

ASSEMBLY BILL NO. 322—ASSEMBLYMEN SMITH, OCEGUERA,
BOBZIEN; CONKLIN AND GOICOECHEA

MARCH 18, 2011

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions relating to wildlife. (BDR 45-150)

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

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

AN ACT relating to wildlife; revising the membership of the Board of Wildlife Commissioners to include one member who possesses experience and expertise in advocating issues relating to conservation; revising the circumstances under which the Director of the Department of Wildlife is appointed; revising the provisions governing a program for the issuance of certain additional big game tags each year; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law creates the Board of Wildlife Commissioners, consisting of nine
- 2 members appointed by the Governor, and confers broad authority upon the
- 3 Commission to manage wildlife and its habitat in this State. (NRS 501.105,
- 4 501.167, 501.181) Of those nine members, existing law requires one member to be
- 5 a person who is actively engaged in the conservation of wildlife. (NRS 501.171)
- 6 **Section 1** of this bill revises the qualifications of that member to require experience
- 7 and expertise in advocating issues relating to conservation.
- 8 Existing law requires the Governor to appoint the Director of the Department of
- 9 Wildlife from among three or more persons nominated by the Commission. (NRS
- 10 501.333) **Section 2** of this bill revises that requirement to allow the Governor
- 11 additional discretion in appointing the Director.
- 12 Existing law authorizes the Commission to establish a program for the issuance
- 13 of additional big game tags each year, known as “Dream Tags,” to hunt any species
- 14 of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or
- 15 elk. The program must award the big game tags through a raffle conducted by a
- 16 certain nonprofit organization. The money received by the nonprofit organization
- 17 from the proceeds of the raffle, less any administrative costs, must be used to
- 18 preserve, protect, manage or restore game and its habitat. (NRS 502.219) In lieu of



19 authorizing the Commission to establish such a program, **section 3** of this bill
20 establishes that program by statute.

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

- 1 **Section 1.** NRS 501.171 is hereby amended to read as follows:
2 501.171 1. A county advisory board to manage wildlife shall
3 submit written nominations for appointments to the Commission
4 upon the request of the Governor and may submit nominations at
5 any other time.
6 2. After consideration of the written nominations submitted by
7 a county advisory board to manage wildlife and any additional
8 candidates for appointment to the Commission, the Governor shall
9 appoint to the Commission:
10 (a) One member who ~~is actively engaged in the~~ *possesses*
11 *experience and expertise in advocating issues relating to*
12 *conservation ;* ~~[of wildlife;]~~
13 (b) One member who is actively engaged in farming;
14 (c) One member who is actively engaged in ranching;
15 (d) One member who represents the interests of the general
16 public; and
17 (e) Five members who during at least 3 of the 4 years
18 immediately preceding their appointment held a resident license to
19 fish or hunt, or both, in Nevada.
20 3. The Governor shall not appoint to the Commission any
21 person who has been convicted of:
22 (a) A felony or gross misdemeanor for a violation of
23 NRS 501.376;
24 (b) A gross misdemeanor for a violation of NRS 502.060;
25 (c) A felony or gross misdemeanor for a violation of NRS
26 504.395; or
27 (d) Two or more violations of the provisions of chapters 501 to
28 504, inclusive, of NRS,
29 ↳ during the previous 10 years.
30 4. Not more than three members may be from the same county
31 whose population is 400,000 or more, not more than two members
32 may be from the same county whose population is 100,000 or more
33 but less than 400,000, and not more than one member may be from
34 the same county whose population is less than 100,000.
35 5. The Commission shall annually select a Chair and a Vice
36 Chair from among its members. A person shall not serve more than
37 two consecutive terms as Chair.



1 **Sec. 2.** NRS 501.333 is hereby amended to read as follows:

2 501.333 1. ~~From among three or more nominees of the~~
3 ~~Commission, the~~ *The* Governor shall appoint a Director of the
4 Department, who is its Chief Administrative Officer. The Director
5 serves at the pleasure of the Governor.

