

Amendment No. 301

Senate Amendment to Senate Bill No. 371 (BDR 45-838)

Proposed by: Senate Committee on Natural Resources

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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) 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.

JRS/BJE



Date: 4/14/2013

S.B. No. 371—Prohibits a person from intentionally feeding any species of wildlife other than a wild bird. (BDR 45-838)



SENATE BILL NO. 371—SENATORS KIECKHEFER,
SMITH; GOICOECHEA AND SETTELMAYER

MARCH 18, 2013

JOINT SPONSOR: ASSEMBLYMAN BOBZIEN

Referred to Committee on Natural Resources

SUMMARY—Prohibits a person from intentionally feeding any ~~species of wildlife other than a wild bird.~~ **big game mammal under certain circumstances.** (BDR 45-838)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; prohibiting a person from intentionally feeding any ~~species of wildlife other than a wild bird.~~ **big game mammal under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Under existing law, the term “wildlife” means 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)~~

This bill prohibits a person from intentionally feeding any ~~species of wildlife other than a wild bird. The~~ **big game mammal without written authorization from the Department of Wildlife. For the purpose of this prohibition, the term “big game mammal” is defined to mean any pronghorn antelope, black bear, mule deer, mountain goat, mountain lion, Rocky Mountain elk or certain subspecies of bighorn sheep and** “intentionally feed” is defined ~~for purposes of this prohibition~~ to mean supplying, providing or otherwise making available any salt, grain, meat or other form of nourishment. ~~For purposes of the prohibition the~~ **with the intent to attract or feed a big game mammal. The** term is limited so that it does not include ~~(1) any incidental or unintentional feeding of wildlife; a big game mammal, including, without limitation, any such feeding associated with certain agricultural, landscaping or outdoor activities; or (2) any chumming conducted in accordance with certain administrative regulations.~~ If a person is found guilty of intentionally feeding a ~~species of wildlife other than a wild bird.~~ **big game mammal,** the person: (1) for a first offense, must be ~~punished by a fine of \$250.~~ **issued a written warning;** (2) for a second offense, must be punished by a fine of ~~(\$500.)~~ **not more than \$250;** and (3) for a third or subsequent offense, ~~is guilty of a misdemeanor and~~ must be punished by ~~imprisonment in the county jail for not more than 6 months or by~~ a fine of ~~not more than \$1,000, or by both fine and imprisonment, unless a different penalty is prescribed by the statute in force at the~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

~~time of commission of the misdemeanor, not more than \$500. This bill also provides an exception from the prohibition against intentionally feeding a big game mammal for any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture while carrying out his or her duties as such an employee or agent.~~

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:

1. ~~1.4~~ Except as otherwise provided in subsection 3, a person shall not intentionally feed any species of wildlife other than a wild bird, big game mammal without written authorization from the Department.

2. A person who violates subsection 1:

(a) For a first offense, ~~shall be punished by a fine of \$250,~~ must not be cited or charged criminally but must be informed, in writing, of the behavior that constitutes the violation and the penalties prescribed by this section for any subsequent violation of this section.

(b) For a second offense, shall be punished by a fine of ~~(\$500) not more than \$250.~~

(c) For a third or subsequent offense, ~~is guilty of a misdemeanor and shall be punished as provided in NRS 193.150,~~ by a fine of not more than \$500.

3. The provisions of this section do not apply to any employee or agent of the Department or the Animal and Plant Health Inspection Service of the United States Department of Agriculture who, while carrying out his or her duties, intentionally feeds a big game mammal for any purpose.

4. As used in this section ~~,"intentionally"~~:

(a) "Big game mammal" means:

(I) Any pronghorn antelope, black bear, mule deer, mountain goat, mountain lion or Rocky Mountain elk; or

(2) Any of the following subspecies of bighorn sheep:

(I) Nelson bighorn sheep;

(II) California bighorn sheep; or

(III) Rocky Mountain bighorn sheep.

(b) "Intentionally feed" means to supply, provide or otherwise make available any salt, grain, meat or other form of nourishment ~~,"~~ with the intent to attract or feed a big game mammal. The term does not include ~~,"~~

~~,"~~ any incidental or unintentional feeding of ~~wildlife,~~ a big game mammal, including, without limitation, any such feeding associated with:

(1) Any accepted agricultural or livestock practice;

(2) Any planting or maintenance of any shrub, tree or other landscaping for any residence, property or area; or

(3) Any sporting event or outdoor activity at which food is served or consumed. ~~," or~~

~~,"~~ Any chumming conducted in accordance with a regulation adopted pursuant to NRS 503.300.

Sec. 2. NRS 501.005 is hereby amended to read as follows:

501.005 ~~,"Big]~~ Except as otherwise provided in section 1 of this act, "big game mammal" means any game mammal so classified by Commission regulation.

Sec. 3. NRS 501.386 is hereby amended to read as follows:

- 1 501.386 ~~Whenever~~ Except as otherwise provided in section 1 of this act,
2 whenever any person is halted by a game warden for any violation of this title, the
3 person ~~shall,~~ must, in the discretion of the game warden, either be given a citation
4 or be taken without unnecessary delay before the proper magistrate. The person
5 ~~shall,~~ must be taken before the magistrate in either of the following cases:
6 1. When the person does not furnish satisfactory evidence of identity; or
7 2. When the game warden has reasonable and probable grounds to believe the
8 person will disregard a written promise to appear in court.