

SENATE BILL NO. 211—SENATOR O’CONNELL

FEBRUARY 17, 1999

Referred to Committee on Natural Resources

SUMMARY—Makes various changes to provisions concerning animals. (BDR 45-718)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 animals; requiring the division of wildlife of the state department of conservation and natural resources to contract with a private entity to conduct a drawing to award tags for special seasons; prohibiting a person from willfully and unjustifiably killing, injuring or interfering with a dog used in certain events; providing a penalty; 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. Chapter 502 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before tags are issued for a special season, the division shall contract with a private entity to conduct a drawing and to award the tags. The drawing must be conducted using a computer program that awards tags based on a random order of selection. The division shall solicit bids for the contract pursuant to the provisions of chapter 333 of NRS.

2. The division shall:

(a) Provide to the private entity to whom a contract is awarded pursuant to the provisions of subsection 1 any applications for tags, documents or other information required by the private entity to conduct the drawing; and

(b) Otherwise cooperate with the private entity in conducting the drawing.

3. Within 10 days after the drawing is completed, the private entity shall submit the results of the drawing to the division.

4. If no private entity qualifies for the awarding of the contract specified in subsection 1, the division shall conduct a drawing to award

tags for a special season in the manner set forth in the regulations adopted by the commission pursuant to the provisions of subsection 5.

5. The commission shall adopt regulations necessary to carry out the provisions of this section, including regulations that prescribe the manner in which the division must conduct a drawing specified in subsection 1 if no private entity qualifies for the awarding of the contract.

Sec. 2. NRS 242.131 is hereby amended to read as follows:

242.131 1. The department shall provide state agencies and elected state officers with all of their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the department for its services or the use of its equipment, subject to the provisions of this chapter, and the department shall provide ~~such~~ those services and the use of ~~such~~ that equipment as may be mutually agreed:

(a) ~~Court~~ The court administrator;

(b) ~~Department~~ The department of motor vehicles and public safety;

(c) ~~Department~~ The department of transportation;

(d) ~~Employment~~ The employment security division of the department of employment, training and rehabilitation;

(e) ~~Legislative~~ The division of wildlife of the state department of conservation and natural resources;

(f) The legislative counsel bureau;

~~(f) State~~

(g) The state industrial insurance system;

~~(g) State controller;~~

~~(h) State~~

(h) The state controller;

(i) The state gaming control board and Nevada gaming commission; and

~~(i)~~ (j) The University and Community College System of Nevada.

3. Any state agency or elected state officer who uses the services of the department and desires to withdraw substantially from that use must apply to the director for approval. The application must set forth justification for the withdrawal. If the director denies the application, the agency or officer must:

(a) If the legislature is in regular or special session, obtain the approval of the legislature by concurrent resolution.

(b) If the legislature is not in regular or special session, obtain the approval of the interim finance committee. The director shall, within 45 days after receipt of the application, forward the application together with his recommendation for approval or denial to the interim finance committee. The interim finance committee has 45 days after the application

1 and recommendation are submitted to its secretary within which to consider
2 the application. Any application which is not considered by the committee
3 within the 45-day period shall be deemed approved.

4 4. If the demand for services or use of equipment exceeds the
5 capability of the department to provide them, the department may contract
6 with other agencies or independent contractors to furnish the required
7 services or use of equipment and is responsible for the administration of the
8 contracts.

9 **Sec. 3.** Chapter 574 of NRS is hereby amended by adding thereto a
10 new section to read as follows:

11 *A person who willfully and unjustifiably:*

12 1. *Kills, injures or tampers or interferes with a dog owned by another*
13 *person that is used in an exhibition, show, contest or other event in which*
14 *the skill, breeding or stamina of the dog is judged or examined; or*

15 2. *Sets on foot, instigates, engages in or in any way furthers an act*
16 *by which a dog specified in subsection 1 is killed, injured or tampered or*
17 *interfered with,*

18 *is guilty of a category E felony and shall be punished in accordance with*
19 *the provisions of NRS 193.130.*

20 **Sec. 4.** NRS 574.050 is hereby amended to read as follows:

21 574.050 As used in NRS 574.050 to 574.200, inclusive ~~§~~, and
22 *section 3 of this act:*

23 1. "Animal" does not include the human race, but includes every other
24 living creature.

25 2. "Torture" or "cruelty" includes every act, omission or neglect,
26 whereby unjustifiable physical pain, suffering or death is caused or
27 permitted.

28 **Sec. 5.** NRS 574.100 is hereby amended to read as follows:

29 574.100 Except *as otherwise provided in section 3 of this act or* in
30 any case involving a willful or malicious act for which a greater penalty is
31 provided by NRS 206.150, a person who:

32 1. Overdrives, overloads, tortures or cruelly beats or unjustifiably
33 injures, maims, mutilates or kills any animal, whether belonging to himself
34 or to another;

35 2. Deprives any animal of necessary sustenance, food or drink, or
36 neglects or refuses to furnish it such sustenance or drink;

37 3. Causes, procures or permits any animal to be overdriven,
38 overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed,
39 mutilated or killed, or to be deprived of necessary food or drink;

40 4. Willfully sets on foot, instigates, engages in, or in any way furthers
41 an act of cruelty to any animal, or any act tending to produce such cruelty;
42 or

1 5. Abandons an animal in circumstances other than those prohibited in
2 NRS 574.110,
3 is guilty of a misdemeanor.

4 **Sec. 6.** Section 17 of chapter 507, Statutes of Nevada 1991, at page
5 1578, is hereby repealed.

6 **Sec. 7.** The amendatory provisions of this act do not apply to offenses
7 that were committed before October 1, 1999.

TEXT OF REPEALED SECTION

Section 17 of chapter 507, Statutes of Nevada 1991:

Sec. 17. 1. The department of wildlife shall solicit bids in accordance with state law for the development of a computer program for the issuance of tags for special seasons.

2. The request for proposals must indicate, and any contract awarded must provide, that the following conditions apply to the contract for the development of a computer program pursuant to this section:

(a) The contract must result in the establishment of a complete system, that can be readily changed, of applications and drawings for, and the issuance of, tags.

(b) The contract must allow access to and the use of existing data and files of the department, to the extent necessary to carry out the contract.

(c) The department must acquire ownership of the computer program at the end of the term of the contract.

3. The department must award the contract for the development of the computer program to a private entity unless no qualified bids are received. If no qualified bids are received, the program may be developed by a public agency.

4. Before submitting a contract proposed pursuant to this section to the state board of examiners for approval, the director of the department of wildlife shall submit the qualified bid or bids received by the department to the interim finance committee for its advisory review.

5. The program developed pursuant to this section must be used for all drawings of tags on or after January 1, 1993, for special seasons.

6. As used in this section, "special season" has the meaning ascribed to it in NRS 501.085.