

ASSEMBLY BILL NO. 426—ASSEMBLYMEN GOEDHART, BEERS,
GANSERT, MABEY, MARVEL AND SEGERBLOM

MARCH 19, 2007

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Prohibits the Board of Wildlife Commissioners from establishing a policy or adopting a regulation to preserve, protect, manage or restore wildlife raised for human consumption. (BDR 45-1296)

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

~

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

AN ACT relating to wildlife; prohibiting the Board of Wildlife Commissioners from establishing a policy or adopting a regulation to preserve, protect, manage or restore wildlife raised for human consumption; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Board of Wildlife Commissioners to establish policies
2 and adopt regulations to preserve, protect, manage and restore wildlife and its
3 habitat. Existing law further requires the Commission to adopt regulations
4 establishing seasons for hunting game mammals and game birds and for hunting or
5 trapping fur-bearing mammals. (NRS 501.181) The terms “big game mammal,”
6 “fur-bearing mammal,” “game fish,” “game mammal,” “migratory game birds” and
7 “upland game birds” are defined to mean any such mammal, fish or bird that is so
8 classified by a regulation adopted by the Commission. (NRS 501.005, 501.035,
9 501.045, 501.055, 501.095) The term “wildlife” is defined to mean any wild
10 mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean that is found
11 naturally in a wild state, regardless of whether it is indigenous to this State or
12 whether it is raised in captivity. (NRS 501.097)

13 This bill revises the jurisdiction of the Commission and the Department of
14 Wildlife by excluding from that jurisdiction any species of alternative livestock and
15 any species of big game mammal, fur-bearing mammal, game fish, game mammal,
16 migratory game bird, upland game bird or other species of crustacean, fish or
17 mammal that is raised on private property for the purpose of selling the crustacean,
18 fish or mammal for human consumption.



* A B 4 2 6 *

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

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this title, unless the context otherwise requires, the words and terms defined in NRS 501.003 to 501.097, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 501.003 is hereby amended to read as follows:

501.003 ~~{As used in this title, “alternative”}~~ **“Alternative livestock”** means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other by-products of animals or as breeding stock to produce alternative livestock:

1. Fallow deer (Dama dama).

2. Reindeer (Rangifer tarandus).

Sec. 3. NRS 501.005 is hereby amended to read as follows:

501.005 ~~{As used in this title, }~~

1. Except as otherwise provided in subsection 2, “big game mammal” means any game mammal so classified by a Commission regulation.

2. The term does not include a mammal that is raised on private property for the purpose of selling the mammal for human consumption.

Sec. 4. NRS 501.010 is hereby amended to read as follows:

501.010 ~~{As used in this title, “board”}~~ **“Board”** means the county advisory board to manage wildlife.

Sec. 5. NRS 501.013 is hereby amended to read as follows:

501.013 ~~{As used in this title, “chumming”}~~ **“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. 6. NRS 501.015 is hereby amended to read as follows:

501.015 ~~{As used in this title, “closed”}~~ **“Closed season”** means all periods except those designated as “open season.” During any such season it is unlawful to fish, to hunt game mammals or game birds or to hunt or trap fur-bearing mammals. There is no closed season on those species of wild mammals or wild birds classified as unprotected.

Sec. 7. NRS 501.020 is hereby amended to read as follows:

501.020 Except as otherwise provided in NRS 504.430 to 504.490, inclusive, ~~{as used in this title, unless the context otherwise requires, }~~ “Commission” means the Board of Wildlife Commissioners.



1 **Sec. 8.** NRS 501.023 is hereby amended to read as follows:
2 501.023 ~~[As used in this title, "county,"]~~ **"County,"** when
3 appearing alone or in the reference framework of county advisory
4 board to manage wildlife, board of county commissioners or any
5 county officer, includes and applies to Carson City.

6 **Sec. 9.** NRS 501.024 is hereby amended to read as follows:
7 501.024 ~~[As used in this title,]~~ "Department" means the
8 Department of Wildlife.