6 2. The Governor shall select as Director a person having an
7 academic degree in the management of wildlife or a closely related
8 field, substantial experience in the management of wildlife and a
9 demonstrated ability to administer a major public agency. *When*
10 *appointing the Director, the Governor may consider any person*
11 *nominated by the Commission.*

12 3. The Director is in the unclassified service of the State.

13 **Sec. 3.** NRS 502.219 is hereby amended to read as follows:

14 502.219 1. ~~The Commission may establish a~~ *A* program *is*
15 *hereby established* for the issuance of additional big game tags each
16 year to be known as "Dream Tags." ~~If the Commission establishes~~
17 ~~such a program, the~~ *The* program must provide:

18 (a) For the issuance of Dream Tags to either a resident or
19 nonresident of this State;

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

24 (c) For the sale of Dream Tags to a nonprofit organization
25 pursuant to this section.

26 2. ~~The Commission may adopt regulations establishing such~~
27 ~~other provisions concerning Dream Tags as the Commission~~
28 ~~determines reasonable or necessary in carrying out the program.]~~
29 *Department shall administer the program and shall take such*
30 *actions as the Department determines are necessary to carry out*
31 *the provisions of this section and NRS 502.222 and 502.225.*

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

40 (a) The nonprofit organization must agree to award the Dream
41 Tags by raffle, with unlimited chances to be sold for \$5 each to
42 persons who purchase a resource enhancement stamp pursuant to
43 NRS 502.222.

44 (b) The nonprofit organization must agree to enter into a
45 contract with a private entity that is approved by the Department



1 which requires that the private entity agree to act as the agent of the
2 nonprofit organization to sell chances to win Dream Tags, conduct
3 any required drawing for Dream Tags and issue Dream Tags. For
4 the purposes of this paragraph, a private entity that has entered into
5 a contract with the Department pursuant to NRS 502.175 to conduct
6 a drawing and to award and issue tags or permits as established by
7 the Commission shall be deemed to be approved by the Department.

8 (c) All money received by the nonprofit organization from the
9 proceeds of the Dream Tag raffle, less the cost of the Dream Tags
10 purchased by the nonprofit organization and any administrative
11 costs charged by the Community Foundation of Western Nevada,
12 must be used for the preservation, protection, management or
13 restoration of game and its habitat, as determined by the Advisory
14 Board on Dream Tags created by NRS 502.225.

15 4. All money received by the Department for Dream Tags
16 pursuant to this section must be deposited with the State Treasurer
17 for credit to the Wildlife Account in the State General Fund.

18 5. The nonprofit organization shall, on or before February 1 of
19 each year, report to the ~~{Commission}~~ *Department* and the Interim
20 Finance Committee concerning the Dream Tag program, including,
21 without limitation:

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

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

26 (c) The total amount of money received by the nonprofit
27 organization from the proceeds of the Dream Tag raffle, the amount
28 of such money expended by the nonprofit organization and a
29 description of each project for which the money was spent; and

30 (d) Any recommendations concerning the ~~{continuation of the}~~
31 program or necessary legislation.

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

35 **Sec. 4.** 1. As soon as practicable after the effective date of
36 this section, the Governor shall appoint one member of the Board of
37 Wildlife Commissioners who is qualified pursuant to paragraph (a)
38 of subsection 2 of NRS 501.171, as amended by section 1 of this
39 act.

40 2. The term of the member of the Board of Wildlife
41 Commissioners who was appointed pursuant to paragraph (a) of
42 subsection 2 of NRS 501.171 before the effective date of this
43 section expires:

44 (a) Upon the expiration of the term for which he or she was
45 appointed; or



1 (b) Upon the appointment by the Governor of the member
2 specified in subsection 1,
3 ↪ whichever occurs first.

4 **Sec. 5.** 1. This section and sections 1, 2 and 4 of this act
5 become effective upon passage and approval.

6 2. Section 3 of this act becomes effective on July 1, 2011.

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