of a misdemeanor; provided:

(a) No license to hunt or fish shall be required of residents of this state who have not yet attained their 12th birthday, unless required for the issuance of game [or bird] tags as prescribed by the laws of the State of Nevada or by the regulations of the commission.

(b) No license to fish shall be required of nonresidents of this state who have not yet attained their 12th birthday, but the number of fish taken by such nonresidents shall not exceed 50 percent of the daily creel and possession limits as provided by law.

(c) It [shall be] is unlawful for any child who has not yet attained his 14th birthday to hunt any of the wild birds or animals with any firearm, unless such child is accompanied at all times by an adult person licensed to hunt . [or fish.]

(d) No child under 12 years of age, whether accompanied by a qualified person or not, shall hunt big game in the State of Nevada.

2. This section shall not apply to the protection of persons or property from [predatory] unprotected wild birds or animals on or in the immediate vicinity of home or ranch premises.

Sec. 27. NRS 502.020 is hereby amended to read as follows:

502.020 The [commission] department shall prepare the licenses for hunting, fishing and trapping, and shall deliver such licenses to agents designated by the commission for sale to the public.

Sec. 28. NRS 502.030 is hereby amended to read as follows:

502.030 [1.] Licenses granting the privilege to hunt, fish or trap during the open season as provided in this Title shall be of such form as is deemed necessary by the [commission,] department, but must include the following information:

[(a)] 1. The holder's name, address and description.

[(b)] 2. The date issued.

[(c)] 3. The expiration date thereof.

[(d)] 4. The correct designation as to whether a fishing, hunting or trapping license.

[(e)] 5. A statement to be signed by the holder: "I, the holder of this license, hereby state that I am entitled to this license under the laws of the State of Nevada and that no false statement has been made by me to obtain this license and that I further agree to exhibit

this license, upon demand, to any officer authorized to enforce the fish and game laws of this state and to abide by the laws made and provided for the protection of fish and game within the State of Nevada."

[2. Except as otherwise provided by law, no license shall be issued for a period longer than 1 year.]

Sec. 29. NRS 502.035 is hereby amended to read as follows:

502.035 Licenses and permits granting the privilege to hunt, fish or trap during the open season as provided in this Title shall be issued by the [commission,] department, upon payment of the fees required [by NRS 502.240.] under this Title.

Sec. 30. NRS 502.040 is hereby amended to read as follows:

502.040 1. The commission shall provide rules and regulations regarding the number of license agents to be designated in any locality, the standards to be met by license agents, the manner of remitting funds to the [commission,] department, and the manner of accounting for licenses received, issued, sold or returned.

2. A license agent designated by the [commission] department shall be responsible for the correct issuance of all licenses entrusted to him, and, so far as he is able to determine, that no licenses shall be issued upon the false statement of an applicant. Prior to issuing any license the license agent shall satisfy himself of the identity of the applicant and the place of his residence, and shall require of all applicants exhibition to him of proof of their identity and residence.

3. License agents shall be required to furnish bond to the [commission] department for the proper performance of their duties in such amounts as may be determined by the [commission.] department. Premiums for such bonds shall be paid [from the fish and game fund.] by the license agent, except in remote areas where the agency is established for the convenience of the commission, in which case the premium shall be paid from the fish and game fund.

4. At the time that license agents forward moneys collected to the commission they may retain the amount set by the commission for the sale of such licenses, which amount shall not exceed 5 percent of the funds collected nor more than 25 cents per license in any instance.

5. A license agent is responsible to the [commission] department for the collection of the correct and required fee, for the safeguarding of the moneys collected by him, and for the prompt remission to the [commission] department for deposit in the state treasury of all moneys collected. The [commission] department shall furnish to the license agent receipts for licenses or moneys returned to the [commission,] department, and shall require of the license agent that he deliver the [commission] department's receipt for any license received.

6. All moneys collected by a license agent shall be deemed to be public moneys of the State of Nevada and the state shall have a prior claim for the amount of license moneys due it upon all assets of the agent over all creditors, assignees or other claimants. The use of these moneys for private or business transactions shall be deemed to be a misuse of public funds and punishable under the laws provided.

Sec. 31. NRS 502.060 is hereby amended to read as follows:

502.060 1. Every person applying for and procuring a license, as provided in this chapter, shall give to the license agent his name and residence address, which information shall be entered by the license agent on the license and stub, together with a statement of the date of issuance [, the number of licenses issued to such person, and a description of such person by age, height, race, and color of the eyes and hair.] and a description of such person.

2. Any person who [shall make] makes any false statement [with regard to his place of residence or citizenship in applying for a hunter's, angler's or trapper's license shall be] or furnishes false information to obtain any license, tag or permit issued under the provisions of this Title is guilty of a misdemeanor.

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

Sec. 32. NRS 502.070 is hereby amended to read as follows:

502.070 1. The [commission is authorized and directed to] department shall issue to any member of the Armed Forces of the United States who has been assigned to permanent duty, as opposed to temporary or casual duty, within the State of Nevada all necessary hunting or fishing licenses, tags or permits for fishing [or for the hunting of wild game] , hunting or trapping in the State of Nevada. A like privilege shall be extended to spouses and dependents, under the age of 21, of such members of the Armed Forces. All such licenses, tags or permits shall be issued on the same terms and conditions and at the same costs as licenses, tags or permits are issued to Nevada residents.

2. The issuance of all such licenses, tags and permits shall be made by application upon a form provided for that purpose by the [commission.] department. The application shall include such proof of assignment to permanent duty within the State of Nevada as may be deemed necessary by the [commission] department to determine whether or not an applicant is actually so assigned.

[3. Any person who gives false information for the purpose of obtaining a license, tag or permit as provided in this section shall be guilty of a misdemeanor.]

Sec. 33. NRS 502.075 is hereby amended to read as follows:

502.075 The [commission] department shall issue to a blind person, as defined in subsection 2 of NRS 361.085, any license authorized to be issued by the [commission] department under the provisions of this chapter. Such license shall:

1. Authorize a person selected by the blind person to hunt or fish on his behalf if:

(a) The person selected is a resident of the State of Nevada and possesses a valid Nevada hunting or fishing license; and

(b) The blind person is in the company of or in the immediate area of the person selected.

2. Be issued pursuant and subject to regulations prescribed by the commission.

3. Contain the word "Blind" printed on the face of the license.

Sec. 34. NRS 502.077 is hereby amended to read as follows:

502.077 1. Notwithstanding any other provision of this Title, annually upon the payment of the fee prescribed by subsection 3, the [commission] department shall issue to the superintendent and medical director of the Nevada state hospital not to exceed 30 special fishing permit badges for use only by patients in the Nevada state hospital.

2. Such permit badges shall:

(a) During the time a patient is fishing, be worn conspicuously on the front of his outer garment.

(b) Authorize a patient to fish during the open season if in the company of an employee of the Nevada state hospital.

(c) Be issued pursuant and subject to regulations prescribed by the commission.

(d) Contain the initials "NSH" and the number of the permit printed on the face of the permit badge.

3. The superintendent and medical director of the Nevada state hospital shall pay, from the state hospital gift fund, an annual fee of \$1 for each permit badge issued by the [commission] department pursuant to this section.

4. It is unlawful for any person other than a patient in the Nevada state hospital to wear a permit badge issued by the [commission] department pursuant to this section.

Sec. 35. NRS 502.090 is hereby amended to read as follows:

502.090 All licenses issued as provided in this chapter shall be valid, and shall authorize the person to whom issued to hunt [game birds and animals, to trap fur-bearing animals, or to fish, only during the open seasons fixed therefor by law,] , to fish or to trap during open seasons only on and from the date of issuance of the license until the date of expiration printed thereon.

Sec. 36. NRS 502.120 is hereby amended to read as follows:

502.120 [Every person having licenses as provided in this chapter who while hunting, trapping or fishing refuses to exhibit such licenses or any fish, game or fur-bearing animals which he may have in his possession upon the demand of any officer authorized to enforce the fish and game laws of this state, or any other peace officer of the state, shall be guilty of a misdemeanor.]

1. Every person required to have a license as provided in this chapter who, while hunting, trapping or fishing, refuses to exhibit such license or any wildlife which he may have in his possession, upon the demand of any officer authorized to enforce the fish and game laws of this state, is guilty of a misdemeanor.

2. Every person required to have a license as provided in this chapter who, while hunting, trapping or fishing, fails to have such license in his possession is guilty of a misdemeanor.

Sec. 37. NRS 502.130 is hereby amended to read as follows:

502.130 1. In addition to the regular hunting licenses and trapping licenses provided for in this chapter, additional licenses, to be known as tags, shall be required to hunt any deer, elk, antelope, mountain sheep or bear.

2. Whenever it is determined by the commission that it is necessary for correct management, tags also may be required to hunt any other species of game [.] animals or fur-bearing animals.

Sec. 38. NRS 502.150 is hereby amended to read as follows:

502.150 1. Whenever tags are required for any species of game

[it shall be] animal or game bird, it is unlawful to have any of that species in possession without the tag attached thereto and such possession without an attached tag [shall be] is prima facie evidence that the game is illegally taken and possessed.

2. It [shall be] is unlawful to remove any tag from any bird or animal for reuse or to be in possession of excess tags or used tags.

3. Whenever tags are required for any species of fur-bearing animal, possession of a pelt of that species without the tag attached thereto is prima facie evidence that such pelt is illegally taken and possessed.

Sec. 39. NRS 502.160 is hereby amended to read as follows:

502.160 1. The [commission] department shall designate the form of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom issued. Each tag shall show the game for which it may be used, the year, and, whenever necessary, the district or area in which it may be used.

2. The commission may make any regulation necessary relative to the manner of using, attaching, filling out, punching, inspecting, validating or reporting such tags. It [shall be] is unlawful for any person to fail to abide by any such regulation.

Sec. 40. NRS 502.170 is hereby amended to read as follows:

502.170 Tags shall be issued only to holders of valid hunting licenses or trapping licenses and whenever the possession of tags [shall be] is a requisite to the hunting or trapping of any species, then the acquisition of a hunting license or trapping license shall be required, regardless of age.

Sec. 41. NRS 502.180 is hereby amended to read as follows:

502.180 Tags for hunting deer in regular season [(as apart from special seasons provided in NRS 503.100)] shall be issued to residents of the State of Nevada and may be used in any area in the state during such regular season, and may not be limited in number or to any

area, unless any district is designated a special season , [(under NRS 503.100),] in which instance the number of tags to be used in that district may be limited by the commission.

Sec. 42. NRS 502.210 is hereby amended to read as follows:

502.210 No duplicate tags shall be issued except:

1. Upon an affidavit by the applicant that a tag previously issued has been lost or destroyed and upon payment of a fee in an amount equal to the fee provided by law for initial issuance of such tag.

2. When any deer hunter [shall kill] kills a deer which he has reason to believe is diseased and unfit for human consumption, he must place his tag on the carcass in the manner provided by law or regulation, but, upon inspection of such carcass by a [duly authorized] game warden, such a hunter may be authorized by the warden to obtain a duplicate tag without charge [and shall be permitted to kill another deer] if the warden [shall have] has found by his inspection that the [first] deer killed was in fact diseased and unfit for human consumption.

Sec. 43. NRS 502.220 is hereby amended to read as follows:

502.220 Notwithstanding any other provision of this Title, hunting by nonresidents of this state for upland game birds or one or more species of such class may be limited by quota or forbidden [in the following circumstances and manner:

1. Whenever the county board shall find an excessive number of birds of the above class are likely to be taken under normal licensed hunting conditions in the current open season in its county, the county board may prevent the same in any respect as hereinafter enumerated:

- (a) The county board may provide that no normal hunting licenses may be issued to nonresidents.

- (b) The county board may provide that all nonresident hunting licenses shall specify that upland game birds or species thereof

specifically named may not be hunted by authority of the license.

2. After the county board adopts a plan under subsection 1, the plan shall be effective only after it is approved by the commission in writing. The state upland game bird license or permit shall designate the counties wherein hunting is forbidden and the species of upland game birds in such counties which cannot be hunted.] by the commission in any county, counties or in any portion of a county.

Sec. 44. NRS 503.010 is hereby amended to read as follows:

503.010 [Game animals, game birds and game fish shall not be chased, pursued, taken, hunted, trapped or fished for at such times or places or by such means or in such manner as will impair the supply thereof, or during any closed season, or by the use of aircraft or motor vehicles at any time.] 1. It is unlawful to molest, rally, stir up or drive any game animals or game birds with any aircraft, helicopter, motor-driven vehicle, motorboat or sailboat.

