

ASSEMBLY BILL NO. 330—ASSEMBLYMAN HANSEN

MARCH 20, 2017

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing taxidermists.
(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 taxidermy; requiring a licensed taxidermist to maintain certain written or computerized records and to perform certain other activities relating to taxidermy; limiting the circumstances under which a person is guilty of a misdemeanor for refusing to exhibit certain licenses or permits, wildlife or other items or for failing to have certain licenses or permits in his or her possession; revising provisions governing the inspection of the facilities of a licensed taxidermist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the Board of Wildlife Commissioners to adopt
2 regulations governing the licensing of taxidermists and the practice of taxidermy,
3 including the maintenance and submission of records. (NRS 502.370) Pursuant to
4 that authority, the Commission has adopted regulations which require a licensed
5 taxidermist to: (1) maintain accurate written or computerized records for each
6 licensing year which set forth certain information concerning the activities of the
7 taxidermist; and (2) take certain other actions relating to those activities, including,
8 without limitation, retaining copies of the taxidermist's records for at least 2 years
9 after the end of the licensing year to which those records pertain and presenting the
10 taxidermist's records to certain agents of the Department of Wildlife. (NAC
11 502.455) **Section 5** of this bill proposes to enact those regulations into law with
12 certain changes, including: (1) requiring the records maintained by the taxidermist
13 to set forth the number of the tag, seal or permit if the wildlife was harvested during
14 the current licensing year and a tag, seal or permit is required for the species of
15 wildlife received by the taxidermist; (2) requiring the taxidermist to submit a copy
16 of his or her records for the previous licensing year only as the records relate to
17 wildlife harvested in this State; (3) requiring the retention of the taxidermist's



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records for a licensing year for only 1 year after the expiration of the licensing year to which the records pertain; and (4) requiring the taxidermist to designate a person other than a client of the taxidermist to become familiar with the records and clients of the taxidermist and to take certain actions if the taxidermist dies or becomes incapable of performing taxidermic services.

Under existing law, a person who is required to have a license or permit as provided in title 45 of NRS governing wildlife is guilty of a misdemeanor if he or she, while engaged in any activity regulated by that title and upon demand of any officer authorized to enforce the fish and game laws of this State, refuses to exhibit: (1) the license or permit; (2) any wildlife which the person has in his or her possession; or (3) any weapon, ammunition, device or apparatus in his or her possession which may be used for any activity governed by that title. The person is also guilty of a misdemeanor if he or she, while engaged in any activity governed by that title, fails to have the license or permit in his or her possession. (NRS 502.120) **Section 6** of this bill revises the existing law to specify that such a person is guilty of a misdemeanor only if the regulated activity occurs outside of the residence or place of business of the person.

Existing law requires a person to obtain a license to practice taxidermy before he or she may perform any taxidermic services for others on any wildlife or their parts, nests or eggs. A person who is authorized to enforce the provisions of title 45 of NRS governing wildlife may enter the facilities of a licensee at any reasonable hour and inspect the licensee's operations and records. (NRS 502.370) **Section 7** of this bill amends the authority of such a person to inspect the licensee's operations and records by requiring the person to: (1) complete a program of training, developed by the Department of Wildlife and approved by the Commission, in the appropriate methods for conducting an inspection; and (2) give 30 days' advance written notice of the inspection to the licensee. **Section 7** also: (1) requires an inspection to be conducted during regular business hours for a period of not more than 1 hour; (2) prohibits conducting an inspection of the same licensee more than once every 3 years unless probable cause exists to conduct an inspection before the expiration of that period; (3) limits the scope of an inspection to an inspection of the records of the licensee and any horns, antlers, taxidermic items in the final stage of drying and finished taxidermic items from wildlife taken during the licensing year in which the inspection is conducted or during the immediately preceding licensing year; (4) requires the person conducting the inspection to provide certain notice to the owner of a taxidermic item and the licensee before selecting the taxidermic item for inspection; and (5) requires the licensee to produce a taxidermic item for inspection only if the item is in the physical possession of the licensee.

