

---

---

SENATE BILL NO. 221—SENATORS DENIS AND HAMMOND

FEBRUARY 27, 2017

---

JOINT SPONSOR: ASSEMBLYMAN WATKINS

---

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing wildlife.  
(BDR 45-814)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

---

---

AN ACT relating to wildlife; creating the Nevada Wildlife Public Education Council within the Department of Wildlife; prescribing the membership and duties of the Council; authorizing the Department to fund the activities of the Council from the Wildlife Heritage Account; requiring the Board of Wildlife Commissioners to maintain a list of qualified candidates for certain appointments to the Council; increasing the amount of money the Department may annually expend from the Account; authorizing the Department to request emergency funding from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this State; requiring the Commission to ensure that a certain minimum balance is maintained in the Account; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides for the management of wildlife in this State, including  
2 the regulation of hunting, fishing, trapping and the taking of game. (Title 45 of  
3 NRS) **Section 3** of this bill creates the Nevada Wildlife Public Education Council  
4 within the Department of Wildlife and prescribes the composition of the members  
5 of the Council. **Section 5** of this bill requires the Council, in cooperation with the  
6 Department, to develop and carry out a public information program to educate,  
7 promote and engage the residents of this State concerning the responsible  
8 stewardship of wildlife in this State. **Section 5** further requires the Council to



9 prepare an operational plan to meet the future goals of the Council and to report  
10 certain information to the Department and the Board of Wildlife Commissioners.  
11 **Sections 6, 9 and 10** of this bill authorize the Department to fund the activities of  
12 the Council from the Wildlife Heritage Account. **Section 9** also: (1) increases the  
13 amount of money that the Department may annually expend from the Wildlife  
14 Heritage Account; (2) authorizes the Department to request emergency funding  
15 from the Account if a catastrophic threat to wildlife or wildlife habitat occurs in this  
16 State; and (3) requires the Board of Wildlife Commissioners to ensure that a certain  
17 minimum balance is maintained in the Account. **Section 8** of this bill requires the  
18 Commission to maintain a list of qualified candidates for certain appointments to  
19 the Council.

---

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

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this  
3 act.

4 **Sec. 2.** *“Council” means the Nevada Wildlife Public*  
5 *Education Council created by section 3 of this act.*

6 **Sec. 3.** *1. There is hereby created within the Department*  
7 *the Nevada Wildlife Public Education Council. The Council*  
8 *consists of the following seven members:*

9 *(a) A representative of the Department, designated by the*  
10 *Director; and*

11 *(b) The following members to be appointed by the Director*  
12 *with the advice of the Chair of the Commission:*

13 *(1) One member of the Commission or his or her designee;*

14 *(2) Three residents of this State who are selected from the*  
15 *list of candidates compiled pursuant to subsection 10 of*  
16 *NRS 501.181;*

17 *(3) One resident of this State who represents small*  
18 *businesses that are substantially affected by hunting, fishing and*  
19 *trapping in this State; and*

20 *(4) One resident of this State who is not an employee of the*  
21 *Department and who has a background in media or marketing*  
22 *sufficient to advise the Council in carrying out its duties pursuant*  
23 *to section 5 of this act.*

24 *2. The Director shall, to the extent practicable, ensure that*  
25 *the membership of the Council represents all geographic areas of*  
26 *this State.*

27 *3. After the initial terms, each member of the Council*  
28 *appointed pursuant to paragraph (b) of subsection 1 serves a term*  
29 *of 4 years.*



1     4. *A vacancy in the appointed membership of the Council*  
2 *must be filled in the same manner as the original appointment for*  
3 *the remainder of the unexpired term.*

4     5. *An appointed member of the Council may be reappointed,*  
5 *but must not serve more than two full terms.*

6     6. *Each member of the Council:*

7       (a) *Serves without compensation; and*

8       (b) *While engaged in the business of the Council, is entitled to*  
9 *receive the per diem allowance and travel expenses provided for*  
10 *state officers and employees generally.*

11     7. *The Director may remove any appointed member of the*  
12 *Council for just cause or any ground for removal of a member of*  
13 *the Commission set forth in NRS 501.172.*

14     **Sec. 4.** 1. *At the first meeting of the Council, the Council*  
15 *shall adopt any rules and policies that are necessary to assist the*  
16 *Council in carrying out its duties and elect from its members a*  
17 *Chair and any other officers considered necessary or appropriate*  
18 *by the Council. Upon the expiration of the term of an officer*  
19 *elected pursuant to this subsection, the Council shall, at the next*  
20 *subsequent meeting of the Council, elect an officer to fill the*  
21 *vacated position.*