2. It is unlawful to shoot at any game animals or game birds from any aircraft, helicopter or motor-driven vehicle.

3. It is unlawful to spot or locate game animals or game birds with any kind of aircraft or helicopter and communicate this information by any means to a person on the ground for the purpose of hunting or trapping.

4. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when such cargo or passengers or both are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the federal or state government or by a county or municipal government or when such loading or unloading is done in the course of an emergency or search and rescue operation.

Sec. 45. NRS 503.030 is hereby amended to read as follows:

503.030 1. Except as otherwise provided in this section, it [shall be] is unlawful for any person to have in his control any [game bird, game animal or game fish] wildlife or any part thereof, the killing

of which is at any time prohibited, during the time when such killing is prohibited, and the possession of [same] such wildlife shall be prima facie evidence that it was the property of the state at the time it was caught, taken or killed in this state when the killing was unlawful, and that such taking or killing occurred in the closed season.

2. [Game and fish] Wildlife legally taken may be stored in the home of the owner after the end of the open season for hunting or fishing for [the same] it and may be stored in a public warehouse or commercial refrigerator locker under such rules as may be adopted by the commission, but in no case shall more than the amount designated by law as the legal possession limit be so kept or stored.

3. The commission is authorized to make rules requiring evidence of legal taking in this state, or legal taking under laws of the state where taken, to be provided in the case of [game or fish] wild-life kept or stored after the appropriate open season [shall end] ends in the form of tags, certificates or otherwise, if deemed necessary or convenient for the enforcement of this Title.

[4. The provisions of this section shall not apply to game or fish procured legally and served in dining cars operating in interstate commerce through this state.]

Sec. 46. NRS 503.035 is hereby amended to read as follows:

503.035 1. "Meat or game processor" as used in this section means any person, firm or corporation [who] that receives any game for the purpose of processing or storage or for the purposes of processing and storage.

2. Any meat or game processor who receives any game for the purpose of processing or storage may, within 90 days after the receipt thereof, if such game remains in the possession of such meat or game processor, dispose of such game to the [commission] department if the owner of such game has not paid such meat or game processor for the processing or storage thereof.

3. The [commission] department shall distribute such game to public charities on a fair and equitable basis.

4. No action may be commenced against such meat or game processor by the owner of such game after such game has been delivered to the [commission] department under the provisions of this section.

5. Nothing in this section deprives a meat or game processor of any remedy at law available to a creditor against a debtor for the recovery of any moneys or other legal consideration owing from the owner of the game to the meat or game processor for such processing or storage.

Sec. 47. NRS 503.040 is hereby amended to read as follows:

503.040 1. Except as provided in this section, it [shall be] is unlawful for any person at any time to transport or offer for transportation to any place outside of this state any game animal, game bird or game fish taken within this state.

2. [A permit may be acquired from the commission or its agents, the game wardens or deputies, under regulations, for the transportation to any point outside of the state of any of the protected fish, game birds or game animals under this Title which are not intended to be for sale, and in an amount not to exceed 1 day's limit in number.

3. When more than 1 day's limit is legally in possession under the terms of this Title or under federal regulations, the number of fish, animals or birds representing the legal possession limit may be shipped under a permit as provided in this section.] Any person who has legally taken any game animal, game bird or game fish within this state may use his hunting license or fishing license or game tag or stamp, when required, as a permit to transport one possession limit to points within or outside the state.

3. Any person who legally acquires ownership or custody of any game animal, game bird or game fish not taken by him through hunting or fishing may transport such animal, bird or fish within the state without a transportation permit if such shipment does not exceed one

possession limit and if such shipment is labeled with the name, address, number and class of license of the hunter or fisherman who legally took such animal, bird or fish and date taken, provided such animal, bird or fish is not required by law to be tagged. When tagged shipments are involved, a transportation permit is required as provided in this section.

4. Any other person who desires to transport any game animal, game fish or game bird to a point within or without the state may do so only under the authority of a transportation permit as provided in this section.

5. The department shall designate the form of the transportation permit and such permits shall be issued by any game warden or other such persons, establishments and agencies as may be specifically designated by the department. The person legally in possession of the game animals, game birds or game fish to be transported and the person transporting such fish and game must appear before the issuing agent to obtain a transportation permit. The permit shall describe the game animals, game birds or game fish to be transported and shall identify by name, address, license number and class the person who legally took such fish or game and by name and address the person transporting it. Whenever game animals, game birds or game fish are to be transported by the postal service or by common carrier, freight or express agency, such agency may be designated by name and need not appear as an applicant for the issuance of a permit.

6. Game animals, game birds or game fish transported to another person shall be deemed to be in the legal possession of the person making shipment until actual delivery is made.

7. Any package or container in which game birds, game animals or game fish are being transported by common carrier must have the name and address of the shipper and of the consignee and an accurate statement of the number and kinds of game birds, game animals or game fish contained therein clearly and conspicuously marked on the outside thereof.

8. The commission may limit the number of shipments by any one person in any one season of any kind of game bird, game animal or game fish.

Sec. 48. NRS 503.050 is hereby amended to read as follows:

503.050 [Any person who, at any time, leaves through carelessness, neglect or otherwise any game bird, game animal or game fish or an edible portion of the same to go to waste needlessly shall be guilty of a misdemeanor.] 1. It is unlawful for any person to cause through carelessness, neglect or otherwise any game bird, game animal or game fish or an edible portion thereof to go to waste needlessly.

2. It is unlawful for any person to capture or destroy any game animal, except a carnivore, and detach or remove from the carcass the head, hide, antlers, horns or tusks only and leave the carcass to waste.

Sec. 49. NRS 503.060 is hereby amended to read as follows:

503.060 1. The [commission] department is authorized to determine methods of obtaining necessary data from hunters and fishermen relative to their activities and success.

2. Such methods may include return of report forms attached to licenses and tags or questionnaires addressed to license holders.

3. It [shall be] is unlawful to fail to return any report form or questionnaire or to falsify any information requested. Failure to return such form or questionnaire or the submission of any false statement thereon may be cause to deny the person the right to acquire any license provided under this Title for a period of 2 years.

4. Any statement made on such report forms or questionnaires shall not be the basis for prosecution for any indicated violations of other sections of this Title.

Sec. 50. NRS 503.070 is hereby amended to read as follows:

503.070 1. [It shall be unlawful, except by the written consent and approval of the commission, for any person at any time to receive, or have brought or shipped into the State of Nevada, or remove

from one stream or body of water in this state to any other, or from one portion of the state to any other, any wild animals, wild birds, fish, or aquatic life, or the spawn, eggs or young of any of them.

2. The commission shall require an investigation by its personnel to determine if such introduction shall be detrimental. Written consent and approval of the commission shall be given only if the results of such investigation prove that such introduction or importation shall not be detrimental to existing wildlife.] It is unlawful, except by the written consent and approval of the department, for any person at any time to receive or have brought or shipped into the State of Nevada, or remove from one stream or body of water in this state to any other, or from one portion of the state to any other, or to any other state, any live aquatic life, live wildlife, spawn, eggs or young of any of them.

2. The department shall require an investigation to determine if such introduction will be detrimental. Written consent and approval of the department shall be given only if the results of such investigation prove that such introduction or importation will not be detrimental to existing wildlife.

3. It is unlawful for any person to bring, receive or have brought or shipped into the state, any live fish except those permitted by commission regulation.

4. The commission shall through appropriate regulation provide for the inspection of imported live fish and the inspection fees.

Sec. 51. NRS 503.090 is hereby amended to read as follows:

503.090 [1. It shall be] It is unlawful to hunt at any time during the year other than during an open [or regular] season [as may be] designated [for the respective counties] by the commission under the provisions of this Title.

[2. During such open season of each year it shall be unlawful to kill, catch, trap, wound or pursue with the intent to catch, trap, injure or destroy more than one deer except under rules prescribed by the commission as provided in this Title.]

Sec. 52. NRS 503.120 is hereby amended to read as follows:

503.120 1. [It shall be unlawful at any time to take or possess mountain sheep, goats, elk, antelope or deer except at the time and places and in the manner as may be hereafter provided by the commission.

2.] Open seasons as provided under this Title for [such] big game animals may designate the sex and age class or any obvious physical characteristic for the animals which may be taken.

[3.] 2. With regard to deer, a designation of "bucks only" [shall mean and include] means any deer with at least one branched antler, and a designation of "antlerless deer" [shall mean and include] means any deer with less than one branched antler. In the above designation, eye guards shall not be considered branches of the antler.

Sec. 53. NRS 503.135 is hereby amended to read as follows:

503.135 [No] It is unlawful for any person subject to the federal migratory bird hunting stamp tax [shall] to hunt any migratory waterfowl unless at the time of such hunting he carries on his person an unexpired federal migratory bird hunting stamp validated by his signature written by himself in ink across the face of the stamp prior to his hunting such birds. [Any person who violates the provisions of this section is guilty of a misdemeanor.]

Sec. 54. NRS 503.140 is hereby amended to read as follows:

503.140 1. It is unlawful for any person to [take any of the wild birds or wild game mentioned and protected in this Title] hunt game animals or game birds other than at the times of day which [shall be] are set for such [taking] hunting by the commission.

2. Where no time is set by the commission, it [shall be] is unlawful for any person at any time to [take any of the wild birds or wild game mentioned and protected in this Title] hunt game animals or game birds except between sunrise and sunset, the same to be considered according to Government time reports.

[3. Nothing in this section shall be construed to limit or restrict

the hours of hunting of migratory birds, which hours shall be those established by federal regulation governing the hunting of migratory birds, or as set by the commission.]

Sec. 55. NRS 503.150 is hereby amended to read as follows:

503.150 1. [Except as provided in subsection 2, it shall be unlawful for any person to hunt game animals with any revolver or self-loading pistol, or in any manner other than with gun or rifle, or bow and arrow, held in hand, but excluding the crossbow and bolt.

2. It is lawful for a person to hunt cottontail rabbits and pygmy rabbits with a revolver or self-loading pistol.

3. It shall be unlawful for any person to hunt, kill, capture or take, or attempt to hunt, kill, capture or take, any game bird or game animal by the use of or with the aid of any flashlight, spotlight, automobile headlight, lamp or other artificial light of any kind.] It is unlawful to hunt:

(a) Any game bird or game animal with any gun capable of firing more than one round with one continuous pull of the trigger, or with any full steel, full steel core, full metal jacket, tracer or incendiary bullet or shell, or any shotgun larger than number 10 gauge.

(b) Unless otherwise specified by commission regulation, big game animals in any manner other than with a rifle, held in the hand, that exerts at least 1,000 foot pounds of energy at 100 yards, or with a long bow and arrow which meet the specifications established by commission regulation.

(c) Small game animals in any manner other than with a handgun, shotgun, rifle, long bow and arrow or by means of falconry.

(d) Game birds with any rifle or handgun, or in any manner other than with a shotgun held in the hand, with a long bow and arrow or by means of falconry.

(e) Migratory game birds with any shotgun capable of holding more than three shells.

(f) Any game bird or game animal with the aid of any artificial light.

(g) Any big game animal, except mountain lions, with a dog of any breed.

2. Nothing in this section prohibits the use of dogs in the hunting of game birds or small game animals.

Sec. 56. NRS 503.200 is hereby amended to read as follows:

503.200 1. The [commission] department is empowered to authorize, under permit [,] and for such fee as may be provided in NRS 502.240, competitive field trials for hunting dogs or competitive field trials for falconry . [, and] The commission shall prescribe the rules and regulations to be followed by those in charge of such trials insofar as conduct of the field trials has any effect or bearing upon [the supply of game] wildlife and the laws of this state respecting closed and open seasons.

2. [The fee for a field trial permit shall not exceed \$1.

3.] For the purpose of permitting such field trials the [commission] department may authorize shooting of legally acquired upland game birds during any closed season on the species of bird or birds to be hunted.

[4. Nothing in this Title shall be construed to make it unlawful to break, train or practice hunting dogs, or to hold field trials therefor, between August 1 and March 31, provided that native game birds are not killed, captured or injured thereby.

5.] 3. All legally acquired upland game birds used in a field trial or for the purpose of training hunting dogs and for falconry training shall be banded with legbands by the person in charge of such field trial or training. Such birds shall only be released in an area first approved by [a representative of the commission,] the department, after which the [commission] department shall authorize, under permit and under such rules and regulations as the commission may prescribe, the releasing of such legally acquired upland game birds for the foregoing purposes.