9 **Sec. 10.** NRS 501.026 is hereby amended to read as follows:
10 501.026 ~~[As used in this title,]~~ "Director" means the Director
11 of the Department.

12 **Sec. 11.** NRS 501.030 is hereby amended to read as follows:
13 501.030 ~~[As used in this title, the]~~ **The** words "to fish" and
14 their derivatives, "fishes," "fishing" and "fished," mean catching,
15 taking, capturing, killing, injuring or crippling of a fish or game
16 amphibian, and every attempt to do so.

17 **Sec. 12.** NRS 501.035 is hereby amended to read as follows:

18 501.035 ~~[As used in this title,]~~

19 **1. Except as otherwise provided in subsection 2,** "fur-bearing
20 mammal" means any mammal so classified by **a** Commission
21 regulation.

22 **2. The term does not include a mammal that is raised on**
23 **private property for the purpose of selling the mammal for human**
24 **consumption.**

25 **Sec. 13.** NRS 501.037 is hereby amended to read as follows:

26 501.037 ~~[As used in this title, "game"]~~ **"Game** amphibian"
27 means any amphibian so classified by **a** Commission regulation.

28 **Sec. 14.** NRS 501.045 is hereby amended to read as follows:

29 501.045 ~~[As used in this title,]~~

30 **1. Except as otherwise provided in subsection 2,** "game fish"
31 means any fish so classified by **a** Commission regulation.

32 **2. The term does not include a fish that is raised on private**
33 **property for the purpose of selling the fish for human**
34 **consumption.**

35 **Sec. 15.** NRS 501.046 is hereby amended to read as follows:

36 501.046 ~~[As used in this title,]~~

37 **1. Except as otherwise provided in subsection 2,** "game
38 mammal" means any mammal so classified by **a** Commission
39 regulation.

40 **2. The term does not include a mammal that is raised on**
41 **private property for the purpose of selling the mammal for human**
42 **consumption.**



1 **Sec. 16.** NRS 501.047 is hereby amended to read as follows:
2 501.047 ~~{As used in this title, “game}~~ **“Game** warden” means
3 any person authorized by the Director to enforce the provisions of
4 this title and ~~{of}~~ chapter 488 of NRS.

5 **Sec. 17.** NRS 501.050 is hereby amended to read as follows:
6 501.050 ~~{As used in this title, the}~~ **The** words “to hunt” and
7 their derivatives, “hunting” and “hunted,” mean to search for,
8 pursue or attract ~~{wild}~~ **game** mammals or birds for the purpose and
9 with the means of capturing, injuring or killing them, every attempt
10 to capture, injure or kill ~~{wild}~~ **game** mammals or birds, and every
11 act of assistance to any other person in capturing, injuring or killing
12 such **game** mammals or birds.

13 **Sec. 18.** NRS 501.055 is hereby amended to read as follows:
14 501.055 ~~{As used in this title,}~~

15 **1. Except as otherwise provided in subsection 2,** “migratory
16 game birds” means any birds so classified by **a** Commission
17 regulation.

18 **2. The term does not include a bird that is raised on private**
19 **property for the purpose of selling the bird for human**
20 **consumption.**

21 **Sec. 19.** NRS 501.065 is hereby amended to read as follows:
22 501.065 ~~{As used in this title, “open}~~ **“Open** season” means
23 that period designated pursuant to the provisions of this title during
24 which it is legal to fish or to hunt game mammals or game birds or
25 to hunt or to trap fur-bearing mammals. ~~{Such}~~ **The** period includes
26 the first day and last day designated. There is no open season on
27 those species of wildlife classified as protected.

28 **Sec. 20.** NRS 501.088 is hereby amended to read as follows:
29 501.088 ~~{As used in this title, unless the context otherwise~~
30 ~~requires, the}~~ **The** words “to take” and their derivatives, “took,”
31 “taken” and “taking,” when used in reference to wildlife, mean to
32 kill, capture, shoot, trap, catch, wound, possess, collect, seine, snare
33 or net, and every attempt to do so.