Section 8 of this bill declares any regulations previously adopted by the Board of Wildlife Commissioners that conflict with this act void. **Section 8** also directs the Legislative Counsel to remove those provisions from the Nevada Administrative Code.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Taxidermic item" means any wildlife or any part, nest or egg of wildlife upon which taxidermic services may be, are being or have been performed.*



1 **Sec. 3.** *"Taxidermic services" includes, without limitation,*
2 *preparing, stuffing and mounting the skins of wildlife or any*
3 *parts, nests or eggs of wildlife.*

4 **Sec. 4.** NRS 501.001 is hereby amended to read as follows:

5 501.001 As used in this title, unless the context otherwise
6 requires, the words and terms defined in NRS 501.003 to 501.097,
7 inclusive, *and sections 2 and 3 of this act* have the meanings
8 ascribed to them in those sections.

9 **Sec. 5.** Chapter 502 of NRS is hereby amended by adding
10 thereto a new section to read as follows:

11 1. *A taxidermist licensed pursuant to NRS 502.370 shall*
12 *maintain accurate written or computerized records, on a form*
13 *provided by the Department or in a format which is substantially*
14 *similar to that form, for each licensing year. The records must set*
15 *forth:*

16 (a) *The name, telephone number and address of each person*
17 *from whom a taxidermic item was received.*

18 (b) *The name, telephone number and address of each person*
19 *to whom a taxidermic item was delivered.*

20 (c) *An accurate description of each taxidermic item, including*
21 *the species and any parts thereof received.*

22 (d) *If required for the species of wildlife received, the number*
23 *of the tag, seal or permit if the wildlife was harvested during the*
24 *current licensing year.*

25 (e) *The date on which the taxidermist received each taxidermic*
26 *item and the date on which that item was returned to its owner.*

27 ↪ *The taxidermist shall record the required information*
28 *immediately upon receipt and delivery of a taxidermic item, as*
29 *appropriate.*

30 2. *A licensed taxidermist shall:*

31 (a) *Immediately upon receipt, label each taxidermic item with*
32 *a tag that clearly identifies the owner of the item. The tag may be*
33 *removed from the item only during the actual performance of*
34 *taxidermic services on the item. The tag must be reattached to the*
35 *item when a taxidermic service is not being performed. Once the*
36 *taxidermic services are completed on the taxidermic item, the tag*
37 *must be reattached and remain attached to the item until the item*
38 *is delivered to or claimed by the owner of the item.*

39 (b) *If required by the Department and the records relate to*
40 *wildlife harvested in this State, submit a copy of the taxidermist's*
41 *records for the previous licensing year to the Department at the*
42 *end of each licensing year. If the records are computerized, the*
43 *taxidermist shall submit a paper copy of the computerized records*
44 *to the Department.*



(c) Retain the taxidermist's records for each licensing year for at least 1 year after the expiration of the licensing year to which those records pertain, except that any records previously supplied to the Department may be destroyed after their submission to the Department.

(d) Designate a person other than a client of the taxidermist to become familiar with the records and clients of the taxidermist. If the taxidermist dies or becomes incapable of performing taxidermic services, the designated person shall, as soon as practicable, return each taxidermic item in possession of the taxidermist to the owner of the taxidermic item. The taxidermist shall submit the name, address and telephone number of each person designated pursuant to this paragraph to the Department for inclusion in the records of the Department relating to the taxidermist.

3. As used in this section, "licensing year" means the period beginning on July 1 and ending on June 30 of the following calendar year.

Sec. 6. NRS 502.120 is hereby amended to read as follows:

502.120 1. Each person required to have a license or permit as provided in this title who, while engaged in any activity regulated by this title ~~H~~ *which occurs outside of the residence or place of business of the person*, refuses to exhibit the license or permit, any wildlife which the person may have in his or her possession, or any weapon, ammunition, device or apparatus in his or her possession which may be used for any activity regulated by this title, upon the demand of any officer authorized to enforce the fish and game laws of this State, is guilty of a misdemeanor.

2. Each person required to have a license or permit as provided in this chapter who, while engaged in any activity regulated by this title ~~H~~ *which occurs outside of the residence or place of business of the person*, fails to have the license or permit in his or her possession is guilty of a misdemeanor. A person charged with violating this subsection may not be convicted if the person produces in court a license or permit previously issued to the person and valid at the time of his or her arrest.

Sec. 7. NRS 502.370 is hereby amended to read as follows:

502.370 1. A license to practice taxidermy is required before any person may perform ~~taxidermal~~ *taxidermic* services for others on any wildlife or their parts, nests or eggs.