[6.] 4. All birds killed under the provisions of this section must

be accompanied by a receipt, giving the permit number, the date, the name of the person in possession, and signed by the permitholder. Birds killed and accompanied by a receipt under the provisions of this section may be legally possessed.

Sec. 57. NRS 503.220 is hereby amended to read as follows:

503.220 It is unlawful for any person to sell, or expose for sale, to barter, trade or purchase, or attempt to sell, barter, trade or purchase, any [deer meat or any species of game animals, or any migratory birds or any other game birds protected by the provisions of this Title.] species of game animals or game birds or parts thereof, except as provided in this Title. The importation and sale of game animals or game birds or parts thereof is not prohibited, provided such importation is from licensed commercial game breeders or processors outside the state.

Sec. 58. NRS 503.240 is hereby amended to read as follows:

503.240 1. It [shall be] is unlawful for any person [to shoot or discharge firearms or] to hunt or to trap upon or within any enclosed grounds which are private property and where signs are displayed forbidding [such] hunting or shooting, without permission obtained from the owner or person in possession of such enclosed grounds.

2. [Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.] Any person using such property for hunting or trapping purposes shall comply with the provisions of NRS 207.220.

Sec. 59. NRS 503.260 is hereby amended to read as follows:

503.260 It is unlawful for any person maliciously to tear down, mutilate or destroy any sign, signboard or other notice forbidding hunting or shooting within an enclosure [.] which has been erected either by a landowner or by the department.

Sec. 60 NRS 503.270 is hereby amended to read as follows:

503.270 1. [Except as provided in subsection 2, it shall be] It is unlawful for any person to fish in or from any of the waters of the

State of Nevada except during the open season [, or on any calendar day before 1 hour before sunrise or later than 2 hours after sunset.] as designated by the commission under the provisions of this Title.

2. The commission may by regulation allow fishing for any [one or more] species of [game] fish during [the hours between sunset and sunrise when fishing is otherwise prohibited by subsection 1.] any hour of the day or night.

Sec. 61. NRS 503.290 is hereby amended to read as follows:

503.290 1. Except as provided in subsection 2, it [shall be] is unlawful for any person to fish in or from any of the waters of the State of Nevada for any fish of any species whatever [with any seine, net, spear, setline, set hooks, grabhooks, trotline or snagline, or in any manner known as snagging, or with any weir fence, trap, giant powder, or any other explosive compound, or] in any manner other than with hook and line attached to a rod or reel closely attended in the manner known as angling. Only one combination of hook, line and rod shall be used by one person at any time.

2. [Carp or other coarse] Unprotected fish may be taken by [seine or by other] methods authorized by commission regulation. Frogs may be taken by spear, bow and arrow, hook and line or by other methods authorized by commission regulation.

3. As used in this section, the word "hook" shall be deemed to include not more than three baited hooks, nor more than three fly hooks, or not more than two plugs or similar lures. No more than two such plugs or lures, irrespective of the number of hooks or attractor blades attached thereto, shall be attached to the line. [Only one such combination of hook, line and rod shall be used by one person at any time.]

Sec. 62. NRS 503.300 is hereby amended to read as follows:

503.300 1. The commission may prescribe by regulation the types of bait [which] and methods by which it may or may not be used in any designated water. It [shall be] is unlawful for any person to use any bait prohibited by regulation.

2. The commission may by regulation control the practice known as churning.

Sec. 63. NRS 503.310 is hereby amended to read as follows:

503.310 1. The commission is empowered to regulate or prohibit the use of live bait in fishing to the end that no undesirable species of fish intentionally or unintentionally may be introduced into the public waters of this state.

2. Any person engaged in the sale, capture, transportation or propagation of fish for bait shall first obtain a permit from the [commission. The commission may charge a reasonable fee not to exceed \$10 for each permit.] department for such fee as may be provided in NRS 502.240. Such permit may be revoked for any violation of regulations.

3. The commission may prescribe the species of fish which may be taken, held or sold by the permittee.

Sec. 64. NRS 503.330 is hereby amended to read as follows:

503.330 1. [Except as provided in this Title, it shall be unlawful for any person in the State of Nevada to buy, sell, offer, or expose for sale any variety of game fish at any period of the year.] It is unlawful for any person to sell, or expose for sale, to barter, trade or purchase, or attempt to sell, barter, trade or purchase any species of game fish or parts thereof, except as provided in this Title.

2. Nothing in this section shall be so construed as to prohibit the importation and sale [at any time of salt water fish that shall have come from outside of the State of Nevada.] of game fish or parts thereof from processors or fish hatcheries outside the state or the importation and sale of salt water fish.

Sec. 65. NRS 503.360 is hereby amended to read as follows:

503.360 1. It [shall be] is unlawful for any person at any time to take, catch or carry away from any state [or county] hatchery, or from any waters set aside or used for the purpose of rearing or growing fish for transplanting by the state or by any county within the state, any such fish so being reared or grown.

2. Nothing in this section shall be so construed as to prohibit

the employees of any state [or county] hatchery from handling, at any time, all such fish, as may be required in the propagation, care and distribution of such fish.

Sec. 66. NRS 503.380 is hereby amended to read as follows:

503.380 The [commission] department is authorized to take or to permit the commercial taking of [minor or] unprotected fish from the waters of the state by [seine or any trapping device for the purpose of revenue for the propagation of fish and game within this state.] any device approved by commission regulation. The commission shall fix a price to be paid for each fish so taken from the waters of this state. [All moneys received therefrom shall be paid into the state treasury to the credit of the fish and game fund by the person or persons so permitted to take the fish.]

Sec. 67. NRS 503.400 is hereby amended to read as follows:

503.400 1. Every person who has erected, or who may hereafter erect, any dams, water weirs or other obstructions to the free passage of fish in the rivers, streams, lakes, or other waters of the State of Nevada shall construct and keep in repair to the satisfaction of the [commission] department fishways or fish ladders at all such dams, water weirs or other obstructions so that at all seasons of the year fish may ascend above such dams, water weirs or other obstructions to deposit their spawn.

2. Every person so placing, controlling or owning any such obstruction who [shall fail] fails to comply with the provisions of this section after having been notified in writing so to do by the [commission,] department, and every person who [shall] at any time willfully or knowingly [destroy, injure or obstruct] destroys, injures or obstructs any fishway or fish ladder which is required by law [, shall be] is guilty of a misdemeanor.

3. If, in the opinion of the department, a fish ladder is impractical, due to the height of the dam or to any other factor, a minimum pool of water shall be maintained at such dam by such

person in order to support, in the discretion of the department,
the fish life normally contained in such waters before the obstruc-
tion was erected and taking into consideration, at any given time,
the seasonal flow characteristics of such waters.

Sec. 68. NRS 503.420 is hereby amended to read as follows:

503.420 1. Any person, firm or corporation owning in whole or in part any canal, ditch or any artificial watercourse, taking or receiving its waters from any river, creek or lake in which fish have been placed or may exist, shall place or cause to be placed, and such persons shall maintain at the intake or inlet of such canal, ditch or watercourse, a grating, screen or other device, either stationary or operated mechanically, of such construction, fineness, strength and quality as shall be designated by the [commission,] department, to prevent any fish from entering such canal, ditch or watercourse.

2. If such person, firm or corporation, after due notice from the [commission, shall fail] department, fails to install or maintain such grating, screen or device, the commission is authorized to [, and may,] enter upon lands adjacent to the inlet of such canal, ditch or watercourse, and may install therein, and thereafter maintain, such grating, screen or device as in the discretion of the [commission] department is proper.

3. It [shall be] is unlawful for any person or persons, except a [duly appointed fish and] game warden , [and duly authorized deputies,] to remove, tamper with, destroy or in any way molest such screens when the same have been installed.

Sec. 69. NRS 503.440 is hereby amended to read as follows:

503.440 [1. Except as provided in subsections 2 and 3, it shall be unlawful for any person to hunt, trap, or attempt to trap any fur-bearing animals protected by the provisions of this Title, except between November 1 of any year and March 15 of the following year, both dates included.

2. Fur-bearing animals injuring any property may be taken or killed at any time in any manner after a permit is first obtained from the commission.

3.] The commission, in its sole discretion, may set the open season for [muskrats] fur-bearing animals in any district in this state. An open season may be set after consideration of the market, the time such furs become prime, and other considerations deemed sufficient by the commission.

Sec. 70. NRS 503.470 is hereby amended to read as follows:

503.470 1. [Beaver and otter in the State of Nevada may not be taken in the open trapping season or at any other time except as provided in NRS 503.470 to 503.560, inclusive.] Fur-bearing animals injuring any property may be taken or killed at any time in any manner, provided a permit is first obtained from the department.

2. When the [commission shall have] department has determined from investigations or upon a petition signed by the owners of 25 percent of the land area in any irrigation district or the area served by a ditch company alleging that an excessive population of beaver or otter does exist or that beaver or otter are doing damage to lands, streams, ditches, roads or water control structures, the [commission] department shall remove such excess or depredating beaver or otter . [by the following three methods:

(a) By live trapping such beaver or otter and removing them to other areas.

(b) By the employment of trappers to trap such beaver or otter and to retain and sell the pelts therefrom, the proceeds of sale being deposited in the fish and game fund.

(c) Authorize the taking, trapping or killing of beaver or otter by providing for the issuance of special beaver tags to trappers in the order in which they may apply for such tags, except that the landowners shall be given preference in the taking of beaver and otter from his own land. No charge shall be made for such tags.

Any such trapper or hunter shall not trap on private land except by written permission of the owner.

3. Whenever the commission determines that the excessive beaver or otter population has been reduced sufficiently so that the probability of damage no longer exists, it shall cease issuing permits, cancel outstanding permits and discontinue the other methods of removing the beavers or otters as required by subsection 2 of this section.]

Sec. 71. NRS 503.540 is hereby amended to read as follows:

503.540 Whenever the [commission shall have determined] department determines that beaver or otter are doing damage [as specified in NRS 503.470 to 503.560, inclusive, and the commission shall determine] and that it will be necessary to remove beaver or otter from the land of a person to protect the lands of another landowner, the [commission] department shall not be prevented from taking such beaver or otter by the refusal of the landowner to allow the [commission] department employees to enter upon his land. The [commission] department is authorized [and empowered] to enter upon the lands of such owner and remove beaver or otter [in the manner authorized in paragraph (b) of subsection 2 of NRS 503.470] for the relief of other landowners and the protection of the public welfare.

Sec. 72. NRS 503.570 is hereby amended to read as follows:

503.570 [1.] Every person taking or causing to be taken wild animals by means of traps, snares or any other device used in the trapping or taking of wild animals that do not, or are not designed to, cause immediate death to such animals, shall, when any such traps, snares or devices are placed or set for the purpose of taking such animals, visit or cause to be visited at least once each week [,] each such trap, snare or other device during all of the time any such trap, snare or device is placed, set or used in the taking of wild animals, and remove therefrom any and all animals caught therein.

[2. Any person violating the provisions of this section shall be guilty of a misdemeanor.]

Sec. 73. NRS 503.580 is hereby amended to read as follows:

503.580 1. For the purposes of this section, [a public road or highway shall mean:] "public road or highway" means:

(a) Highways designated as United States highways.

(b) Highways designated as state highways pursuant to the provisions of NRS 408.285.

(c) Main county roads as defined by paragraph (a) of subsection 1 of NRS 403.170.

2. It [shall be] is unlawful for any person, company or corporation to place or set any steel trap, used for the purpose of trapping animals, larger than a No. 1 Newhouse trap, within 200 feet of any public road or highway within this state.

3. This section shall not be construed so as to prevent the placing or setting of any steel trap inside, along or near a fence which may be situated less than 200 feet from any public road or highway upon privately owned lands.

[4. Any person violating the provisions of this section shall be guilty of a misdemeanor.]

Sec. 74. NRS 503.590 is hereby amended to read as follows:

503.590 1. Except as provided in this section, it [shall be] is unlawful for any person, firm, partnership or corporation to maintain any zoo, menagerie or display of live wild animals, wild birds or reptiles, either native or exotic, or to exhibit as a zoo, menagerie or display any living wild animals, wild birds or reptiles, whether for compensation or otherwise.

2. Any municipal corporation, political subdivision, agency or department of the State of Nevada may apply to the commission for permission to maintain and operate a zoo, menagerie or display of wild animals, wild birds or reptiles, setting forth such matters as may be required by the commission. Upon approval of the application, the applicant may maintain and conduct such zoo,

menagerie or display of wild animals, wild birds or reptiles.