22     2. *The Council shall meet at least once each calendar quarter*  
23 *and at other times upon the call of the Chair or a majority of its*  
24 *members.*

25     3. *A majority of the members of the Council constitutes a*  
26 *quorum for the transaction of business, and a quorum may*  
27 *exercise any power or authority conferred on the Council.*

28     4. *Meetings of the Council must be conducted in accordance*  
29 *with chapter 241 of NRS.*

30     5. *Except as otherwise provided by a specific statute, the*  
31 *documents and other information compiled by the Council in the*  
32 *course of its business are public records.*

33     6. *The Department shall provide the Council with*  
34 *administrative support to comply with the provisions of chapter*  
35 *241 of NRS.*

36     **Sec. 5.** 1. *The Council shall, in cooperation with the*  
37 *Department:*

38       (a) *Develop and carry out, in collaboration with a marketing*  
39 *or advertising agency, an effective and comprehensive media-*  
40 *based public information program to educate, promote and engage*  
41 *the residents of this State concerning the responsible stewardship*  
42 *of wildlife in this State, including, without limitation, identifying:*

43           (1) *The essential roles and contributions of sportsmen and*  
44 *sportswomen who are conservationists in this State;*

45           (2) *The history of wildlife in this State;*



- 1           (3) *The benefits of wildlife to the residents of this State;*  
2           (4) *The benefits of managing wildlife in this State;*  
3           (5) *The recreational opportunities provided by wildlife in*  
4 *this State;*  
5           (6) *The significant value of fish and game as a source of*  
6 *food; and*  
7           (7) *The economic benefit of wildlife to communities and*  
8 *tourism in this State.*

9           (b) *Ensure that the program described in paragraph (a)*  
10 *promotes and includes, without limitation, information to educate*  
11 *the residents of this State that hunting, fishing and the harvesting*  
12 *and consumptive use of wildlife are:*

- 13           (1) *Necessary for the conservation, preservation and*  
14 *management of the natural resources of this State;*  
15           (2) *A valued and integral part of the cultural heritage of*  
16 *this State that must be perpetuated; and*  
17           (3) *An important part of the economy of this State.*

18           (c) *Not later than 120 days after the Council's first meeting of*  
19 *each year, and subject to the approval of the Director, prepare an*  
20 *operational plan with strategic goals and milestones in*  
21 *furtherance of the duties of the Council.*

22           (d) *Prepare a request for proposals for the purpose of selecting*  
23 *a marketing or advertising agency.*

24           (e) *Establish criteria for grading and selecting a marketing or*  
25 *advertising agency based on the submission of proposals.*

26           (f) *Conduct surveys for the purpose of developing a marketing*  
27 *campaign and determining the effectiveness of a campaign.*

28           2. *The Council shall prepare, review and approve each*  
29 *annual budget for the Council and review any periodic financial*  
30 *reports provided by the Department that are related to the activities*  
31 *of the Council.*

32           3. *The Council shall, on or before January 31 of each even-*  
33 *numbered year, prepare and submit a report to the Director and*  
34 *the Commission setting forth:*

35           (a) *The operational plan prepared pursuant to paragraph (c)*  
36 *of subsection 1 and each public information program developed*  
37 *and carried out pursuant to that subsection;*

38           (b) *A financial accounting of the subaccount created pursuant*  
39 *to section 6 of this act; and*

40           (c) *Any recommendations concerning the Council.*

41           **Sec. 6. 1. Any money transferred from the Wildlife**  
42 **Heritage Account pursuant to NRS 501.3575 or received pursuant**  
43 **to subsection 2 must be accounted for separately in a separate**  
44 **subaccount of the Account and used to fund the activities of the**  
45 **Council pursuant to this section. The Department shall administer**



1 *the subaccount created pursuant to this section. Any interest and*  
2 *income earned on the money in the subaccount must be credited to*  
3 *the subaccount.*

4 *2. The Director or the Council may apply for and accept any*  
5 *available grants and may accept any bequests, devises, donations*  
6 *or gifts from any public or private source to fund the activities of*  
7 *the Council.*

8 *3. Any money specified in subsections 1 and 2 must be used*  
9 *for the activities of the Council. Except as otherwise provided by*  
10 *law or by the terms of any grant, bequest, devise, donation or gift,*  
11 *any money remaining in the subaccount at the end of a fiscal year*  
12 *does not revert to the Wildlife Heritage Account or the State*  
13 *General Fund and must be carried over to the next fiscal year.*