34 **Sec. 21.** NRS 501.090 is hereby amended to read as follows:
35 501.090 ~~{As used in this title, the}~~ **The** words “to trap” and
36 their derivatives, “trapping” and “trapped,” mean to set or operate
37 any device, mechanism or contraption that is designed, built or
38 made to close upon or hold fast any wild mammal or wild bird and
39 every act of assistance to any person in so doing.

40 **Sec. 22.** NRS 501.095 is hereby amended to read as follows:
41 501.095 ~~{As used in this title,}~~

42 **1. Except as otherwise provided in subsection 2,** “upland
43 game birds” means any birds so classified by **a** Commission
44 regulation.



2. *The term does not include a bird that is raised on private property for the purpose of selling the bird for human consumption.*

Sec. 23. NRS 501.096 is hereby amended to read as follows:

501.096 ~~[As used in this title, "vessel"]~~ "Vessel" means every kind of watercraft, other than a seaplane on the water, which is used or capable of being used as a means of transportation on water.

Sec. 24. NRS 501.097 is hereby amended to read as follows:

501.097 ~~[As used in this title,]~~

1. *Except as otherwise provided in subsection 2, "wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to ~~[Nevada]~~ this State or not and whether raised in captivity or not.*

2. *The term does not include a crustacean, fish or mammal that is raised on private property for the purpose of selling the crustacean, fish or mammal for human consumption.*

Sec. 25. NRS 501.105 is hereby amended to read as follows:

501.105 ~~[The]~~

1. *Except as otherwise provided in subsection 2, the Commission shall establish policies and adopt regulations necessary to ~~[the preservation, protection, management and restoration of]~~ preserve, protect, manage or restore any wildlife and its habitat.*

2. *The Commission shall not establish a policy or adopt a regulation to preserve, protect, manage or restore:*

(a) *A species of alternative livestock; or*

(b) *A big game mammal, crustacean, fur-bearing mammal, game fish, game mammal, migratory game bird, upland game bird or any other species of wildlife that is raised on private property for the purpose of selling the big game mammal, crustacean, fur-bearing mammal, game fish, game mammal, migratory game bird, upland game bird or other species of wildlife for human consumption.*

Sec. 26. NRS 501.379 is hereby amended to read as follows:

501.379 1. Except as otherwise provided in this section:

(a) It is unlawful for any person to sell or expose for sale, to barter, trade or purchase or to attempt to sell, barter, trade or purchase any species of wildlife, or parts thereof, except as otherwise provided in this title or in a regulation of the Commission.

(b) The importation and sale of products made from the meat of game ~~[mammals, game birds or game]~~ amphibians raised in captivity is not prohibited if the importation is from a licensed commercial breeder or commercial processor.

2. The provisions of this section do not apply to alternative livestock and products made therefrom.



1 **Sec. 27.** NRS 504.185 is hereby amended to read as follows:
2 504.185 The provisions of NRS 504.155 to 504.185, inclusive,
3 do not apply to:

- 4 1. Alternative livestock; or
5 2. Game mammals not native to this State . ~~;~~
6 ~~→ that are held in captivity for purposes other than as required by~~
7 ~~the Department.]~~

8 **Sec. 28.** NRS 504.245 is hereby amended to read as follows:
9 504.245 1. Any species of wildlife ~~;~~ ~~including alternative~~
10 ~~livestock,]~~ that:

11 (a) Is released from confinement without the prior written
12 authorization of the Department; or

13 (b) Escapes from the possessor's control,
14 → may be captured, seized or destroyed by the Department if the
15 Department determines that such actions are necessary to protect
16 wildlife and the habitat of wildlife in this State.

17 2. The owner or possessor of such wildlife:

18 (a) Shall report its escape immediately after receiving
19 knowledge of the escape; and

20 (b) Is liable for the costs incurred by the Department to capture,
21 maintain and dispose of the wildlife and for any damage caused by
22 the wildlife.

23 3. The Department is not liable for any damage to wildlife, or
24 caused by wildlife, in carrying out the provisions of this section.

25 **Sec. 29.** This act becomes effective on July 1, 2007.