3. Any individual may maintain a private collection of legally obtained live wild animals, wild birds and reptiles if such collection is not maintained for public display nor as a part of or adjunct to any commercial establishment. The commission may promulgate regulations governing the maintenance of wild animals, wild birds and reptiles in captivity and may require the registration of such wildlife. If such regulations are adopted and published, no person, firm, partnership or corporation may capture or maintain a private collection of any wild animals, wild birds or reptiles except in compliance with such regulations.

4. Any person, firm, partnership or corporation may apply to the commission for a license to maintain a permanently located trained animal act for public display if such act is under the supervision and control of a competent animal trainer. The [commission] department shall in its discretion determine whether an animal collection qualifies for a license under this subsection. [A license issued pursuant to this subsection is valid during the calendar year for which it is issued.] The [commission] department may charge a fee for such license which shall not exceed \$10.

5. This section shall not apply to any regularly organized traveling circus, menagerie or trained act of wild animals not permanently located within the State of Nevada or to pet stores, licensed by any city or county to sell wildlife, which display the species offered for sale.

[6. A violation of the provisions of this section shall be a misdemeanor.]

Sec. 75. NRS 503.610 is hereby amended to read as follows:

503.610 [It shall be] 1. Except as provided in subsection 2, it is unlawful for any person, firm, company, corporation or association to kill, destroy, wound, trap, injure, [keep in captivity,]

possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent the birds known as the American eagle and the golden eagle, or to take, injure , possess or destroy the nests or eggs of such birds.

2. The department may issue permits to take bald eagles or golden eagles whenever it determines that they have become seriously injurious to wildlife or agricultural or other interests in any particular area of the state and the injury complained of is substantial and can only be abated by taking some or all of the offending birds. The issuance of such permits shall be consistent with federal law pertaining to relief from degrading eagles.

Sec. 76. NRS 503.620 is hereby amended to read as follows:

503.620 [1. It shall be unlawful for any person to kill or destroy the eggs of any wild canary, wren, linnet, thrush, robin, bluebird, oriole, hummingbird, meadowlark, snowbird, or other songbird, plume or insectivorous bird.

2. This section shall not apply to English sparrows, the killing of which is authorized.] Except as provided by this Title, it is unlawful for any person to hunt or possess any dead or alive birds, nests of birds or eggs of birds protected by that certain Act of Congress commonly known and referred to as the Migratory Bird Treaty Act of July 3, 1918, as amended, 16 U.S.C. § 703 et seq., and by commission regulation.

Sec. 77. NRS 503.650 is hereby amended to read as follows:

503.650 Nothing in this Title shall:

1. Be so construed as to prohibit any person, upon the written permit of the [commission,] department, from taking or killing any species of [bird, fowl or animal,] wildlife, or collecting the nest and eggs thereof, for strictly scientific purposes or for propagation, the number of birds or animals to be limited by the [commission.] department.

2. Prevent shipping into any other county or state, under a

written permit issued by the [commission,] department, any bird or animal for scientific purposes or for propagation.

Sec. 78. Chapter 503 of NRS is hereby amended by adding thereto the provisions set forth as sections 79 to 83, inclusive, of this act.

Sec. 79. 1. Any commercial preservation facility, including any cold storage locker, trailer or walk-in facility offered by any commercial enterprise as a service to its customers or as an attraction to that enterprise, receiving, possessing or having in custody any game animals, game birds or game fish shall maintain accurate records showing the numbers and kind of such wildlife, the dates received and disposed of, and the names and addresses of the persons from whom such wildlife were received and to whom such wildlife were delivered.

2. Any person authorized to enforce this Title may enter such facilities at all reasonable hours and inspect the records, premises and operations.

3. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of 1 year following the end of the open season on such wildlife received.

Sec. 80. It is unlawful for any person to have in his possession any live game bird, game animal or fur-bearing animal unless he has secured the license required by NRS 504.230 or 504.240.

Sec. 81. 1. It is unlawful to carry a loaded rifle or loaded shotgun in any vehicle which is standing on or along, or is being driven on or along, any public highway or any other way open to the public.

2. A rifle or shotgun is loaded, for the purposes of this section, when there is an unexpended cartridge or shell in the firing chamber, but not when the only cartridges or shells are in the magazine.

3. The provisions of this section shall not apply to peace officers, game wardens or members of the armed forces of this

state or the United States while on duty or going to or returning from duty.

Sec. 82. It is unlawful for any person to discharge a firearm from, upon, over or across any federal highway, state highway or main county road.

Sec. 83. 1. Any person, agency, utility, corporation or company that diverts or obstructs the natural flow or that changes the bed, channel or bank of any river, stream or lake or uses any material from the stream or lake beds shall submit to the department a set of general plans for such project at least 60 days prior to the initiation of such project or construction. When an existing fishery resource may be adversely affected by such project, the department shall propose, prior to its approval of the project or construction, such reasonable modifications of such project as would allow for the protection and continuance of the fishery resource. Such proposals shall be submitted by the commission within 30 days of receipt of such plans, with provision that this time may be extended by mutual agreement.

2. Prior to any person's using any vacuum or suction dredge equipment in any river, stream or lake of this state, he shall submit an application to the department specifying the type and size of equipment to be used and its location. If the department determines that such operations will not be deleterious to fish it shall issue a permit to the applicant.

3. It is unlawful for any person to:

(a) Conduct such dredging operations without securing a permit;

(b) Operate any equipment other than that specified in the permit;

or

(c) Conduct such operation outside the area designated on the permit.

Sec. 84. NRS 504.140 is hereby amended to read as follows:

504.140 1. The [commission] department is authorized to enter

into agreements with landowners, individually or in groups, to establish [game] wildlife management areas and to make regulations necessary thereto for the purpose of providing greater areas for the public to hunt on private lands and to protect the landowner or lessee from damage due to trespass or excessive hunting pressure.

2. Such agreement shall provide that the [commission] department shall designate certain portions of the area as closed zones for the protection of livestock, buildings, persons and other properties.

3. The zones shall be posted conspicuously along all boundaries and it shall be unlawful to hunt fish or trespass therein or to hunt or fish on any cooperative area contrary to the regulations provided.

4. The agreement may designate the number of hunters or fishermen who may be admitted to the area, if such limitation is necessary or desirable.

Sec. 85. NRS 504.143 is hereby amended to read as follows:

504.143 1. [In the interpretation and application of this section, the public policy of this state is declared as follows:

(a) Wild animals, wild birds and fish in this state not domesticated and in their natural habitat are, by the provisions of NRS 501.100, declared to be part of the natural resources belonging to the people of the State of Nevada.

(b) The preservation, protection and restoration of wildlife within the state is an inseparable part of providing adequate recreation for our people in the interest of public welfare.

(c) It is the policy of this state to maintain in a state of high productivity those areas which can be most successfully used to sustain wildlife and which will provide adequate and suitable recreation.

(d)] To effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the state and in the maximum recreational advantages to the people of the state, the commission

has created and maintains state-owned wildlife management areas, and, in cooperation with the United States Fish and Wildlife Service, the Department of Interior and other federal agencies, has created and maintains other cooperative wildlife management areas.

2. [After due investigation, whenever the commission finds that it is necessary, in order to preserve, protect and restore the wildlife within any state-owned or other cooperative wildlife management area and to effectuate a coordinated and balanced program which will result in the maximum revival of wildlife in such areas, the commission may, by regulation:] The commission may permit hunting, fishing or trapping on or within, or access to the confines of, any lands or waters so created and maintained.

3. The commission may by regulation:

(a) Establish, extend, shorten or abolish open seasons and closed seasons [within such areas.] on such lands and waters.

(b) Establish, change or abolish bag and creel limits and possession limits [in such areas.] on such lands and waters.

(c) Prescribe the manner and the means of taking [wild animals, wild birds and fish in such areas.] wildlife on such lands and waters.

(d) Establish, change or abolish restrictions [in such areas] on such lands and waters based upon sex, maturity or other physical distinctions.

Sec. 86. NRS 504.150 is hereby amended to read as follows:

504.150 1. Any person may establish a [private] commercial fish hatchery for the artificial propagation, culture and maintenance of food fish [.] by making application to the department and by paying the annual license fee provided in NRS 502.240.

2. Any person lawfully conducting any such [private] commercial fish hatchery and engaged in the artificial propagation, culture and maintenance of fish, may take them in his own enclosed waters wherein the same are so cultivated and maintained at any time and for the purpose mentioned in this section and none other.

3. The products of such fish hatchery, fish spawn, fry and fish [,] may be sold at any time of the year by such hatchery, or its then vendees, after having first complied with the terms of this Title and the regulations of the commission in relation thereto.

4. No [private] commercial fish hatchery shall be established or maintained and no stream or natural body of water shall be enclosed or impounded in connection therewith to the detriment of fish naturally indigenous therein or planted or propagated therein at public expense.

5. The commission, in its sole discretion, shall, by regulations, enforce this section ; [and NRS 504.160.]

Sec. 87. NRS 504.170 is hereby amended to read as follows:

504.170 1. When the proprietor of any licensed fish hatchery [shall sell or dispose] sells or disposes of any fish as provided in this chapter, he shall, at the same time, attach thereto, or deliver to the purchaser or donee, an invoice signed by the proprietor or his agent, stating:

(a) The number of his license.
(b) The name of the hatchery.
(c) The date of disposition.
(d) The kind, and, as near as practicable, the weight and number of such fish.

(e) The name and address of the purchaser, consignee or donee.

2. [The invoice shall authorize transportation and use for 6 days after its date.] The invoice does not authorize the transportation of live fish.

3. The proprietor or his agent shall at the same time mail, postpaid, or otherwise deliver a duplicate of the invoice to the [commission] department at its principal place of business.

Sec. 88. NRS 504.210 is hereby amended to read as follows:

504.210 The proprietor of every [private] commercial fish hatchery licensed under [NRS 504.160,] this Title, whenever required by the commission, shall make and send to the [commission] department a

report showing, as near as practicable, the kind and number of fish added and disposed of during the year preceding and on hand at the date of the report.

Sec. 89. NRS 504.220 is hereby amended to read as follows:

504.220 1. Any person may establish a private breeding ground for the propagation, culture and maintenance of any game animal, game bird or fur-bearing animal.

2. Any person lawfully conducting any such private breeding ground and engaged in the propagation, culture and maintenance of such animals or birds may take them in his own enclosed grounds wherein the same are so cultivated and maintained at any time and for the purpose mentioned in [NRS 504.220 to 504.290, inclusive,] this chapter, and none other.

3. [The products of such breeding ground may be sold at any time of the year by such breeders, or their then vendees, after having first complied with the terms and conditions of this Title.] The commission may establish regulations covering the maintenance and operation of private and commercial breeding grounds.

Sec. 90. NRS 504.230 is hereby amended to read as follows:

504.230 1. Any person may establish a [private] noncommercial breeding ground for the propagation, culture and maintenance of any fur-bearing or game animal, or any game bird, and shall pay therefor [to the commission an annual license fee of \$1.] a license fee as provided in NRS 502.240.

2. The products of such noncommercial breeding ground shall not be sold . [, nor disposed of in any way other than for the immediate and personal use of the licensee.

3. Licenses issued pursuant to the provisions of this section shall be valid for the term of 1 year from July 1 through June 30.]

Sec. 91. NRS 504.240 is hereby amended to read as follows:

504.240 1. [Before the owner or proprietor of any private breeding ground shall be entitled to the benefits of NRS 504.220 to 504.290, inclusive, he shall:

(a) Make application to the commission, accompanied by an annual license fee of \$25, setting forth the place and location of the breeding ground, for approval by the commission.

(b) Receive the approval of the commission and a receipt with the license number thereon.

2. After approval by the commission and its receipt of the license fee of \$25 the breeding ground shall be deemed duly licensed.

3. All fees shall be placed to the credit of the fish and game fund.

4. Licenses issued pursuant to the provisions of this section shall be valid for the term of 1 year from July 1 through June 30.]
Any person may establish a commercial breeding ground for the propagation, culture and maintenance of any game animals, game birds or fur-bearing animals and pay therefor to the department a license fee as provided in NRS 502.240.

2. The products of such commercial breeding grounds may be sold or may be disposed of in accordance with commission regulations.

Sec. 92. NRS 504.250 is hereby amended to read as follows:

504.250 1. When the proprietor of any licensed commercial breeding ground [shall sell or dispose] sells or disposes of any animals or fowl as provided in this chapter, he shall, at the same time, attach thereto, or deliver to the purchaser or donee, an invoice signed by the proprietor or his agent, stating:

(a) The number of his license.

(b) The name of such breeding ground.

(c) The date of disposition.