2. Annual licenses must be issued by the Department to applicants who satisfy the requirements established by the Department and pay a fee of:



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1	Fee to practice commercial taxidermy	\$44
2	Fee to practice noncommercial taxidermy	20

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4 3. Any person who wishes to obtain a license to practice
5 taxidermy must apply for the license on an application form
6 provided by the Department. The applicant must provide such
7 information on the form as the Commission may require by
8 regulation.

9 4. The Commission may adopt regulations governing the
10 licensing of taxidermists and the practice of taxidermy, including:

11 (a) The receipt, possession, transportation, identification,
12 purchase and sale of wildlife or parts thereof to be or which have
13 been processed by a taxidermist;

14 (b) ~~The~~ *Except as otherwise provided in section 5 of this act,*
15 *the* maintenance and submission of written records; and

16 (c) Any other matter concerning the practice, conduct and
17 operating procedures of taxidermists as the Commission may deem
18 necessary.

19 5. ~~At~~ *Except as otherwise provided in subsection 7, a person*
20 *who is authorized to enforce the provisions of this title and who has*
21 *completed the program of training described in subsection 8 may*
22 ~~enter~~ *, upon 30 days' advance written notice to the licensee,*
23 *inspect the facilities and records of a licensee* ~~at any reasonable~~
24 ~~hour and inspect the licensee's operations and records.~~ *during*
25 *regular business hours for not more than 1 hour. Except as*
26 *otherwise provided in subsection 7, any inspection conducted*
27 *pursuant to this subsection must not be conducted with respect to*
28 *the same licensee more than once every 3 years unless probable*
29 *cause exists to conduct an inspection before the expiration of that*
30 *period. The inspection must be limited to an inspection of the*
31 *records of the licensee and any horns, antlers, taxidermic items in*
32 *the final stage of drying and finished taxidermic items from*
33 *wildlife taken during the licensing year in which the inspection is*
34 *conducted or during the immediately preceding licensing year.*

35 6. *Before selecting any taxidermic item for inspection*
36 *pursuant to subsection 5, the person conducting the inspection*
37 *shall notify the owner of the taxidermic item and provide to the*
38 *licensee a written document specifically describing the taxidermic*
39 *item and setting forth the name of the owner of the taxidermic*
40 *item. The licensee shall produce the taxidermic item for inspection*
41 *within 72 hours after receipt of the written document. The*
42 *provisions of this subsection do not require a licensee to produce*
43 *any taxidermic item which is not in his or her physical possession.*



1 7. *If the notice and document required by subsection 6 have*
2 *been given and provided with respect to a taxidermic item, the*
3 *person conducting the inspection may inspect the taxidermic item:*

4 (a) *During the inspection of the facilities of the licensee, if the*
5 *notice and document have been given and provided not less than*
6 *72 hours before the inspection of the facilities; or*

7 (b) *If necessary to comply with the requirements of subsection*
8 *6, at any time during regular business hours after the inspection*
9 *of the facilities, notwithstanding the provisions of subsection 5*
10 *that otherwise limit the duration and frequency of such an*
11 *inspection.*

12 8. *A person shall not conduct an inspection pursuant to*
13 *subsection 5 unless, at the time of the inspection, he or she has*
14 *successfully completed a program of training in the appropriate*
15 *methods for conducting the inspection developed by the*
16 *Department and approved by the Commission. In approving a*
17 *program of training pursuant to this subsection, the Commission*
18 *shall ensure that the provisions of the program are available for*
19 *public comment and review by each board.*

20 9. *If a licensee is convicted of a violation of any provision of*
21 *this title or the regulations adopted by the Commission, the*
22 *Commission may revoke his or her license and may refuse to issue*
23 *another license to him or her for a period not to exceed 5 years.*

24 ~~17.1~~ 10. *The provisions of this section do not apply to*
25 *institutions of learning of this State or of the United States, or to*
26 *research activities conducted exclusively for scientific purposes, or*
27 *for the advancement of agriculture, biology or any of the sciences.*

28 11. *As used in this section, "licensing year" means the period*
29 *beginning on July 1 and ending on June 30 of the following*
30 *calendar year.*

31 Sec. 8. Any regulations adopted by the Board of Wildlife
32 Commissioners that conflict with the provisions of this act are void.
33 The Legislative Counsel shall remove those regulations from the
34 Nevada Administrative Code as soon as practicable after October 1,
35 2017.

