

SENATE BILL NO. 364—SENATORS PARKS, SEGERBLOM,
MANENDO, SPEARMAN; RATTI AND WOODHOUSE

MARCH 20, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the trapping or taking
of certain animals. (BDR 45-107)

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; amending the definition of “trap” to exclude certain devices; requiring the Department of Wildlife to develop standard language for certain signs required to be posted in areas in which trapping may occur; requiring, with limited exception, each trap, snare or similar device used by a person in the taking of wild animals which is not registered with the Department, to bear the name and address of the owner; revising the fee to register a trap, snare or similar device; deleting provisions which declare that any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential; authorizing a person to remove or disturb a trap, snare or similar device under certain circumstances; requiring a person who takes or causes to be taken any wild mammals by means of a trap, snare or similar device to visit or cause to be visited the trap, snare or similar device at least once every 96 hours; revoking the authority of the Board of Wildlife Commissioners to establish regulations setting forth the frequency a trap, snare or similar device must be visited; and providing other matters properly relating thereto.



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Legislative Counsel's Digest:

Existing law defines the term "trap" for purposes of title 45 of NRS governing wildlife to mean a device that is designed, built or made to close upon or hold fast any portion of an animal. (NRS 501.089) **Section 1** of this bill specifies that the term does not include: (1) any cage or box trap, net or suitcase-type live beaver trap; or (2) any device that is designed, built or made to close upon or hold fast certain vertebrate pests, such as mice and rats.

Existing law defines the terms "to trap," "trapping" and "trapped" for purposes of title 45 of NRS governing wildlife to mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any wildlife and every act of assistance to any person in so doing. (NRS 501.090) Existing law defines the term "wildlife" to mean any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. (NRS 501.097) **Section 2** of this bill amends the definition of the words "to trap," "trapping" and "trapped" to delete the term "wildlife" and substitute the term "animal."

Section 3 of this bill requires the Department of Wildlife to develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area of this State. **Section 3** also requires each state agency which manages any public land in this State in which trapping may occur to ensure that each sign: (1) includes any standard language developed by the Department; and (2) is posted in certain locations specified by the Department.

Existing law authorizes each trap, snare or similar device used by a person in the taking of wild mammals to be registered with the Department of Wildlife before it is used. Existing law also requires each registered trap, snare or similar device to bear a number which is assigned by the Department. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential. (NRS 503.452) **Section 5** of this bill requires, with limited exception, that a trap, snare or similar device used by a person in the taking of wild mammals that is not registered with the Department must bear the name and address of the person who owns the trap, snare or similar device. **Section 5** also: (1) requires the number assigned by the Department for a registered trap, snare or similar device or the name and address of the person who owns an unregistered trap, snare or similar device to be clearly stamped on the trap, snare or similar device or on a metal tag which is attached to the trap, snare or similar device; and (2) deletes the provisions of existing law which declare that any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential. **Section 5** further revises the fee to register a trap, snare or similar device from \$10 per person who registers a trap to \$5 per trap, snare or similar device. **Section 8** of this bill makes a conforming change.

Existing law makes it unlawful to remove or disturb the trap, snare or similar device of a holder of a trapping license while the trap, snare or similar device is being legally used by the holder. (NRS 503.454) **Section 6** of this bill authorizes a person to: (1) remove or disturb the trap, snare or similar device if it creates an immediate risk of physical injury or death to a person or animal; and (2) release any person or animal accompanying the person from a trap, snare or similar device in which the person or animal is caught. **Section 4** of this bill makes a conforming change.

Existing law requires a person who takes or causes to be taken any wild mammals by means of a trap, snare or similar device which does not, or is not designed to, cause immediate death to the mammals to visit the trap, snare or similar device at a frequency specified in regulations adopted by the Board of Wildlife Commissioners. (NRS 503.570) **Section 7** of this bill requires a person



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who takes or causes to be taken any wild mammals by means of any trap, snare or similar device, regardless of whether the trap, snare or similar device causes immediate death to the mammals, to visit the trap, snare or similar device at least once every 96 hours. **Section 7** also eliminates the authority of the Board of Wildlife Commissioners to establish regulations setting forth the frequency at which a person must visit a trap, snare or similar device. **Section 8.5** of this bill provides that until the Legislature acts to change the frequency by which a person must visit a trap, snare or similar device, the regulation established by the Board of Wildlife Commissioners as it exists on July 1, 2017, shall remain in effect. (NAC 503.152)

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

Section 1. NRS 501.089 is hereby amended to read as follows:
501.089 "Trap" means a device that is designed, built or made to close upon or hold fast any portion of an animal. *The term does not include:*

1. Any cage or box trap, net or suitcase-type live beaver trap; or

2. Any device that is designed, built or made to close upon or hold fast any vertebrate pest as defined in NRS 555.005.

Sec. 2. NRS 501.090 is hereby amended to read as follows:
501.090 The words "to trap" and their derivatives, "trapping" and "trapped," mean to set or operate any device, mechanism or contraption that is designed, built or made to close upon or hold fast any ~~[wildlife]~~ animal and every act of assistance to any person in so doing.