(d) The kind and number of such animals or fowl.

(e) The name and address of the purchaser, consignee or donee.

2. The invoice shall authorize transportation and use after its date.

3. The proprietor or his agent shall at the same time mail, postpaid, or otherwise deliver, a duplicate of such invoice to the [commission.

4. No invoice shall be required in case of animals or fowl lawfully taken or killed in such private breeding ground during the open season therefor, and within the quantity provided by law while in the possession of the person killing the same during the open season and for 5 days thereafter.] department.

Sec. 93. NRS 504.260 is hereby amended to read as follows:

504.260 1. When any such animal or [fowl] bird for which an invoice is required is to be shipped by rail, express or other carrier, public or private, the invoice shall be securely attached thereto, or to the package containing the same, in plain sight, and the same may then be lawfully carried and delivered within this state to the consignee named in the invoice.

2. If such animals or [fowl] birds are held, exposed or offered for sale, or sold by the consignee, or kept in any hotel, restaurant, cafe or boardinghouse, such invoice shall be kept attached thereto until the same [shall have] have been prepared for consumption, or, in case of furs, until they have been made into a manufactured article.

3. In case of a sale or disposal of a part of such animal or [fowl,] bird, the vendor shall at the same time make a copy of such invoice and endorse thereon the date of sale, the number and kind of animals or [fowl] birds disposed of, and the name of the purchaser, and sign and deliver the same to the purchaser or donee, who shall keep it attached until the animals or [fowl] birds are prepared for consumption, or, in case of furs, made into a manufactured article, and the same shall have the same force and effect as the original invoice.

Sec. 94. NRS 504.270 is hereby amended to read as follows:

504.270 Any willful misstatement or any omission of a substantial requirement from any invoice or copy thereof shall render the same void and be deemed a violation of [NRS 504.220 to 504.290, inclusive,] this chapter, and the possession of such animals or [fowl shall be] birds is unlawful; and the possession of any such animals or [fowl] birds without such invoice or a copy thereof attached thereto, when so required, [shall be] is unlawful.

Sec. 95. NRS 504.280 is hereby amended to read as follows:

504.280 The proprietor of every private breeding ground licensed under [NRS 504.220 to 504.290, inclusive,] this chapter shall, whenever required by the commission, make and send to the commission a report showing, as near as practicable, the kind and number of the animals or [fowl] birds added and disposed of during the year preceding and on hand at the date of the invoice.

Sec. 96. NRS 504.291 is hereby amended to read as follows:

504.291 None of the provisions of [NRS 504.220 to 504.290, inclusive,] this chapter covering breeding grounds shall apply to any person in this state who is engaged in domesticated mink breeding activities or commercial mink farming.

Sec. 97. NRS 504.300 is hereby amended to read as follows:

504.300 Any person who owns or controls the shooting rights or privileges on an enclosed tract of land of not more than 5,000 acres may establish a commercial or private shooting preserve for the propagation, culture and maintenance of upland game [fowl.] birds pursuant to the provisions of this chapter and commission regulations.

Sec. 98. NRS 504.310 is hereby amended to read as follows:

504.310 1. Before being entitled to the benefits of [NRS 504.-300 to 504.380, inclusive, the owner or proprietor of] any commercial or private shooting preserve , the owner or proprietor thereof shall make application to the [county board of the county wherein the preserve is to be located.] department. The application shall set forth:

- (a) The name and location of the shooting preserve.
- (b) A legal description of the area included in the preserve.
- (c) A statement whether the preserve is to be a commercial or private preserve.
- (d) If the application is for a commercial shooting preserve, a statement of fees that are to be collected for the privilege of shooting on the preserve.

2. [If the county board approves the application, the owner or proprietor of the commercial or private shooting preserve shall thereafter make written application to the commission for a commercial or private shooting preserve license.

3.] If, after investigation, the [commission] department is satisfied that the tract is suitable for the purpose, and that the establishment of such a preserve will not conflict with the public interest, the [commission] department may issue a commercial or private shooting preserve license upon the payment of a license fee [of \$25 to the commission. The license fee shall be placed to the credit of the fish and game fund.

4. Such license shall be issued for the term of 1 year, from July 1 to June 30 of the following year.] as provided in NRS 502.-240.

Sec. 99. NRS 504.320 is hereby amended to read as follows:

504.320 1. Before any shooting may be done on such commercial or private shooting preserve, the licensee must advise the [commission,] department, in writing, of the number of each species of upland game bird reared, purchased or acquired for liberation, and request, and receive in writing, a shooting authorization which shall state the number of each species which may be taken by shooting.

2. Birds must be at least 8 weeks of age, full winged, and in a condition to go wild before liberation. Prior to release, all birds shall be banded with legbands, the specifications of which shall be

determined by commission regulation. Legbands shall remain with the birds and not be removed until the birds are utilized by the hunter.

3. The licensee, or with his written permit the holder thereof, may take such upland game [fowl] bird from such licensed preserve by shooting only, from August 1 to April 30, inclusive.

4. Permits to hunt on such licensed preserve may be used only on the date of issuance, and the hunter must carry the permit on his person at all times while on the area and while in possession of birds taken on such area.

Sec. 100. NRS 504.350 is hereby amended to read as follows:

504.350 1. No game bird taken in accordance with the provisions of NRS 504.300 to 504.380, inclusive, shall be removed from the licensed premises until the licensee or his agent [shall have] has attached thereto an invoice, signed by the licensee or his agent, stating:

- (a) The number of his license.
- (b) The name of the shooting preserve.
- (c) The date that the birds were killed.
- (d) The kind and number of such birds.
- (e) The name and address of the hunter killing such birds.

2. The invoice shall authorize transportation and use of the birds.

3. Within 1 week thereafter, the licensee or his agent shall mail, postpaid, a duplicate of the invoice to the [commission.] department.

Sec. 101. NRS 504.360 is hereby amended to read as follows:

504.360 Every licensee [under NRS 504.300 to 504.380, inclusive,] of a commercial or private shooting preserve under this chapter shall keep records and make an annual report to the [commission] depart-
ment of the number of birds released and the number of birds killed on the preserve. Such report shall be verified by the affidavit of the licensee or his agent. The record shall be continuous and kept on the premises described in the application for license, and

the licensee shall allow any [representative of the commission] person authorized to enforce the provisions of this Title to enter such premises and inspect his operations and records [.] at all reasonable hours.

Sec. 102. NRS 504.370 is hereby amended to read as follows:

504.370 1. The commission is authorized to prescribe rules and regulations for the operation and maintenance of commercial and private shooting preserves so as to provide for the manner of taking, possession and disposal of game birds therefrom, the kind and type of records to be kept by the licensee and the manner of enclosing and posting the licensed premises, not inconsistent with the provisions of NRS 504.300 to 504.380, inclusive.

2. No rules and regulations shall be prescribed by the commission fixing the daily bag limit on such birds.

[3. The rules and regulations prescribed under the provisions of subsection 1 shall have the same effect as if enacted by law.]

Sec. 103. NRS 504.390 is hereby amended to read as follows:

504.390 [For the purposes of NRS 504.390 to 504.420, inclusive, a commercial hunting or fishing camp, establishment or service shall consist of the furnishing by any person, persons, firm or corporation of any combination of the following things for a fee or charge: Horses, either saddle or pack, or both; boats; tackle; guides who direct or accompany the hunters or fishermen to hunting and fishing areas; or board and lodging as a direct adjunct to hunting or fishing.] 1. As used in this section, unless the context requires otherwise, "guide" means to assist another person or persons in hunting wild animals or wild birds and fishing and includes the transporting of another person or his equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Every person, firm, partnership or corporation which provides guide service for compensation or provides guide service as an

incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, shall obtain a master guide license from the commission.

3. Every employee of a person, firm, partnership or corporation, that is required to have a master guide license and acts as a guide in the course of his employment, shall obtain a subguide license from the commission.

4. Fees for master guide and subguide licenses shall be as provided in NRS 502.240.

5. Any person, firm, partnership or corporation which desires a master guide license shall make application for such license on a form prescribed and furnished by the department. The application shall contain the following information:

(a) The name, age and address of the applicant.

(b) The area or areas in which the applicant proposes to operate.

(c) The type or types of guiding or packing in which the applicant proposes to engage.

(d) The experience or knowledge which the applicant considers to qualify him to be a guide.

(e) The nature and amount of the equipment, vehicles, animals and other property which the applicant proposes to use in his operations.

(f) If the applicant proposes to furnish transportation, the location of the headquarters from which he proposes to operate.

(g) Such other information and matters as the department may require.

6. Any person who desires a subguide license shall make application for such license on a form prescribed and furnished by the department.

7. If the holder of a master guide license operates with pack or riding animals, he must also have a grazing or special use permit if he operates in any area where such a permit is required.

8. The holder of a master guide license shall maintain records of the number of hunters and fishermen served, and any other information which the department may require concerning fish and game taken by such persons. Such information shall be furnished to the department on request.

9. If any licensee under this section, or person served by such licensee, is convicted of a violation of any provision of this Title, the department may immediately revoke the license of the licensee and may refuse issuance of another license to the licensee for a period of 2 years from the date of the conviction.

Sec. 104. Chapter 504 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Any person may establish a private, noncommercial fishpond for the propagation, culture and maintenance of any game fish, upon application and payment to the department of an annual license fee as provided in NRS 502.240, provided:

(a) The location, plan and stocking of such pond are approved by the department; and

(b) No stream or natural body of water is enclosed or impounded in connection therewith.

2. The products of such noncommercial fishpond shall not be sold, and any fish disposed of from such pond shall be accompanied by a receipt from the person in charge of the pond. The receipt shall contain the name of the fishpond, date, license number, number of fish, species of fish, name of recipient and the name of the licensee.

3. The commission may establish regulations covering the maintenance and operation of a noncommercial fish hatchery.

Sec. 105. NRS 505.010 is hereby amended to read as follows:

505.010 1. Any person or persons, firm, company or corporation engaging in, carrying on, or conducting wholly or in part the business of buying or selling, trading or dealing, within the State of Nevada, in the skins or pelts of any [animal or animals,

designated by the laws of Nevada as fur-bearing or predatory animals] wild animal shall be deemed a fur dealer within the meaning of this chapter.

2. If such dealer resides in, or if his or its principal place of business is within, the State of Nevada, he or it shall be deemed a resident fur dealer.

3. All other fur dealers shall be deemed nonresident fur dealers.

Sec. 106. NRS 505.030 is hereby amended to read as follows:

505.030 1. [Except as provided in subsection 2, all fur dealers as defined in NRS 505.010 shall, before buying, selling or in any manner dealing in the skins or pelts of any fur-bearing or predatory animal within the State of Nevada, secure a fur dealer's license from the state board of fish and game commissioners.

2. No license shall be required for a hunter or trapper selling skins or pelts which he has lawfully taken, or for any person not a fur dealer who purchases any skins or pelts exclusively for his own use and not for sale.] The commission may, in the interest of proper management, require a fur dealer's permit. The fee for such permit shall be as provided in NRS 502.240.

2. The commission may, in its discretion, require such records and reports as are necessary for carrying out the provisions of this chapter.

Sec. 107. NRS 501.055, 501.057, 501.060, 501.070, 501.075, 501.-330, 501.335, 501.340, 501.345, 501.350, 501.353, 502.050, 502.065, 502.080, 502.280, 502.290, 503.020, 503.080, 503.100, 503.110, 503.-130, 503.160, 503.170, 503.180, 503.190, 503.210, 503.230, 503.250, 503.320, 503.340, 503.350, 503.355, 503.370, 503.390, 503.480, 503.-490, 503.500, 503.510, 503.520, 503.530, 503.550, 503.560, 503.630, 503.640, 504.010, 504.020, 504.030, 504.040, 504.050, 504.060, 504.-070, 504.080, 504.090, 504.100, 504.110, 504.120, 504.130, 504.145, 504.160, 504.180, 504.290, 504.400, 504.410, 504.420, 505.040, 505.-050, 505.060, 505.070, 505.080, 505.090, and 505.100 are hereby repealed.

Sec. 108. If the Nevada department of fish and game, as such, is not created by prior legislative enactment at this session of the legislature, the legislative counsel shall in preparing the 1969 supplement to Nevada Revised Statutes change the name "Nevada department of fish and game" or the word "department" to the name "state board of fish and game commissioners" or the word "commission," as the case may be, wherever the first-mentioned name or word appears in this act, to effectuate the intent of the legislature to provide executive continuity in the administration of the fish and game laws of this state and to avoid otherwise meaningless references.

