

ASSEMBLY BILL NO. 338—ASSEMBLYMAN HANSEN

MARCH 16, 2015

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing wildlife. (BDR 45-26)

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

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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 scope of certain regulations that the Board of Wildlife Commissioners is required to adopt; revising provisions relating to the registration and marking of traps, snares and similar devices used in the taking of wild mammals; revising provisions relating to the frequency of visits required for a trap, snare or device; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Board of Wildlife Commissioners to adopt regulations
2 for the taking of antlers which have been naturally shed by a big game mammal in
3 this State. (NRS 503.655) **Section 3** of this bill provides that those regulations only
4 apply to the collection of such antlers for commercial purposes. **Section 3** also
5 requires the Commission to ensure that the regulations do not adversely affect the
6 taking of shed antlers by Nevada residents for noncommercial purposes.

7 Existing law requires: (1) each trap, snare or similar device used in the taking
8 of wild mammals to be registered with the Department of Wildlife; and (2) each
9 registered trap, snare or similar device to bear a number which is assigned by the
10 Department and is affixed to the trap, snare or similar device in a manner specified
11 by regulation adopted by the Commission. (NRS 503.452) Existing law requires the
12 Commission to adopt regulations prescribing the frequency at which a person who
13 sets or places a trap, snare or similar device is required to visit the trap, snare or
14 similar device, which must be at least once every 96 hours. (NRS 503.570)

15 Those provisions of existing law were enacted by Senate Bill No. 213 of the
16 2013 Legislative Session. (Sections 3 and 5 of chapter 231, Statutes of Nevada
17 2013, pp. 1001 and 1002) **Sections 1 and 2** of this bill reverse certain changes
18 made by Senate Bill No. 213. Specifically, **section 1** amends those provisions to
19 authorize each trap, snare or similar device used in the taking of wild animals to:
20 (1) bear a number registered with the Department of Wildlife; or (2) be



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21 permanently marked with the name and address of the owner or trapper using it.
22 **Section 1** also provides that if the trap is registered, the registration is permanent
23 and requires the registrant to pay a one-time fee of \$10 at the time the first trap,
24 snare or similar device is registered. **Section 2** of this bill requires each person who
25 sets or places a trap, snare or any other device to visit those devices at least once
26 every 96 hours.

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

1 **Section 1.** NRS 503.452 is hereby amended to read as follows:
2 503.452 ~~{1.}~~ Each trap, snare or similar device used in the
3 taking of wild mammals ~~{must be registered with the Department~~
4 ~~before it is used. Each registered trap, snare or similar device must}~~
5 *may* bear a number ~~{which is assigned by}~~ *registered with* the
6 Department ~~{and is affixed to or marked on the trap, snare or similar~~
7 ~~device in the manner specified by regulations adopted by the~~
8 ~~Commission. The registration of a trap, snare or similar device is~~
9 ~~valid until the trap, snare or similar device is sold or ownership of~~
10 ~~the trap, snare or similar device is otherwise transferred.~~
11 ~~—2.} or be permanently marked with the name and address of the~~
12 ~~owner or trapper using it. If a trap is registered, the registration is~~
13 ~~permanent.~~ A registration fee of \$10 for each registrant is payable
14 only once , ~~{by each person who registers a trap, snare or similar~~
15 ~~device. The fee must be paid}~~ at the time the first trap, snare or
16 similar device is registered.
17 ~~{3. It is unlawful:~~
18 ~~—(a) For a person to whom a trap, snare or similar device is~~
19 ~~registered to allow another person to possess or use the trap, snare or~~
20 ~~similar device without providing to that person written authorization~~
21 ~~to possess or use the trap, snare or similar device.~~
22 ~~—(b) For a person to possess or use a trap, snare or similar device~~
23 ~~registered to another person without obtaining the written~~
24 ~~authorization required pursuant to paragraph (a). If a person obtains~~
25 ~~written authorization to possess or use a trap, snare or similar device~~
26 ~~pursuant to paragraph (a), the person shall ensure that the written~~
27 ~~authorization, together with his or her trapping license, is in his or~~
28 ~~her possession during any period in which he or she uses the trap,~~
29 ~~snare or similar device to take fur bearing mammals.~~
30 ~~—4. A person to whom a trap, snare or similar device is~~
31 ~~registered pursuant to this section shall report any theft of the trap,~~
32 ~~snare or similar device to the Department as soon as it is practical to~~
33 ~~do so after the person discovers the theft.~~
34 ~~—5. Any information in the possession of the Department~~
35 ~~concerning the registration of a trap, snare or similar device is~~



1 ~~confidential and the Department shall not disclose that information~~
2 ~~unless required to do so by law or court order.~~

3 **Sec. 2.** NRS 503.570 is hereby amended to read as follows:

4 503.570 1. A person taking or causing to be taken wild
5 mammals by means of traps, snares or ~~similar~~ *any other* devices
6 which do not, or are not designed to, cause immediate death to the
7 mammals, shall, if the traps, snares or ~~similar~~ devices are placed or
8 set to take mammals, visit or cause to be visited *at least once each*
9 *96 hours* each trap, snare or ~~similar~~ *other* device ~~at a frequency~~
10 ~~specified in regulations adopted by the Commission pursuant to~~
11 ~~subsection 3~~ during all of the time the trap, snare or ~~similar~~ device
12 is placed, set or used to take wild mammals, and remove therefrom
13 any mammals caught therein.

