

Amendment No. 113

Senate Amendment to Senate Bill No. 125	(BDR 45-158)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 125.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



SENATE BILL NO. 125—SENATOR SETTELMAYER

FEBRUARY 17, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions related to falconry. (BDR 45-158)

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; ~~[requiring a person who wishes]~~ **authorizing certain persons to possess a golden eagle; authorizing the Board of Wildlife Commissioners to adopt regulations that authorize certain persons** to transport, **transfer,** possess or use a golden eagle in falconry ~~[to obtain a falconry license; requiring such a person to prove that he or she complies with certain requirements before he or she is issued a falconry license; authorizing persons who have been issued a falconry license]~~ **; requiring certain persons to obtain a falconry license and an eagle permit before such persons are authorized to** ~~[take,]~~ transport, **transfer,** possess or use golden eagles in falconry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Bald and Golden Eagle Protection Act is the federal law that provides for the protection of bald eagles and golden eagles. (16 U.S.C. §§ 668-668d) The Act prohibits a person from taking, possessing, selling, purchasing, bartering, offering to sell, purchase or barter, transporting, exporting or importing any bald eagle or golden eagle, alive or dead, including any part, nest or egg of such an eagle, unless the person is authorized to do so by permit. (16 U.S.C. § 668) The Act provides for the taking of golden eagles from the wild to be used in falconry. (16 U.S.C. § 668a; 50 C.F.R. § 21.29(a)(1)(ii)) Specifically, the Act provides that the Secretary of the Interior may permit the taking, possessing and transporting of golden eagles for the purposes of falconry if the golden eagles are taken because they are causing depredations on livestock or wildlife. (16 U.S.C. § 668a) Federal regulations adopted pursuant to the Act require a person who seeks to use a golden eagle for falconry to: (1) satisfy the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; and (2) have a permit to possess a golden eagle from his or her state. (50 C.F.R. § 22.24) The federal regulations enacted pursuant to the Migratory Bird Treaty Act provide that a master falconer may possess up to three eagles, including golden eagles, if he or she: (1) has documents proving his or her experience in handling large raptors; and (2) has at least two letters of reference from people with experience handling or flying large raptors. (50 C.F.R. §§ 21.29(c)(2)(iii)(B), 21.29(c)(2)(iv))

Existing law requires any person who practices falconry or trains birds of prey to obtain a falconry license from the Department of Wildlife. (NRS 503.583) Existing law provides that it is unlawful for any person to kill, destroy, wound, trap, injure, possess dead or alive, or in any other manner to catch or capture, or to pursue with such intent, bald eagles or golden eagles.

However, existing law authorizes the Department to issue a permit to take bald eagles or golden eagles to mitigate depredations on wildlife, agriculture or other interests. (NRS 503.610) Existing regulations prohibit bald eagles and golden eagles from being taken, transported, possessed or used in the practice of falconry. (NAC 503.305) Existing law provides that every person who unlawfully kills or possesses an eagle is liable for a civil penalty. (NRS 501.3855)

Section 3 of this bill ~~requires any~~ authorizes a person who ~~wishes~~ is licensed as a master falconer and who meets certain federal conditions to possess a golden eagle that is obtained from the wild if the golden eagle: (1) is obtained for rehabilitation purposes; (2) is legally obtained in another state; (3) is legally possessed by a master falconer in another state and that master falconer moves to this state; or (4) is transferred to the master falconer from another falconer in a manner authorized by regulations adopted by the Board of Wildlife Commissioners. Section 3 authorizes the Commission to adopt regulations that authorize such a person to transport, transfer, possess or use a golden eagle in falconry. ~~to obtain a falconry license from the Department. Section 2 provides that before the Department issues such a falconry license, the person applying for the falconry license is required to show that: (1) he or she satisfies the conditions set forth in the federal regulations enacted pursuant to the Migratory Bird Treaty Act; (2) the golden eagle was taken pursuant to a permit issued in accordance with existing state law; and (3) the taking complied with federal law. Section 2 also provides that such a falconry license: (1) is deemed to be the permit to possess a golden eagle required by federal regulations; and (2) authorizes the person to lawfully transport, possess or use a golden eagle. Sections~~ If such transportation, transfer, possession or use in falconry is authorized, section 3 further requires a person who possesses a golden eagle to obtain an eagle permit. If such transportation, transfer, possession or use in falconry is authorized, section 3 requires the Commission to adopt regulations that establish: (1) the requirements a person must comply with to obtain an eagle permit; and (2) how the holder of an eagle permit may transport, transfer, possess or use a golden eagle. The eagle permit: (1) is deemed a permit to possess a golden eagle, as required by federal law; and (2) authorizes the holder to lawfully transport, transfer, possess or use a golden eagle in falconry.

Section 3 additionally requires the Commission to adopt regulations that impose civil penalties against a person who violates various prohibitions against tampering with bald eagles and golden eagles. Section 1 ~~and 3~~ of this bill ~~make~~ makes a conforming ~~changes~~ change to provide an exception to account for ~~the new provisions in section 2.~~ this civil penalty.

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:

(a) Unlawfully kills or possesses a trophy big game mammal 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) ~~or NRS 503.583,~~ 503.610, unlawfully kills or possesses a big game mammal, moose, bobcat, swan or eagle is liable for a civil penalty of not less than \$250 but less than \$5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, 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, a person is liable for a civil penalty of not less than \$50 nor more than 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.