Sec. 109. This act shall become effective upon passage and approval.

SUMMARY--Revises fish and game license, permit and tag fees. (BDR
45-7)

AN ACT to amend NRS 502.240 and 502.250, relating to license, permit
and tag fees associated with the administration of the fish and
game laws.

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

Section 1. NRS 502.240 is hereby amended to read as follows:

502.240 Annual licenses for the term of 1 year from July 1 to
June 30 and limited permits shall be issued at the following prices:

1. To any citizen of the United States who has attained his 12th
birthday but who has not attained his 16th birthday and who has been
a bona fide resident of the State of Nevada for 6 months, upon the
payment of \$1 for an annual fishing and hunting license.

2. [Except as provided in subsection 3, to any citizen of the
United States who has attained his 16th birthday and who has been a
bona fide resident of the State of Nevada for 6 months, upon the pay-
ment of:

For an annual fishing license.....	\$5.00
For a 5-day permit to fish.....	3.50
For an annual hunting license.....	5.00
For an annual trapper's license.....	5.00

3. To any citizen of the United States who has attained his 60th
birthday and who has been a bona fide resident of the State of Nevada
for 10 years, upon the payment of \$1 for an annual hunting and fish-
ing license. Any such person shall be exempt from the payment of the
fee for a resident deer tag for a regular season as required by the
provisions of NRS 502.250.

4.] To any citizen of the United States who has attained his 16th
birthday and who has been a resident of the State of Nevada for 6
months, upon the payment of:

For a fishing license.....	\$10.00
For a 5-day permit to fish.....	5.00
For a hunting license.....	7.00
For a combination license.....	15.00
For a trapping license.....	5.00
For a fur dealer's license.....	1.00

3. To any alien or to any citizen of the United States who has attained his 12th birthday but who has not attained his 16th birthday, not a bona fide resident of the State of Nevada, upon the payment of [\$2] \$5 for an annual fishing license (except for a fishing license to fish in the reciprocal waters of the Colorado River and Lake Mead, which annual license shall cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed \$10).

[5.] 4. Except as provided in subsection [4,] 3, to any alien or to any citizen of the United States, not a bona fide resident of the State of Nevada, upon the payment of:

For [an annual] <u>a</u> fishing license (except for a fishing license to fish in the reciprocal waters of the Colorado River and Lake Mead, which [annual] license shall cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed \$10).....	[\$10.00]	<u>\$15.00</u>
For a 5-day permit to fish.....	[3.50]	<u>5.00</u>
For a special hunting license to hunt deer by bow and arrow (and no other license shall be required).....		10.00
For a special license to hunt upland game birds (and no other license or permit shall be required) a fee not to exceed.....		25.00
For a permit to hunt upland game birds in conjunction with a regular hunting license, a fee not to exceed		10.00

For [an annual] a hunting license.....	[35.00]	<u>40.00</u>
For an annual trapper's license.....		10.00
For a special nonresident, 3-day, migratory waterfowl hunting license (which shall be in lieu of all other licenses or permits, except for the migra- tory bird hunting stamp).....		10.00
For a fur dealer's license.....		<u>25.00</u>

5. To any person, without regard to residence, upon the payment

of:

For a noncommercial breeding ground.....		<u>\$2.00</u>
For a commercial or private shooting preserve.....		25.00
For a commercial breeding ground.....		25.00
For a commercial fish hatchery.....		5.00
For a fishing guide license.....		5.00
For a hunting guide license.....		50.00
For a trained animal act license.....		10.00
For a fur dealer's agent's license.....		10.00
For a live bait dealer's permit.....		25.00
For a competitive field trials permit.....		1.00

Sec. 2. NRS 502.250 is hereby amended to read as follows:

502.250 1. The following fees shall be in effect:

Resident deer tag for regular season.....	[\$3.50]	<u>\$5.00</u>
Nonresident and alien deer tag for regular season.....	[25.00]	<u>30.00</u>
Resident deer tag for hunting deer by bow and arrow.....		<u>5.00</u>
Nonresident and alien deer tag for hunting deer by bow and arrow.....	[25.00]	<u>30.00</u>
[Resident tags for special season, not to exceed.....		10.00
Nonresident and alien tags for special seasons, not to exceed.....		125.00]
Resident antelope tag.....		<u>15.00</u>

<u>Resident elk tag.....</u>	<u>15.00</u>
<u>Resident bighorn tag.....</u>	<u>25.00</u>
<u>Resident mountain lion tag.....</u>	<u>1.00</u>
<u>Nonresident bighorn tag.....</u>	<u>125.00</u>
<u>Nonresident mountain lion tag.....</u>	<u>50.00</u>

2. Tags for game birds or small game animals, for special seasons, shall not exceed 25 cents per bird or animal, but shall not exceed \$1 for the tags for one species in a year.

Sec. 3. This act shall become effective upon passage and approval.

SUMMARY--Makes state board of fish and game commissioners appointive, creates Nevada department of fish and game and separates policymaking from enforcement. (BDR 45-9)

AN ACT relating to the administration of the fish and game laws; making the state board of fish and game commissioners appointive; creating the Nevada department of fish and game; separating enforcement authority from policymaking authority; and providing other matters properly relating thereto.

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

Section 1. NRS 501.120 is hereby amended to read as follows:

501.120 There is hereby created the state board of fish and game commissioners, which shall consist of [17 members, one from each of the counties of the state.] five members who shall be appointed by the governor.

Sec. 2. NRS 501.125 is hereby amended to read as follows:

501.125 [Each member shall be a citizen of the State of Nevada, and an actual, bona fide resident of the county from which he is selected.] 1. Not more than three members of the commission may be members of the same political party.

2. No two members of the commission may be residents of the same county.

3. Members of the commission shall have demonstrated an active interest in wildlife affairs over a period of at least 5 years.

4. No person who has been a candidate for political office during the calendar year preceding the date of appointment shall be eligible for appointment.

5. Members shall have demonstrated success in a business, profession or vocation.

6. No person shall be eligible for appointment who has not received the endorsement of some statewide sportsmen's organization.

Sec. 3. NRS 501.130 is hereby amended to read as follows:

501.130 1. [At the general election in 1948, there shall be elected in each county of the state, on a nonpartisan ballot, one person as state fish and game commissioner.

2. The term of office of each commissioner first elected at the 1948 general election shall be:

(a) From the counties of Elko, Lincoln, Nye, Esmeralda, Lyon, Eureka, Pershing and Washoe, 2 years.

(b) From the counties of White Pine, Clark, Mineral, Douglas, Lander, Churchill, Ormsby, Humboldt and Storey, 4 years.

3. After the expiration of the terms designated in subsection 2, the term of office of each commissioner shall be 4 years.] As soon as practicable after the effective date of this act, the governor shall appoint members to the commission as follows:

(a) Two members to serve until December 31, 1973.

(b) Three members to serve until December 31, 1971.

2. After the expiration of the terms provided in subsection 1, the term of each commissioner shall be 4 years.

Sec. 4. NRS 501.135 is hereby amended to read as follows:

501.135 1. Members shall [serve without salary, but shall be allowed the per diem expense allowances and travel expenses as fixed by law.] receive \$30 per day while performing official duties for the commission plus the per diem allowance and travel expenses provided by law.

2. Compensation and expenses shall be paid from the fish and game fund.

Sec. 5. NRS 501.140 is hereby amended to read as follows:

501.140 1. In the event of a vacancy on the commission caused by death, resignation, [failure of election,] or a change of residence to a county [other than that which the member was elected to represent,] of residence of another member of the commission, or

other cause, the governor shall [, within 30 days, appoint an actual and bona fide resident within the county affected by the vacancy until the vacancy can be filled by election.] appoint a member to fill the unexpired portion of the term.

2. The governor may declare a vacancy for any of the causes provided _ [, and make his appointment after reviewing the case as presented to him by the county game management board or by a representative sportsmen's organization within the county affected.]

Sec. 6. NRS 501.150 is hereby amended to read as follows:

501.150 1. The commission shall hold regular meetings at [its principal place of business semiannually in each year, and the first regular meeting shall be held prior to March 15 of each year.] the headquarters office of the department quarterly in each year.

2. Special meetings of the commission may be held at such times and places as may be deemed necessary and proper.

3. [Nine] Three members of the commission shall constitute a quorum for the transaction of any and all business which may come before the commission.

Sec. 7. NRS 501.180 is hereby amended to read as follows:

501.180 1. [The commission may appoint a state director of fish and game, a technical adviser on fish and game, and such technical assistants and other assistants and clerks and state game wardens as it may deem necessary to conduct its business and enforce the provisions of this Title and of chapter 488 of NRS, who shall have such duties as may be fixed and determined by the commission. The state director of fish and game shall receive an annual salary in the amount specified in NRS 281.115. Compensation of other employees shall be fixed and determined by the commission.

2. When so appointed the state director and game wardens shall be clothed with all the police powers necessary to enforce the provisions of this Title and of chapter 488 of NRS. State game wardens appointed under the authority of this Title and regularly employed

by the commission are empowered to act as peace officers for the service of legal process, including warrants and subpoenas, as may be required in the performance of their duties in the enforcement of the fish and game laws and regulations and the Nevada Boat Act. Nothing in this subsection shall be construed to include such state game wardens within the provisions of subsections 1 or 3 of NRS 286.510, but their retirement from service under the provisions of chapter 286 of NRS at the age of 60 years shall be governed by the provisions of subsection 2 of NRS 286.510.

3. The commission may appoint a superintendent of hatcheries who is skilled and expert in the science of fish breeding, and shall exercise control and general supervision over him.] The commission shall appoint a director of the Nevada department of fish and game, who shall be its chief administrative officer. He shall receive an annual salary as provided in NRS 281.115.

2. The director shall be in the unclassified service of the state pursuant to the provisions of chapter 284 of NRS.

3. The director shall:

(a) Be a graduate from a recognized school in the field of fish and game, resources management or a closely related field.

(b) Possess at least 5 years of progressively responsible experience in the field of resources management.

Sec. 8. NRS 501.183 is hereby amended to read as follows:

501.183 The commission may require any officer or employee of the [commission] department to furnish a surety bond at the expense of the [commission] department in the amount and form approved by the commission in accordance with the provisions of chapter 282 of NRS. Any bond required under this section shall be issued by a surety company and shall not be issued under the provisions of NRS 282.230 to 282.350, inclusive.

Sec. 9. NRS 501.210 is hereby amended to read as follows:

501.210 [The members of the commission, individually and collectively, shall have full power and authority to enforce all laws of the State of Nevada respecting the protection, preservation and propagation of fish, game animals and game birds within the state.]

1. Those regular employees designated by the director as fish and game wardens shall have full power and authority to enforce all provisions of this Title and of chapter 488 of NRS.

2. Such employees may act as peace officers for the service of legal process, including warrants and subpoenas, as may be required in the performance of their duties in the enforcement of this Title and of chapter 488 of NRS.

3. Nothing in subsection 2 shall be construed to include such employees within the provisions of subsections 1 or 3 of NRS 286.510, but their retirement from service under the provisions of chapter 286 of NRS at the age of 60 years shall be governed by the provisions of subsection 2 of NRS 286.510.

Sec. 10. NRS 501.215 is hereby amended to read as follows:

501.215 [The commission shall have the exclusive power to expend and disburse all funds of the State of Nevada acquired for the protection, preservation or propagation of fish and game, and derived from state appropriations, gifts, license fees or otherwise, in the manner provided in this Title.] The department shall receive, deposit and expend all moneys provided by law for the administration of this Title and of chapter 488 of NRS, pursuant to the authority contained in NRS 501.255 and 501.256.

Sec. 11. NRS 501.227 is hereby amended to read as follows:

501.227 1. The [commission] department may, if such leases or sales do not interfere with the use of such real property for wildlife management or for hunting or fishing thereon:

(a) Lease, for a term not exceeding 5 years, grazing or pasturage

rights in and to real property which it owns, holds by reason of leases or controls by reason of any other legal agreement.

(b) Sell the timber and all other crops or agricultural products of whatever kind produced on such real property.

2. Except as provided in subsection 3, whenever the [commission] department intends to lease grazing or pasturage rights or to sell or offer for sale timber or any agricultural products as provided in subsection 1, the [commission] department shall do so only by advertising for bids, reserving in such advertising the right to reject any or all bids.

3. Notwithstanding any other provisions of this section, the [commission] department may enter into a lease with or make a sale to a state agency without advertising for bids if the rent agreed to be paid for such lease or the sale price agreed to be paid for any timber or agricultural commodities to be sold is, in the opinion of the [commission,] department, equal to the amount that would be obtained by advertising for bids.