Sec. 3. Chapter 503 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each state agency which manages any public land in this State in which trapping may occur shall ensure that each sign for which the Department develops standard language pursuant to subsection 2 includes that language and is posted:

(a) At each visitor center, kiosk, trailhead or other location specified by the Department; and

(b) In a place in which the sign is readily observable by members of the public at the visitor center, kiosk, trailhead or other location.

2. The Department shall:

(a) Develop standard language for inclusion in any sign that is used to warn a person that trapping may occur in any area in this State; and

(b) Develop the standard language specified in paragraph (a) in cooperation with each federal or state agency which manages any public land in this State in which trapping may occur.



1 **Sec. 4.** NRS 503.015 is hereby amended to read as follows:

2 503.015 1. ~~It~~ *Except as otherwise provided in NRS*
3 *503.454, it* is unlawful for a person, or a group of people acting
4 together, to intentionally interfere with another person who is
5 lawfully hunting or trapping. For the purpose of this subsection,
6 hunting or trapping is "lawful" only if permitted by the owner or
7 person in possession of the land, other than the government, in
8 addition to any requirement of license or permit from a public
9 authority.

10 2. The provisions of subsection 1 do not apply to any incidental
11 interference arising from lawful activity by users of the public land,
12 including without limitation ranchers, miners or persons seeking
13 lawful recreation.

14 **Sec. 5.** NRS 503.452 is hereby amended to read as follows:

15 503.452 1. Except as otherwise provided in ~~subsection 2,~~
16 *subsections 2 and 3*, each trap, snare or similar device used by a
17 person in the taking of wild mammals ~~may~~ *must* be registered with
18 the Department before it is used. Each registered trap, snare or
19 similar device must bear a number which is assigned by the
20 Department and is ~~affixed to or marked~~ *clearly stamped* on the
21 trap, snare or similar device ~~in the manner specified by regulations~~
22 ~~adopted by the Commission,~~ *or on a metal tag that is attached to*
23 *the trap, snare or similar device.* The registration of a trap, snare or
24 similar device is valid until the trap, snare or similar device is sold
25 or ownership of the trap, snare or similar device is otherwise
26 transferred. *For each trap, snare or similar device registered with*
27 *the Department, the person registering the trap, snare or similar*
28 *device must pay a registration fee of \$5.*

29 2. *Except as otherwise provided in subsection 3, if a trap,*
30 *snare or similar device is not registered with the Department*
31 *pursuant to subsection 1, before it can be used in the taking of*
32 *wild animals, it must have the name and address of the person*
33 *who owns the trap, snare or similar device:*

34 (a) *Clearly stamped upon the trap, snare or similar device; or*

35 (b) *On a metal tag that is attached to the trap, snare or similar*
36 *device.*

37 3. The provisions of ~~subsection~~ *subsections 1 and 2* do not
38 apply to a trap, snare or similar device used:

39 (a) Exclusively on private property which is posted or fenced in
40 accordance with the provisions of NRS 207.200 by the owner or
41 occupant of the property or with the permission of the owner or
42 occupant;

43 (b) For the control of rodents by an institution of the Nevada
44 System of Higher Education;

45 (c) By any federal, state or local governmental agency; or



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(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.

~~3. [A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.~~

~~—4.]~~ It is unlawful:

(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.

(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur-bearing mammals.

~~[5.]~~ 4. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.

~~[6. Any information in the possession of the Department concerning the registration of a]~~

5. *If a trap, snare or similar device ~~is confidential and the Department shall not disclose that information unless required to do so by law or court order.~~ has been used exclusively on private property pursuant to paragraph (a) of subsection 3, before the trap, snare or similar device is used on any public land in this State, the owner of the trap, snare or similar device must:*

(a) Register the trap, snare or similar device pursuant to subsection 1; or

(b) Pursuant to subsection 2, have his or her name and address:

(1) Clearly stamped on the trap, snare or similar device; or

(2) On a metal tag that is attached to the trap, snare or similar device.

Sec. 6. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals by trap, snare or similar device or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. ~~[[~~ *Except as otherwise provided in subsection 3, it is unlawful to remove or disturb the trap, snare or similar device of*



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1 any holder of a trapping license while the trap, snare or similar
2 device is being legally used by the holder on public land or on land
3 where the holder has permission to trap.

