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S.B. 40—Amendment 2

Offered by the Nevada Department of Agriculture

- 2-9 3. The provisions of this section do not apply to:
- 2-10 (a) A person who lawfully shoots at a game mammal or game
- 2-11 *bird pursuant to subsection 2 of NRS 503.010. [; or]*
- 2-12 (b) A peace officer, **or other government personnel**, while engaged in
- 2-13 the performance of his/**her** official duties.
- 2-14 (c) A person who discharges a firearm in a lawful manner and
- 2-15 in the course of a lawful business, event or activity.
- 2-16

Rational: The Nevada Animal Damage Control Program (NADCP) is a wildlife conflict oriented, cooperative partnership between the State of Nevada and the U.S. Department of Agriculture. NADCP personnel frequently use shooting as a method for abating or controlling damage to property, resources or threats to public health and safety caused by wildlife. Because of the nature of wildlife/human conflict situations, this shooting routinely involves buildings, vehicles and aircraft.

NADCP is staffed by highly trained and specialized state and federal personnel and the act of shooting to control wildlife species is a function of their official duties. The existing provision in subsection (c) is geared toward businesses or other non-governmental events and/or activities, but is unclear and vague relative to the sanctioned activities conducted by NADCP. Because wildlife damage management activities can be disagreeable to some people or groups, not having a clearly worded exemption could result in unnecessary problems and conflicts in this established program.

Agency Contact: Robert H. Beach, State Director, USDA Wildlife Services at (775) 784-5081.

April 3, 2003

ASSEMBLY JUDICIARY

DATE: 4/30/03 ROOM: 3138 EXHIBIT

SUBMITTED BY: DON HENDERSON