4. If the [commission] department finds that the highest or best bid is less than the amount that should be paid, the [commission] department may reject all bids and negotiate with interested persons for such lease or sale, but in no event shall any negotiated price be accepted if less in amount than the highest bid therefor tendered for the same lease or sale.

5. If the [commission] department has purchased real property and the deed therefor contains a covenant or provision giving to the grantor an option to meet the highest bid for any lease by the [commission] department of grazing or pasturage rights to such real property or the sale of timber or agricultural products from such real property, the [commission] department shall comply with the terms of such covenant or provision in the deed.

6. Subject to the provisions of subsection 8, the [commission] department may enter into a lease or leases with the highest responsible bidder for the extraction of minerals, oil, gas and other hydrocarbons for a term of 20 years, and for so long thereafter as the lessees continue mining, drilling or continue to produce oil in commercial quantities. The compensation to be paid for such leases may be either:

- (a) An agreed amount; or
- (b) Based upon a royalty basis; or
- (c) An agreed amount plus a royalty payment based upon units of production.

7. Subject to the provisions of subsection 8, the [commission] department shall have the same authority to lease or sell thermal power as is provided in this section, but the [commission] department may, in its discretion, enter into leases for the production of thermal power for terms not exceeding 99 years.

8. Any lease or leases executed pursuant to the provisions of subsections 6 or 7 shall, before becoming effective, be approved by the governor.

Sec. 12. NRS 501.230 is hereby amended to read as follows:

501.230 1. The [commission is authorized to enter into cooperative agreements with the Federal Government or any agency thereof for the conservation, restoration and management of fish resources of and in this state.

2. The chairman of the commission is designated as the agent of the State of Nevada to negotiate and execute any such contracts of cooperation now authorized or which may be authorized by congressional enactment.

3. The commission may adopt such regulations as are necessary

and proper to administer and enforce the provisions of any such cooperative agreement.] department is authorized to enter into cooperative or reciprocal agreements with the Federal Government or any agency thereof, adjoining states or any agency thereof, any other agency of this state, any county or other political subdivision of this state, to the extent permitted by the provisions of chapter 277 of NRS, any public or private corporation, or any person, for the purpose of implementing commission policy.

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

Sec. 13. NRS 501.243 is hereby amended to read as follows:

501.243 1. [On and after July 1, 1965, the commission] The department shall execute, administer and enforce and perform the functions and duties provided in chapter 488 of NRS (Nevada Boat Act).

2. The commission has the power and authority to:

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

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

Sec. 14. NRS 501.245 is hereby amended to read as follows:

501.245 [After information has been filed with the commission by the owner or tenant of any land or property that such land or property is being damaged or destroyed, or is in danger of being damaged or destroyed, by game animals, game birds or fur-bearing animals, the commission may, after thorough investigation and pursuant to such regulations as it may promulgate,] After the owner

or tenant of any land or property has filed a written report with the department indicating that such land or property is being damaged or destroyed, or is in danger of being damaged or destroyed, by game animals, game birds or fur-bearing animals, the department may, after thorough investigation and pursuant to such regulations as the commission may promulgate, cause such action to be taken as it may deem necessary, desirable and practical to prevent or alleviate such damage or threatened damage to such land or property.

Sec. 15. NRS 501.250 is hereby amended to read as follows:

501.250 Whenever in this Title [the commission is required to make publication of any official order or regulation with regard to open or closed seasons, bag limits, hours or other regulatory matters, such publication shall be made by insertion of a legal notice in a newspaper of general circulation in the State of Nevada or in the locality to which the order or regulation applies. Such legal notice shall be published once in such newspaper and the order or regulation shall become effective as soon as such publication is accomplished, unless otherwise specified in the order or regulation.] or by the provisions of chapter 488 of NRS the commission is required to publish any official order or regulation, it shall:

1. Comply with chapter 233B of NRS with regard to all such orders or regulations dealing with subjects other than open or closed seasons, bag limits or hours.

2. With regard to open or closed seasons, bag limits or hours, publish once in each case, in a newspaper of general circulation in the State of Nevada or in the locality to which the order or regulation applies:

(a) A notice of intention to establish such order or regulation at an open meeting to be held at least 20 days following such publication; and

(b) Upon the establishment of such order or regulation a notice of that fact, which publication date shall become the effective date

of such order or regulation, unless otherwise provided in such order or regulation.

Sec. 16. NRS 501.255 is hereby amended to read as follows:

501.255 1. There is hereby created a fund to be known as and called the fish and game fund, which fund shall be kept in the state treasury, and, subject to the provisions of subsection 2, shall consist of all moneys received from the sale of licenses, fees received pursuant to the provisions of NRS 488.075, remittances from the state treasurer received pursuant to the provisions of NRS 365.535, and moneys from all other sources [for fish and game propagation] as provided by law, including appropriations made by the legislature.

2. The moneys received from the sale of licenses, fees received pursuant to the provisions of NRS 488.075, remittances from the state treasurer received pursuant to the provisions of NRS 365.535 and moneys received from all other sources except appropriations, gifts and federal funds obtained under NRS 501.115 and 501.117, shall, upon receipt, be deposited at interest, with the written approval of the state board of finance, in any state or national bank or banks or savings associations in the State of Nevada. The principal so deposited shall be transferred annually to the fish and game fund between June 1 and [June 30] July 31 for use of the [commission] department during the next succeeding fiscal year.

3. The [fish and game fund shall be used for and be subject to:

(a) The payment of the expenses of propagating, restoring and introducing fish in the public waters of this state.

(b) The propagation, protection, restoration and transferring of game birds and animals in this state.

(c) The payment of the expenses incurred in the prosecution of offenders against the fish and game laws and fish and game license laws of the state.

(d) The cost of acquisition, construction, management and maintenance of fish hatcheries in the state.

(e) All other necessary expenses attendant upon the protection and propagation of fish and game.] department may use so much of any such available moneys as may be necessary for:

(a) The payment of the expenses of protecting, propagating, restoring, introducing and managing of wildlife in or into this state.

(b) The payment of the expenses incurred in the administration and enforcement of the provisions of this Title.

(c) The acquisition of lands, water rights, easements and other property for the protection, management and propagation of wildlife in this state.

(d) The payment of the expenses incurred in the development, maintenance, operation and repair of wildlife installations and facilities.

(e) The payment of all other expenses attendant upon the propagation, protection and management of wildlife.

(f) The payment of the expenses incurred in the administration and enforcement of the provisions of chapter 488 of NRS (Nevada Boat Act), but total expenditures from the fish and game fund for this purpose shall not exceed the total sums received by the [commission] department pursuant to the provisions of NRS 365.535 and 488.075.

4. All moneys in the fish and game fund shall be used for the purposes specified in this section and not diverted to any other fund or use, and shall not revert to general state funds.

Sec. 17. NRS 501.256 is hereby amended to read as follows:

501.256 1. The fish and game reserve fund is hereby created. Such fund shall consist of the interest paid on deposits made

pursuant to the provisions of subsection 2 of NRS 501.255, which interest shall be transferred annually between June 1 and [June 30] July 31 to the fish and game reserve fund until such fund totals \$150,000, and thereafter as may be necessary to maintain the reserve fund at \$150,000. The interest paid on such deposits above the amount necessary to maintain the reserve fund at \$150,000 shall be transferred annually between June 1 and [June 30] July 31 to the fish and game fund.

2. The moneys in the fish and game reserve fund shall be deposited at interest, with the written approval of the state board of finance, in any state or national bank or banks or savings associations in the State of Nevada.

3. Moneys in the fish and game reserve fund may be expended at such times and in such amounts as may be necessary for:

(a) The acquisition of lands, water rights, easements and other property to be used for [fish and game] wildlife management.

(b) Any expenses which may be necessary for the propagation, protection, restoration [and transferring of fish and game birds and animals in this state.] , introduction and transplanting of wildlife in or into this state.

(c) The financing of any emergency measures which may be necessary for the protection, management and propagation of [fish and game] wildlife in this state.

4. No moneys in the fish and game reserve fund shall be transferred to the general fund in the state treasury at any time.

Sec. 18. NRS 501.257 is hereby amended to read as follows:

501.257 A petty cash fund in the amount of \$50 for the payment of minor expenses of the [commission] department is hereby created. Such fund shall be kept in the custody of an employee designated by

the [commission] director and shall be replenished periodically from the fish and game fund upon approval of expenditures as required by [NRS 501.170] law and submission of vouchers or other documents to indicate payment as may be prescribed . [by the commission.]

Sec. 19. NRS 501.2571 is hereby amended to read as follows:

501.2571 A change fund in the amount of \$200 is hereby created. Such fund shall be kept in the custody of an employee designated by the [commission] director and shall be used for the making of change incidental to the business of the [commission.] department.

Sec. 20. NRS 501.260 is hereby amended to read as follows:

501.260 1. There is hereby created a county game management board in each of the several counties.

2. Each county board shall consist of [the member of the commission from that county, who shall have no vote, and three members, appointed or elected as provided in NRS 501.265.] three members.

Sec. 21. NRS 501.265 is hereby amended to read as follows:

501.265 1. [Except as provided in subsection 2, the three voting members of the county board shall be appointed by the board of county commissioners upon the recommendation of the organized sportsmen of the county.

2. Upon the filing of a petition containing the signatures of 10 percent or more of the qualified electors who voted for the office of district attorney in any county at the last general election, within 30 days preceding the last day for filing of declaration of candidacies as in any general election, requesting that the members of the county board be elected, the county clerk shall declare an election to fill the vacancies on the board resulting from the expiration of the regular terms of the members of the board, and shall accept nomination of candidacies for these positions, and shall place the names of the candidates on the regular general election ballot, doing all things that are necessary and

required in such matters under the general election laws. Such duly elected members of the board shall be chosen on a nonpartisan ballot and shall be elected to serve for a term of 2 years from the 1st Monday in January next succeeding their election. If the term of an elected board member expires without the election of a successor, the board of county commissioners shall appoint a successor in accordance with the provisions of subsection 1.] Each member of the board shall be appointed by the board of county commissioners upon the recommendation of the organized sportsmen of the county.

2. The names and addresses of the members so appointed shall be reported to the commission by the board of county commissioners.

Sec. 22. NRS 501.270 is hereby amended to read as follows:

501.270 The members of the county board shall be citizens of Nevada and actual, bona fide residents of the county from which appointed [or elected.] .

Sec. 23. NRS 501.275 is hereby amended to read as follows:

501.275 [Immediately after March 30, 1953, the board of county commissioners of each county shall appoint two members whose terms shall expire on July 1, 1954; the board of county commissioners shall appoint a third member whose term shall expire on July 1, 1955. The term of the member appointed to fill the vacancy in the membership of the board occurring on July 1, 1961, and the terms of the members appointed to fill the vacancies in the membership of the board occurring on July 1, 1962, shall expire on the 1st Monday in January 1963. The term of office of each member after the expiration of such terms shall be 2 years.] 1. As soon as practicable after the effective date of this act, the several boards of county commissioners shall appoint members to the boards of their respective counties as follows:

(a) One member to serve until June 30, 1970.

(b) One member to serve until June 30, 1971.

(c) One member to serve until June 30, 1972.

2. After the expiration of the terms provided in subsection 1, the term of each board member shall be 3 years.

Sec. 24. NRS 501.280 is hereby amended to read as follows:

501.280 [1. In making all appointments to fill vacancies for succeeding full terms the board of county commissioners shall give consideration to the recommendations of persons for appointment received from all recognized sportsmen's organizations in the county.

2. The board of county commissioners upon appointment of members shall notify the commission of the members' names and residence addresses.] Vacancies in full or partial terms shall be filled by the affected board of county commissioners on the basis of the recommendation of the organized sportsmen of the county and the name and address of such replacement member or members reported to the commission.

Sec. 25. NRS 501.290 is hereby amended to read as follows:

501.290 [The county board shall meet at least once every month on the day before the first monthly meeting of the board of county commissioners. If this day shall fall on a Sunday or a holiday, the meeting shall be held on the day prior to such Sunday or holiday.] The board shall meet at the call of the chairman or as requested by the commission.

Sec. 26. NRS 501.310 is hereby amended to read as follows:

501.310 [1.] There is hereby created in each of the counties of this state a county fund to be known as and called the county fish and game fund. The county fish and game fund shall be kept in the county treasury, and all moneys received from the [commission] department shall be placed in such fund.

[2. The county fish and game fund shall be subject to:

(a) The orders of the county board for the expenses of propagating, protecting, restoring and introducing fish and game.

