

Amendment No. 74

Senate Amendment to Senate Bill No. 102 (BDR 45-764)

Proposed by: Senate Committee on Natural Resources**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 102.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

CAF/JRS



Date: 4/4/2011

S.B. No. 102—Requires the Board of Wildlife Commissioners to adopt regulations for the taking of shed antlers. (BDR 45-764)



SENATE BILL NO. 102—COMMITTEE ON NATURAL RESOURCES

PREFILED JANUARY 26, 2011

Referred to Committee on Natural Resources

SUMMARY—~~[Requires the Board of Wildlife Commissioners to adopt regulations for]~~ **Revises provisions governing** the taking of ~~[shed antlers.]~~ **wildlife.** (BDR 45-764)

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; **revising the civil penalties for unlawfully killing or possessing certain big game mammals and other wildlife and for hunting, fishing or trapping without a valid license, tag or permit;** requiring the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals; ~~[requiring the Commission to fix a price for the commercial taking of shed antlers;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain civil penalties against a person for unlawfully killing or possessing big game mammals, bobcats, swans, eagles or other fish or wildlife and for hunting, fishing or trapping without a license. (NRS 501.3855) Section 1 of this bill imposes a similar civil penalty against a person for unlawfully killing or possessing a trophy big game mammal in an amount that is not less than \$5,000 or more than \$30,000. Section 1 also imposes a civil penalty against a person for unlawfully killing or possessing a moose and revises the maximum civil penalty for which a person is liable for hunting, fishing or trapping without a license, tag or permit. The revised maximum amount of that civil penalty is changed from \$250 to the amount of the fee for the required license, tag or permit for the activity in which the person engaged.

Existing law requires the Board of Wildlife Commissioners to establish broad policies for the management of wildlife in this State and to adopt regulations to carry out the provisions of title 45 of NRS governing wildlife in this State. (NRS 501.181) Existing law also prohibits a person from selling, bartering, trading or purchasing the parts of any species of wildlife except as otherwise provided in that title or in a regulation adopted by the Commission. (NRS 501.379) ~~[This]~~ **Section 2 of this** bill requires the Commission to adopt regulations for the ~~[commercial and noncommercial]~~ taking of antlers which have been naturally shed by any big game mammal in this State. ~~[This bill allows a person who possesses a valid Nevada hunting license or permit to take shed antlers for a noncommercial purpose without paying a fee. If a person wishes to take shed antlers but does not possess a license or permit to hunt in this State, this bill requires the Commission to issue the person a permit for a fee not to exceed \$10. Finally, this bill requires the Commission to fix a price which does not exceed \$1,500 for the commercial taking of shed antlers.]~~

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

Section 1. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who ~~unlawfully~~:

(a) Unlawfully kills or possesses a trophy big game mammal, ~~is~~ is liable for a civil penalty of not less than \$5,000 nor more than \$30,000; or

(b) Except as otherwise provided in paragraph (a), unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 ~~(nor more)~~ but less than \$5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, ~~the court may order the defendant to pay~~ a person is liable for a civil penalty of not less than \$25 nor more than \$1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, ~~the court may order the defendant to pay~~ a person is liable for a civil penalty of not less than \$50 nor more than ~~(\$250.) the amount of the fee for the license, tag or permit required for the activity in which the person engaged.~~

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife Account in the State General Fund.

8. As used in this section, "trophy big game mammal" means a mule deer with an outside antler measurement of at least 24 inches, a bighorn sheep of any species with at least one horn exceeding a half curl, a Rocky Mountain elk with at least six antler points on one antler, a pronghorn antelope with at least one horn which is more than 14 inches in length, a mountain goat or a black bear. As used in this subsection:

(a) "Antler" means any bony growth originating from the pedicle portion of the skull of a big game mammal that is annually cast and regenerated as part of the annual life cycle of the big game mammal.

(b) "Antler point" means a projection which is at least 1 inch in length with the length exceeding the width of its base, excluding the first point on the main beam commonly known as the eye guard on mule deer.

(c) "Horn exceeding a half curl" means a horn tip that has grown at least through 180 degrees of a circle determined by establishing a parallel reference line from the base of the horn and measuring the horn tip to determine whether the horn tip has grown at least to the projection of the reference line.

(d) "Outside antler measurement" means the perpendicular measurement at right angles to the center line of the skull of a deer at the widest point between the main antler beams or the antler points off the main antler beams.

~~{Section 1.}~~ Sec. 2. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The Commission shall~~ ~~1.~~

~~(a) Adopt~~ adopt regulations for the taking of shed antlers.

~~(b) Allow a person who holds a license or permit to hunt in this State to take shed antlers for a noncommercial purpose without paying a fee.~~

~~(c) Issue a permit upon the payment of a fee not to exceed \$10 to any person who is 12 years of age or older and who does not hold a license or permit to hunt in this State but wishes to take shed antlers for a noncommercial purpose.~~

~~(d) Fix a price not to exceed \$1,500 to be paid to the Department for shed antlers taken for a commercial purpose.~~

2. As used in this section, "shed antlers" means antlers which have been naturally shed by any big game mammal in this State.

~~{Sec. 2.}~~ Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of adopting the regulations required by section ~~{1}~~ 2 of this act; and

2. On October 1, 2011, for all other purposes.