14 *4. The Council shall approve expenditures from the*  
15 *subaccount by appropriation:*

16 *(a) To support the public information program developed*  
17 *pursuant to section 5 of this act and to pay any costs incurred by*  
18 *the Department in administering the provisions of sections 2 to 6,*  
19 *inclusive, of this act, but such costs must not exceed 10 percent of*  
20 *the annual appropriations from the subaccount;*

21 *(b) In accordance with the operational plan prepared pursuant*  
22 *to section 5 of this act and within the scope of any activities and*  
23 *amounts of funding authorized pursuant to the operational plan;*  
24 *and*

25 *(c) To comply with any requirements to obtain any aid or*  
26 *benefits pursuant to NRS 501.115 and 501.117.*

27 **Sec. 7.** NRS 501.001 is hereby amended to read as follows:

28 501.001 As used in this title, unless the context otherwise  
29 requires, the words and terms defined in NRS 501.003 to 501.097,  
30 inclusive, *and section 2 of this act* have the meanings ascribed to  
31 them in those sections.

32 **Sec. 8.** NRS 501.181 is hereby amended to read as follows:

33 501.181 The Commission shall:

34 1. Establish broad policies for:

35 (a) The protection, propagation, restoration, transplanting,  
36 introduction and management of wildlife in this State.

37 (b) The promotion of the safety of persons using or property  
38 used in the operation of vessels on the waters of this State.

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

41 2. Guide the Department in its administration and enforcement  
42 of the provisions of this title and of chapter 488 of NRS by the  
43 establishment of such policies.

44 3. Establish policies for areas of interest including:



1 (a) The management of big and small game mammals, upland  
2 and migratory game birds, fur-bearing mammals, game fish, and  
3 protected and unprotected mammals, birds, fish, reptiles and  
4 amphibians.

5 (b) The management and control of predatory wildlife.

6 (c) The acquisition of lands, water rights and easements and  
7 other property for the management, propagation, protection and  
8 restoration of wildlife.

9 (d) The entry, access to, and occupancy and use of such  
10 property, including leases of grazing rights, sales of agricultural  
11 products and requests by the Director to the State Land Registrar for  
12 the sale of timber if the sale does not interfere with the use of the  
13 property on which the timber is located for wildlife management or  
14 for hunting or fishing thereon.

15 (e) The control of nonresident hunters.

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

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

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

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

24 (a) Seasons for hunting game mammals and game birds, for  
25 hunting or trapping fur-bearing mammals and for fishing, the daily  
26 and possession limits, the manner and means of taking wildlife,  
27 including, but not limited to, the sex, size or other physical  
28 differentiation for each species, and, when necessary for  
29 management purposes, the emergency closing or extending of a  
30 season, reducing or increasing of the bag or possession limits on a  
31 species, or the closing of any area to hunting, fishing or trapping. If,  
32 in establishing any regulations pursuant to this subsection, the  
33 Commission rejects the recommendations of a county advisory  
34 board to manage wildlife with regard to the length of seasons for  
35 fishing, hunting and trapping or the bag or possession limits  
36 applicable within the respective county, the Commission shall  
37 provide to the county advisory board to manage wildlife at the  
38 meeting an explanation of the Commission's decision to reject the  
39 recommendations and, as soon as practicable after the meeting, a  
40 written explanation of the Commission's decision to reject the  
41 recommendations. Any regulations relating to the closure of a  
42 season must be based upon scientific data concerning the  
43 management of wildlife. The data upon which the regulations are  
44 based must be collected or developed by the Department.



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

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

6 (d) The number of licenses issued for big game and, if  
7 necessary, other game species.

8 5. Adopt regulations requiring the Department to make public,  
9 before official delivery, its proposed responses to any requests by  
10 federal agencies for its comment on drafts of statements concerning  
11 the environmental effect of proposed actions or regulations affecting  
12 public lands.

13 6. Adopt regulations:

14 (a) Governing the provisions of the permit required by NRS  
15 502.390 and for the issuance, renewal and revocation of such a  
16 permit.

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

20 7. Designate those portions of wildlife management areas for  
21 big game mammals that are of special concern for the regulation of  
22 the importation, possession and propagation of alternative livestock  
23 pursuant to NRS 576.129.

24 8. Adopt regulations governing the trapping of fur-bearing  
25 mammals in a residential area of a county whose population is  
26 100,000 or more.