Sec. 2. ~~[NRS 503.583 is hereby amended to read as follows:~~

~~503.583 1. Except as otherwise provided in this section, any person who practices falconry or trains birds of prey must obtain a falconry license from the Department upon payment of a license fee as provided in NRS 502.240.~~

~~2. [The] Any person who wishes to obtain a falconry license from the Department to transport, possess or use a golden eagle in falconry must provide documentation satisfactory to the Department to show that:~~

~~(a) He or she meets the conditions outlined in 50 C.F.R. § 21.29;~~

~~(b) The golden eagle was taken in accordance with a permit issued pursuant to subsection 2 of NRS 503.610; and~~

~~(c) The taking described in paragraph (b) complied with 16 U.S.C. § 668a and any other applicable federal law, as determined by the Department.~~

~~3. A falconry license issued pursuant to this section to transport, possess or use a golden eagle:~~

~~(a) Is deemed to be a permit to possess a golden eagle for the purposes of 50 C.F.R. § 22.24(a);~~

~~(b) Authorizes the holder to lawfully transport, possess or use a golden eagle.~~

~~4. Except as federal law otherwise authorizes for the obtaining of a golden eagle, the licensee, under permit, may obtain from the wild only two birds per year.~~

1 ~~All such birds of prey must be banded in accordance with regulations adopted by~~
2 ~~the Commission.~~

3 ~~[3.] 5. Birds of prey may not be taken, captured or disturbed during the~~
4 ~~months in which they breed.~~

5 ~~[4.] 6. This section does not prohibit the capture or killing of a hawk or an~~
6 ~~owl by holders of scientific collecting permits.~~

7 ~~[5. The]~~

8 ~~7. Except as otherwise provided in subsection 2, the Commission may adopt~~
9 ~~regulations authorizing a person to practice falconry or train birds of prey without~~
10 ~~obtaining a falconry license pursuant to the provisions of subsection 1.] (Deleted~~
11 ~~by amendment.)~~

12 **Sec. 3.** NRS 503.610 is hereby amended to read as follows:

13 503.610 1. Except as otherwise provided in ~~[subsection subsection 2, and~~
14 ~~NRS 503.583,]~~ this section, it is unlawful for any person, firm, company,
15 corporation or association to kill, destroy, wound, trap, injure, possess dead or
16 alive, or in any other manner to catch, ~~for~~ capture, take or remove from the wild,
17 or to pursue with such intent the birds known as the bald eagle and the golden
18 eagle, or to take, ~~for~~ or remove from the wild, injure, possess or destroy the nests,
19 ~~for~~ eggs or newly hatched offspring of such birds.

20 2. The Department may issue permits to take bald eagles or golden eagles
21 whenever it determines that they have become seriously injurious to wildlife or
22 agricultural or other interests in any particular area of the State and the injury
23 complained of is substantial and can only be abated by taking some or all of the
24 offending birds. The issuance of such permits must be consistent with federal law.

25 3. The Department may authorize a person who is licensed as a master
26 falconer by the Department pursuant to NRS 503.583 and who meets the
27 conditions set forth in 50 C.F.R. § 21.29 to possess a golden eagle that is obtained
28 from the wild if the golden eagle:

29 (a) Is obtained for the rehabilitation of the golden eagle in accordance with
30 federal law;

31 (b) Is obtained in another state in accordance with federal law, including,
32 without limitation, the federal depredation permit lottery system, and the laws of
33 that state;

34 (c) Is legally possessed by a master falconer in another state and that master
35 falconer moves to this State; or

36 (d) Is transferred to the master falconer from another falconer who is
37 licensed in this State or another state. Such a transfer may only occur if it is
38 authorized by the Department in the manner set forth in any regulations adopted
39 by the Commission pursuant to subsection 6, if applicable.

40 4. If the Commission adopts regulations pursuant to paragraph (a) of
41 subsection 6 and authorizes the transportation, transfer, possession or use of a
42 golden eagle in falconry, the Department shall require a person who possesses a
43 golden eagle pursuant to subsection 3 to obtain an eagle permit from the
44 Department.

45 5. The eagle permit obtained pursuant to subsection 4:

46 (a) Is deemed to be a permit to possess a golden eagle for the purposes of 50
47 C.F.R. § 22.24; and

48 (b) Authorizes the holder to lawfully transport, transfer, possess or use a
49 golden eagle in falconry in the manner set forth in the eagle permit that is issued
50 by the Department.

51 6. The Commission:

1 (a) May adopt regulations that authorize a person who possesses a golden
2 eagle pursuant to subsection 3 to transport, transfer, possess or use the golden
3 eagle in falconry; and

4 (b) Shall adopt regulations that establish:

5 (I) If the Commission adopts regulations pursuant to paragraph (a):

6 (I) The requirements that a person who possesses a golden eagle
7 pursuant to subsection 3 must comply with to obtain an eagle permit from the
8 Department; and

9 (II) How the holder of an eagle permit may transport, transfer,
10 possess or use a golden eagle; and

11 (2) Civil penalties to be imposed against any person firm, company,
12 corporation or association who violates subsection 1.