(b) The payment of the expenses incurred in the prosecution of offenders against the fish and game laws and fish and game license laws of the state.

(c) The payment of the cost of purchase of licenses and all other books and blanks required in the county.

(d) The cost of acquisition, construction and maintenance of fish hatcheries in the county, and for all other necessary expenses connected therewith, approved by the county board.

3. Upon approval of the county board, the county auditor is directed to draw his warrant on the county treasurer for the respective amounts.]

Sec. 27. NRS 501.320 is hereby amended to read as follows:

501.320 1. Annually, not later than May 1, [the] each county board shall prepare a budget for the period ending June 30 of the following year, setting forth in detail its proposed expenditures for the preservation and propagation of fish and game within its county, and submit the same to the commission [.] accompanied by a statement of the previous year's expenditures, certified by the county auditor.

2. The commission shall examine the budget in conjunction with its technical adviser, and may increase, decrease, alter or amend the same.

3. Upon approval of the budget, the [commission] department shall transmit a copy of the approved budget to the county board, and at the same time withdraw from the fish and game fund and transmit to the county board the sum of money required under the approved budget for disposition by the county board in accordance with the approved budget. All money so received shall be placed in the county fish and game fund.

Sec. 28. Chapter 501 of NRS is hereby amended by adding thereto the provisions set forth as sections 29 to 38, inclusive, of this act.

Sec. 29. 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 and property using or used in the operation of vessels on the waters of the state.

(c) The promotion of uniformity of laws relating to such 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.

3. Cover by such established policies the following areas of interest, but coverage is not necessarily limited to the following:

(a) The management of big and small game animals, upland and migratory game birds, fur-bearing animals, game fish, and protected and unprotected animals, birds and fish.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife, the entry, access to, and occupancy and use of such property, including leases of grazing rights, sale of agricultural and timber products or exploration for or extraction of minerals, oil, gas or thermal power on lands controlled by the department under cooperative agreements or owned or leased by the department.

(d) The control of nonresident hunters.

(e) The introduction, transplanting or exporting of wildlife.

(f) Cooperation with federal, state and local agencies on wildlife and boating programs.

(g) The establishment and operation of private and commercial game farms, hunting preserves, hatcheries and commercial hunting and fishing guides.

(h) Cooperative agreements with federal, state and county game agencies and adjoining states, having regulatory powers pertaining to the use of public waters for recreational purposes and the purposes of enforcing such rules and regulations as are provided for the control of depredating game animals, game birds or fur-bearing animals.

(i) The hunting, fishing or trapping privileges of any person convicted of two violations within a 5-year period.

4. Establish rules and regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including but not limited to the following:

(a) Regular and special seasons for hunting game animals and game birds, for hunting or trapping fur-bearing animals and for fishing, the daily and possession limits, including the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. Such regulations shall be established after first considering the recommendations of the department, the county game management boards and others who wish to present their views at the open meeting as provided by law.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting game or fur-bearer tags.

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

(d) Nonresident quotas for big game and, if necessary, quotas for other game species for the regular and special seasons. The opening and closing dates of such seasons shall not discriminate between residents and nonresidents, but nonresident hunting seasons may be created by the commission by periods.

5. Approve the biennial budget of the department on the basis of conformity to commission policy, the provisions of this Title and of chapter 488 of NRS.

6. Be the appointing power of the director and of the department under the provisions of this Title and of chapter 284 of NRS.

Sec. 30. The commission may enter into cooperative agreements with adjoining states for the management of interstate wildlife

populations and for the establishment of uniform boating regulations.

Sec. 31. There is hereby created the Nevada department of fish and game, which shall administer the fish and game laws of this state.

Sec. 32. The director shall:

1. Direct and supervise all administrative and operational activities of the department, and all programs administered by the department as provided by law. He shall devote his entire time to the duties of his office and shall follow no other gainful employment or occupation.

2. Within such limitations as may be provided by law, organize the department into various divisions and, from time to time, alter such organization and reassign responsibilities and duties as he may deem appropriate.

3. Appoint or remove, pursuant to the provisions of chapter 284 of NRS, such technical, clerical and operational staff as the execution of his duties and the operation of the department may require, and all such employees shall be responsible to him for the proper carrying out of the duties and responsibilities of their respective positions.

4. Submit a biennial report to the governor, the legislature and the commission of the work of the department, with recommendations that he may deem necessary. The report shall set forth the facts relating to the condition of the wildlife, boating and related matters in the State of Nevada.

5. Submit technical and other reports to the commission as may be necessary or as may be requested, which shall enable the commission to establish policy, establish regulations and approve budgets.

6. Have full control of all property of the state acquired and held for the purposes contemplated by this Title and by chapter 488 of NRS.

7. Act as nonvoting secretary to the commission.

Sec. 33. The director may:

1. In cases of emergency, exercise the powers of the commission until such time as the commission shall meet or the emergency end.

2. Designate an employee or employees of the department to act as his deputy or deputies. In the director's absence or inability to discharge the powers and duties of his office, such powers and duties shall vest and be imposed upon his deputy or deputies.

Sec. 34. 1. The headquarters office of the department shall be maintained at Reno. District offices may be established throughout the state in number and location as will, in the opinion of the director, provide an efficient departmental operation.

2. The director may enter into such leases and other agreements as may be necessary for the establishment of such district offices. Such leases shall be executed with the assistance of the buildings and grounds division of the department of administration as provided by law.

Sec. 35. The department may:

1. Collect and disseminate, throughout the state, information calculated to educate and benefit the people of the state regarding wildlife and boating, and information pertaining to any program administered by the department.

2. Publish wildlife journals, for which a specific charge may be made or an annual subscription rate of not more than \$5 may be charged, with the proceeds to be deposited in the fish and game fund.

Sec. 36. County board members may be removed by the boards of county commissioners of the counties served for cause, including, but not limited to, unexcused absences from three consecutive, duly called county board meetings.

Sec. 37. County boards shall solicit and evaluate local opinion and advise the commission on matters relating to the management of wildlife within their respective counties.

Sec. 38. 1. County boards may submit season recommendations on fishing and hunting, which shall be considered by the commission in its deliberation on and establishment of regulations covering open or closed seasons, bag limits and hours, and which may be overruled by the commission only by a four-fifths vote of the commission.

2. The chairman or county board member appointed by him may attend commission meetings at which seasons are set or bag limits or hours established and be reimbursed from the county fish and game fund for expenses incurred in attending such meetings.

Sec. 39. NRS 361.055 is hereby amended to read as follows:

361.055 1. All lands and other property owned by the state are exempt from taxation, except real property acquired by the [state board of fish and game commissioners pursuant to NRS 501.-225] Nevada department of fish and game which is or was subject to taxation under the provisions of this chapter at the time of acquisition.

2. In lieu of payment of taxes on each parcel of real property subject to assessment and taxation pursuant to subsection 1, the state board of fish and game commissioners shall make annual payment to the county tax receiver of the county wherein each such parcel of real property is located of an amount equal to the total taxes levied and assessed against each such parcel of real property in the year in which title to the same was acquired by the state board of fish and game commissioners.

3. Such payments in lieu of taxes shall be collected and accounted for in the same manner as taxes levied and assessed against real property pursuant to this chapter are collected and accounted for.

4. Moneys received pursuant to this section shall be apportioned each year to the counties, school districts and cities wherein each such parcel of real property is located in the proportion that the

tax rate of each such political subdivision bears to the total combined tax rate in effect for such year.

Sec. 40. NRS 365.535 is hereby amended to read as follows:

365.535 1. The legislature finds as a fact that of the total amount of excise taxes paid annually on all motor vehicle fuel sold, distributed or used in this state not less than \$60,000 represents the excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes. It is declared to be the policy of the State of Nevada to apply the motor vehicle fuel tax paid on fuel so used, which is hereby declared to be not refundable to the consumer, for the improvement of boating and other outdoor recreational facilities associated with boating and for the payment of the costs incurred, in part, for the administration and enforcement of the provisions of chapter 488 of NRS (Nevada Boat Act).

2. Beginning with the fiscal year commencing July 1, 1965, and in each fiscal year thereafter, the state treasurer shall, upon receipt of the tax moneys from the tax commission collected pursuant to the provisions of NRS 365.170 to 365.190, inclusive:

(a) Remit the sum of \$30,000 to the [state board of fish and game commissioners] Nevada department of fish and game for deposit and use as provided in subsection 2 of NRS 501.255. All moneys so received by the state board of fish and game commissioners shall be expended only for the administration and enforcement of the provisions of chapter 488 of NRS.

(b) Deposit in the general fund in the state treasury to the credit of the division of state parks of the state department of conservation and natural resources the sum of \$30,000. All moneys so deposited to the credit of the division of state parks of the state department of conservation and natural resources shall be expended only as authorized by the legislature for the improvement of boating facilities and other outdoor recreational facilities associated with boating.

3. Remittances and deposits required to be made by the state treasurer pursuant to the provisions of subsection 2 may be made quarterly or oftener if convenient to the state treasurer.

Sec. 41. NRS 616.077 is hereby amended to read as follows:

616.077 Members of [the state board of fish and game commissioners and] the county game management boards, who serve without compensation pursuant to the provisions of NRS [501.135 and] 501.-285, while engaged in their designated duty as such members, shall be deemed, for the purpose of this chapter, employees receiving a wage of \$250 per month, and, in the event of injury while performing their designated duty, shall be entitled to the benefits of this chapter upon [the state board of fish and game commissioners and] the county game management boards [,] complying therewith.

Sec. 42. Notwithstanding the provisions of section 7 of this act, the commission may, in its discretion, appoint the state director of fish and game, incumbent on the effective date of this act, as director of the Nevada department of fish and game.

Sec. 43. The terms of all incumbent members of the commission and of the several county boards shall end on the effective date of this act.

Sec. 44. Recognizing that it is the intent of this legislature to vest policymaking authority in the commission and administrative and enforcement authority in the department, the legislative counsel shall, in preparing the 1969 supplement to Nevada Revised Statutes, make the appropriate changes of name or word where the name "state board of fish and game commissioners" or the word "commission" or the name "Nevada department of fish and game" or the word "department" needs correction to keep it in context with such legislative intent.

Sec. 45. NRS 501.145, 501.155, 501.160, 501.165, 501.170, 501.-175, 501.185, 501.190, 501.195, 501.200, 501.205, 501.220,

501.225, 501.235, 501.295, 501.300, 501.305 and 501.315 are hereby repealed.

Sec. 46. This act shall become effective upon passage and approval.

SUMMARY--Increases tax on malt beverages for benefit of fish and game fund. (BDR 32-8)

AN ACT relating to excise taxes on alcoholic beverages; increasing the tax on malt beverage liquor and providing for the distribution of the increased proceeds; and providing other matters properly relating thereto.

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

Section 1. NRS 369.170 is hereby amended to read as follows:

369.170 1. All revenues required to be paid to the state under this chapter shall be paid to the tax commission in the form of remittances payable to the Nevada tax commission. Such remittances shall itemize the taxes levied on the classifications of alcoholic beverages as set forth in NRS 369.330, and a separate account shall be maintained for malt beverages. The tax commission shall transmit the payment to the state treasurer to be deposited in the state treasury to the credit of the liquor tax fund.

2. Upon order of the state controller, the money in the liquor tax fund shall be drawn therefrom for refunds under this chapter, and all money in the fund shall be [transferred to the general fund of the state] distributed on or before the last day of the month following each quarterly period of 3 months [.] , as follows:

(a) To the general fund of the state:

(1) All net receipts from liquor other than malt beverages; and

(2) One-half of the net receipts from malt beverage liquor.

(b) To the fish and game fund, one-half of the net receipts from malt beverage liquor.

Sec. 2. NRS 369.330 is hereby amended to read as follows:

369.330 Except as otherwise provided in this chapter, an exise tax is hereby levied and shall be collected respecting all liquor and upon the privilege of importing, possessing, storing or selling liquor, according to the following rates and classifications:

1. On liquor containing more than 22 percent of alcohol by volume, \$1.40 per wine gallon or proportionate part thereof.

2. On liquor containing more than 14 percent up to and including 22 percent of alcohol by volume, 50 cents per wine gallon or proportionate part thereof.

3. On liquor containing more than one-half of 1 percent up to and including 14 percent of alcohol by volume, 30 cents per wine gallon or proportionate part thereof.

4. On all malt beverage liquor brewed or fermented and bottled in or outside this state, [6] 12 cents per gallon.

Sec. 3. This act shall become effective on May 1, 1969.