27 9. Adopt regulations prescribing the circumstances under  
28 which a person, regardless of whether the person has obtained a  
29 valid tag issued by the Department, may assist in the killing and  
30 retrieval of a wounded big game mammal by another person who:

31 (a) Is a paraplegic, has had one or both legs amputated or has  
32 suffered a paralysis of one or both legs which severely impedes the  
33 person's walking; and

34 (b) Has obtained a valid tag issued by the Department for  
35 hunting that animal.

36 10. *Maintain a list of candidates qualified for appointment to*  
37 *the Council that is compiled from recommendations made by any*  
38 *established Nevada organization for sportsmen and sportswomen*  
39 *and the county advisory boards to manage wildlife. Except as*  
40 *otherwise provided in this subsection, the Commission shall not*  
41 *include a person on the list of candidates unless the person has*  
42 *been a resident of this State for at least 5 years and has held a*  
43 *hunting, fishing or trapping license, or any combination of those*  
44 *licenses, in this State for at least 3 of the immediately preceding 5*  
45 *years. The Council may waive the required period of residency*



1 *and the period for holding any of those licenses for a member of*  
2 *the Council appointed pursuant to subparagraph (2) of paragraph*  
3 *(b) of subsection 1 of section 3 of this act.*

4 **11.** In establishing any policy or adopting any regulations  
5 pursuant to this section, first consider the recommendations of the  
6 Department, the county advisory boards to manage wildlife and  
7 other persons who present their views at an open meeting of the  
8 Commission.

9 **Sec. 9.** NRS 501.3575 is hereby amended to read as follows:

10 501.3575 1. The Wildlife Heritage Account is hereby created  
11 in the State General Fund. The money in the Account must be used  
12 by the Department as provided in this section for:

13 (a) The protection, propagation, restoration, transplantation,  
14 introduction and management of any game fish, game mammal,  
15 game bird or fur-bearing mammal in this State; ~~and~~

16 (b) The management and control of predatory wildlife in this  
17 State ~~;~~; **and**

18 **(c) Funding the activities of the Council.**

19 2. Except as otherwise provided in NRS 502.250, money  
20 received by the Department from:

21 (a) A bid, auction, Silver State Tag Drawing or Partnership in  
22 Wildlife Drawing conducted pursuant to NRS 502.250; and

23 (b) A gift of money made by any person to the Wildlife Heritage  
24 Account,

25 **↪** must be deposited with the State Treasurer for credit to the  
26 Account.

27 3. ~~The~~ **Except as otherwise provided in section 6 of this act,**  
28 **the** interest and income earned on the money in the Wildlife  
29 Heritage Account, after deducting any applicable charges, must be  
30 credited to the Account.

31 4. **For the period beginning on July 1, 2017, and ending on**  
32 **June 30, 2021, to fund the activities of the Council, the**  
33 **Department may annually transfer from the principal in the**  
34 **Wildlife Heritage Account to the subaccount specified in section 6**  
35 **of this act:**

36 **(a) Not more than \$500,000; and**

37 **(b) In addition, an amount of money not greater than 20**  
38 **percent of the amount of money deposited in the Account pursuant**  
39 **to subsection 2 during the previous year.**

40 5. The Department may annually expend from the Wildlife  
41 Heritage Account an amount of money not greater than ~~75~~ **80**  
42 percent of the money deposited in the Account pursuant to  
43 subsection 2 during the previous year and the total amount of  
44 interest earned on the money in the Account during the previous  
45 year. ~~The~~



1       6. *If, as determined by the Department, a catastrophic threat*  
2 *to wildlife or wildlife habitat occurs in this State, the Department*  
3 *may request emergency funding in an amount of money not more*  
4 *than 50 percent of the amount of principal in the Wildlife*  
5 *Heritage Account, adjusted for any outstanding commitments*  
6 *previously made but not paid at the time of the request.*

7       7. *The Commission shall ensure that a minimum adjusted*  
8 *principal balance of at least \$3,000,000 is maintained at all times*  
9 *in the Wildlife Heritage Account.*

10      8. *If, for any reason, the adjusted principal balance in the*  
11 *Wildlife Heritage Account falls below \$5,000,000, any funding*  
12 *pursuant to paragraph (b) of subsection 4 must be reduced to not*  
13 *greater than 15 percent and any expenditures pursuant to*  
14 *subsection 5 must be reduced to not greater than 75 percent until*  
15 *an adjusted principal balance of at least \$5,000,000 is achieved for*  
16 *the Account.*

17      9. *Except for expenditures made pursuant to subsection 4 and*  
18 *subsection 4 of section 6 of this act, the Commission shall review*  
19 *and approve expenditures from the Account ~~[-No]~~, and no*  
20 *money may be expended from the Account without the prior approval of*  
21 *the Commission.*

22      ~~10.~~ 10. The Commission shall administer the provisions of this  
23 section and may adopt any regulations necessary for that purpose.