4 **3. A person may:**

5 **(a) Remove or disturb a trap, snare or similar device if the**
6 **trap, snare or similar device creates an immediate risk of physical**
7 **injury or death to any person or animal accompanying a person.**

8 **(b) Release any person or animal accompanying a person from**
9 **a trap, snare or similar device in which the person or animal is**
10 **caught.**

11 **Sec. 7.** NRS 503.570 is hereby amended to read as follows:

12 503.570 1. A person taking or causing to be taken wild
13 mammals by means of traps, snares or similar devices ~~{which do~~
14 ~~not, or are not designed to, cause immediate death to the mammals;~~
15 ~~shall, if the traps, snares or similar devices are placed or set to take~~
16 ~~mammals,}~~ **shall** visit or cause to be visited each trap, snare or
17 similar device ~~{at a frequency specified in regulations adopted by~~
18 ~~the Commission pursuant to subsection 3}~~ **at least once every 96**
19 **hours beginning at and** during all of the time the trap, snare or
20 similar device is placed, set or used to take wild mammals, and
21 remove therefrom any ~~{mammals}~~ **animal** caught therein.

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

25 3. The Commission ~~{shall}~~ **may not** adopt regulations setting
26 forth the frequency at which a person who takes or causes to be
27 taken wild mammals by means of traps, snares or similar devices
28 ~~{which do not, or are not designed to, cause immediate death to the~~
29 ~~mammals}~~ must visit a trap, snare or similar device. ~~{The~~
30 ~~regulations must require the person to visit a trap, snare or similar~~
31 ~~device at least once each 96 hours. In adopting the regulations, the~~
32 ~~Commission shall consider requiring a trap, snare or similar device~~
33 ~~placed in close proximity to a populated or heavily used area by~~
34 ~~persons to be visited more frequently than a trap, snare or similar~~
35 ~~device which is not placed in close proximity to such an area.}~~

36 **Sec. 8.** NRS 239.010 is hereby amended to read as follows:

37 239.010 1. Except as otherwise provided in this section and
38 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
39 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
40 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
41 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
42 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
43 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
44 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
45 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,



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1 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
2 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
3 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
4 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
5 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
6 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
7 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
8 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
9 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
10 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
11 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
12 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130,
13 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
14 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,
15 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558,
16 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
17 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420,
18 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
19 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610,
20 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008,
21 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259,
22 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147,
23 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460,
24 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885,
25 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749,
26 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
27 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430,
28 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170,
29 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665,
30 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720,
31 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866,
32 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240,
33 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170,
34 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070,
35 485.316, ~~4503.452,~~ 522.040, 534A.031, 561.285, 571.160, 584.655,
36 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070,
37 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315,
38 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,
39 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
40 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336,
41 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301,
42 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
43 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
44 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190,
45 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524,



1 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082,
2 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135,
3 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,
4 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110,
5 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,
6 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243,
7 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
8 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
9 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115,
10 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,
11 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615,
12 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230,
13 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of
14 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
15 and unless otherwise declared by law to be confidential, all public
16 books and public records of a governmental entity must be open at
17 all times during office hours to inspection by any person, and may
18 be fully copied or an abstract or memorandum may be prepared
19 from those public books and public records. Any such copies,
20 abstracts or memoranda may be used to supply the general public
21 with copies, abstracts or memoranda of the records or may be used
22 in any other way to the advantage of the governmental entity or of
23 the general public. This section does not supersede or in any manner
24 affect the federal laws governing copyrights or enlarge, diminish or
25 affect in any other manner the rights of a person in any written book
26 or record which is copyrighted pursuant to federal law.

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

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

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

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



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

Sec. 8.5. 1. Until the Legislature amends NRS 503.570 to change the frequency a person who takes or causes to be taken wild mammals by means of traps, snares or similar devices is required visit a trap, snare or similar device, the regulation adopted by the Board of Wildlife Commissioners pursuant to NRS 503.570 as it exists on July 1, 2017, setting forth the frequency a person must visit a trap, snare or similar device shall remain in effect.

2. The text of the regulation which shall remain in effect pursuant to subsection 1 is codified as NAC 503.152 and is as follows:

A person who is required pursuant to NRS 503.570 to visit or cause to be visited a trap, snare or similar device shall ensure that the trap, snare or similar device is visited:

1. At least once every other calendar day in the following units for wildlife, as designated in NAC 504.210, or portions of those units specified in this subsection other than any private property located within those units or if a box or cage trap is used:

(a) All of Unit 194;

(b) The following portions of Unit 195:

(1) West of Lagomarsino Canyon-Lousetown Road from its intersection with Interstate Highway No. 80 to its intersection with State Route No. 341; and

(2) West of State Route No. 341 from its intersection with Lousetown Road to its intersection with U.S. Highway No. 50;

(c) All of Unit 196; and

(d) The portion within the Clark County Illegal Firearms Discharge Area created by the Clark County Geographic Information Systems Management Office on September 11, 2013;

2. At least once each 96 hours in all other units for wildlife, as designated in NAC 504.210, or portions of those units not specified in subsection 1, including any private property located within those units;

3. At least once each 96 hours if a box or cage trap is used;

4. By a person who is a holder of a trapping license issued by the Department; and



- 1 5. In a manner which ensures that any mammal caught
2 in the trap, snare or similar device is removed from the trap,
3 snare or similar device.
4 **Sec. 9.** This act becomes effective on July 1, 2017.