14 2. The provisions of subsection 1 do not apply to employees of
15 the State Department of Agriculture or the United States Department
16 of Agriculture when acting in their official capacities.

17 ~~3.—The Commission shall adopt regulations setting forth the~~
18 ~~frequency at which a person who takes or causes to be taken wild~~
19 ~~mammals by means of traps, snares or similar devices which do not,~~
20 ~~or are not designed to, cause immediate death to the mammals must~~
21 ~~visit a trap, snare or similar device. The regulations must require the~~
22 ~~person to visit a trap, snare or similar device at least once each 96~~
23 ~~hours. In adopting the regulations, the Commission shall consider~~
24 ~~requiring a trap, snare or similar device placed in close proximity to~~
25 ~~a populated or heavily used area by persons to be visited more~~
26 ~~frequently than a trap, snare or similar device which is not placed in~~
27 ~~close proximity to such an area.~~

28 **Sec. 3.** NRS 503.655 is hereby amended to read as follows:

29 503.655 1. The Commission shall adopt regulations for the
30 taking of shed antlers ~~+~~ *for commercial purposes. The*
31 *Commission shall ensure that the regulations do not restrict or*
32 *otherwise adversely affect the taking of shed antlers by residents of*
33 *this State for noncommercial purposes.*

34 2. As used in this section ~~+~~ *“shed”* :

35 (a) *“Commercial purposes” does not include the taking of*
36 *shed antlers as part of a fundraising project of a nonprofit*
37 *educational or charitable organization.*

38 (b) *“Shed antlers” means antlers which have been naturally shed*
39 *by any big game mammal in this State.*

40 **Sec. 4.** NRS 239.010 is hereby amended to read as follows:

41 239.010 1. Except as otherwise provided in this section and
42 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
43 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
44 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
45 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,



1 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
2 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
3 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
4 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
5 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
6 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
7 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
8 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
9 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
10 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
11 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
12 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
13 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
14 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
15 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
16 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
17 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
18 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135,
19 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
20 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205,
21 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
22 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080,
23 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,
24 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264,
25 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460,
26 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
27 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320,
28 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,
29 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,
30 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,
31 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,
32 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,
33 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
34 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
35 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,
36 483.340, 483.363, 483.800, 484E.070, 485.316, ~~483.452~~, 522.040,
37 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,
38 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
39 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
40 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,
41 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,
42 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
43 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,
44 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,
45 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,



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1 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,
2 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,
3 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
4 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,
5 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,
6 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,
7 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,
8 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,
9 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,
10 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
11 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,
12 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
13 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38
14 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
15 chapter 391, Statutes of Nevada 2013 and unless otherwise declared
16 by law to be confidential, all public books and public records of a
17 governmental entity must be open at all times during office hours to
18 inspection by any person, and may be fully copied or an abstract or
19 memorandum may be prepared from those public books and public
20 records. Any such copies, abstracts or memoranda may be used to
21 supply the general public with copies, abstracts or memoranda of the
22 records or may be used in any other way to the advantage of the
23 governmental entity or of the general public. This section does not
24 supersede or in any manner affect the federal laws governing
25 copyrights or enlarge, diminish or affect in any other manner the
26 rights of a person in any written book or record which is
27 copyrighted pursuant to federal law.

28 2. A governmental entity may not reject a book or record
29 which is copyrighted solely because it is copyrighted.

30 3. A governmental entity that has legal custody or control of a
31 public book or record shall not deny a request made pursuant to
32 subsection 1 to inspect or copy or receive a copy of a public book or
33 record on the basis that the requested public book or record contains
34 information that is confidential if the governmental entity can
35 redact, delete, conceal or separate the confidential information from
36 the information included in the public book or record that is not
37 otherwise confidential.

38 4. A person may request a copy of a public record in any
39 medium in which the public record is readily available. An officer,
40 employee or agent of a governmental entity who has legal custody
41 or control of a public record:

42 (a) Shall not refuse to provide a copy of that public record in a
43 readily available medium because the officer, employee or agent has
44 already prepared or would prefer to provide the copy in a different
45 medium.



1 (b) Except as otherwise provided in NRS 239.030, shall, upon
2 request, prepare the copy of the public record and shall not require
3 the person who has requested the copy to prepare the copy himself
4 or herself.

5 **Sec. 5.** This act becomes effective on July 1, 2015.