24      **Sec. 10.** NRS 501.3575 is hereby amended to read as follows:

25      501.3575 1. The Wildlife Heritage Account is hereby created  
26 in the State General Fund. The money in the Account must be used  
27 by the Department as provided in this section for:

28      (a) The protection, propagation, restoration, transplantation,  
29 introduction and management of any game fish, game mammal,  
30 game bird or fur-bearing mammal in this State;

31      (b) The management and control of predatory wildlife in this  
32 State; and

33      (c) Funding the activities of the Council.

34      2. Except as otherwise provided in NRS 502.250, money  
35 received by the Department from:

36      (a) A bid, auction, Silver State Tag Drawing or Partnership in  
37 Wildlife Drawing conducted pursuant to NRS 502.250; and

38      (b) A gift of money made by any person to the Wildlife Heritage  
39 Account,

40      ➔ must be deposited with the State Treasurer for credit to the  
41 Account.

42      3. Except as otherwise provided in section 6 of this act, interest  
43 and income earned on the money in the Wildlife Heritage Account,  
44 after deducting any applicable charges, must be credited to the  
45 Account.



1 4. ~~{For the period beginning on July 1, 2017, and ending on~~  
2 ~~June 30, 2021, to}~~ To fund the activities of the Council, the  
3 Department may annually transfer from the principal in the Wildlife  
4 Heritage Account to the subaccount specified in section 6 of this act  
5 ~~†~~

6 ~~—(a) Not more than \$500,000; and~~  
7 ~~—(b) In addition,†~~ an amount of money not greater than ~~{20}~~ 17  
8 percent of the amount of money deposited in the Account pursuant  
9 to subsection 2 during the previous year.

10 5. The Department may annually expend from the Wildlife  
11 Heritage Account an amount of money not greater than 80 percent  
12 of the money deposited in the Account pursuant to subsection 2  
13 during the previous year and the total amount of interest earned on  
14 the money in the Account during the previous year.

15 6. If, as determined by the Department, a catastrophic threat to  
16 wildlife or wildlife habitat occurs in this State, the Department may  
17 request emergency funding in an amount of money not more than 50  
18 percent of the amount of principal in the Wildlife Heritage Account,  
19 adjusted for any outstanding commitments previously made but not  
20 paid at the time of the request.

21 7. The Commission shall ensure that a minimum adjusted  
22 principal balance of at least \$3,000,000 is maintained at all times in  
23 the Wildlife Heritage Account.

24 8. If, for any reason, the adjusted principal balance in the  
25 Wildlife Heritage Account falls below \$5,000,000, any funding  
26 pursuant to paragraph (b) of subsection 4 must be reduced to not  
27 greater than 15 percent and any expenditures pursuant to subsection  
28 5 must be reduced to not greater than 75 percent until an adjusted  
29 principal balance of at least \$5,000,000 is achieved for the Account.

30 9. Except for expenditures made pursuant to subsection 4, and  
31 subsection 4 of section 6 of this act the Commission shall review  
32 and approve expenditures from the Account, and no money may be  
33 expended from the Account without the prior approval of the  
34 Commission.

35 10. The Commission shall administer the provisions of this  
36 section and may adopt any regulations necessary for that purpose.

37 **Sec. 11.** 1. The Director of the Department of Wildlife shall:

38 (a) Designate the representative pursuant to paragraph (a) of  
39 subsection 1 of section 3 of this act and appoint the initial members  
40 of the Nevada Wildlife Public Education Council created by section  
41 3 of this act in accordance with paragraph (b) of subsection 1 of  
42 section 3 of this act not later than October 1, 2017.

43 (b) Call the first meeting of the Council, which must take place  
44 on or before December 31, 2017.



- 1        2. At the first meeting of the Council, the six members initially  
2 appointed by the Director of the Department of Wildlife pursuant to  
3 paragraph (a) of subsection 1 shall choose their initial terms by lot,  
4 in the following manner:
- 5        (a) Two members to serve for terms of 2 years;
  - 6        (b) Two members to serve for terms of 3 years; and
  - 7        (c) Two members to serve for terms of 4 years.
- 8        **Sec. 12.** 1. This section and sections 1 to 9, inclusive, and 11  
9 of this act become effective on July 1, 2017.
- 10       2. Section 10 of this act becomes effective on July 1, 2021.

