

MOCK-UP

PROPOSED AMENDMENT 3710 TO ASSEMBLY BILL NO. 349 FIRST REPRINT

PREPARED FOR ASSEMBLYMAN O'NEILL
MAY 22, 2023

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

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.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife, which administers the wildlife laws of this State. (NRS 501.331) **Section 3** of this bill establishes the Nevada Wildlife Conservation Program to support the preservation, protection, management and restoration of wildlife and wildlife habitats. **Section 3:** (1) requires the Department to administer the Program; and (2) authorizes the Department to contract with the Community Foundation of Northern Nevada to assist with the administration of the Program. **Section 3** also creates the Nevada Wildlife Conservation Program Account in the State General Fund and requires that the money in the Account be used: (1) to provide matching money required as a condition of federal grants; or (2) for the preservation, protection, management and restoration of wildlife and wildlife habitats.

Section 3 further provides that, upon request, the personal identifying information of a person who donates to the Account must be kept confidential. **Section 5** of this bill makes a conforming change to account for the confidentiality of personal identifying information of certain people who make a donation to the Program.

Section 4 of this bill establishes the Board of the Nevada Wildlife Conservation Program to advise the Department on the expenditure of money in the Nevada Wildlife Conservation Program Account created by **section 3**.

~~{Existing law establishes the Wildlife Account in the State General Fund and authorizes the Department, with certain exceptions, to use the money in the Wildlife Account to carry out certain provisions of existing law relating to wildlife. (NRS 501.356)}~~ **Section 1** of this bill ~~{(1) provides that the Department is authorized to use the money in the Wildlife Account under the direction of the Board of Wildlife Commissioners; and (2)}~~ makes a conforming change ~~{relating to section 1}~~ to provide that money received by the Department for the Nevada Wildlife Conservation Program Account is not required to be deposited in the Wildlife Account in the State General Fund.

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

1 **Section 1.** NRS 501.356 is hereby amended to read as follows:

2 501.356 1. Money received by the Department from:

3 (a) The sale of licenses;

4 (b) Fees described in NRS 278.337;

5 (c) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

6 (d) Remittances from the State Treasurer pursuant to the provisions of
7 NRS 365.535;

8 (e) Appropriations made by the Legislature; and

9 (f) All other sources, including, without limitation, the Federal
10 Government, except money derived from the forfeiture of any property
11 described in NRS 501.3857 or money deposited in the Wildlife Heritage
12 Account pursuant to NRS 501.3575, the Wildlife Trust Fund pursuant to
13 NRS 501.3585, *the Nevada Wildlife Conservation Program Account*
14 *pursuant to section 3 of this act*, the Energy Planning and Conservation
15 Account created by NRS 701.630 or the Account for the Recovery of
16 Costs created by
17 NRS 701.640,

18 ➤ must be deposited with the State Treasurer for credit to the Wildlife
19 Account in the State General Fund.

20 2. The interest and income earned on the money in the Wildlife
21 Account, after deducting any applicable charges, must be credited to the
22 Account.

23 3. Except as otherwise provided in subsection 4 and NRS 503.597,
24 the Department ~~*f, under the direction of the Commission,*~~ may use
25 money in the Wildlife Account only to carry out the provisions of this title
26 and chapter 488 of NRS and as provided in NRS 365.535, and the money
27 must not be diverted to any other use.

28 4. Except as otherwise provided in NRS 502.250, 502.410 and
29 504.155, all fees for the sale or issuance of stamps, tags, permits and
30 licenses that are required to be deposited in the Wildlife Account pursuant
31 to the provisions of this title and any matching money received by the
32 Department from any source must be accounted for separately and must be
33 used:

34 (a) Only for the protection, propagation and management of wildlife;
35 and

36 (b) If the fee is for the sale or issuance of a license, permit or tag other
37 than a tag specified in subsection 5 or 6 of NRS 502.250, under the
38 guidance of the Commission pursuant to subsection 2 of NRS 501.181.

1 **Sec. 2.** Chapter 502 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 3 and 4 of this act.

3 **Sec. 3. 1.** *The Nevada Wildlife Conservation Program is hereby*
4 *established to support the preservation, protection, management and*
5 *restoration of wildlife and wildlife habitats in this State. The Nevada*
6 *Wildlife Conservation Program Account is hereby created in the State*
7 *General Fund.*

8 **2.** *The Department shall administer the Program and shall take*
9 *such actions as the Department determines are necessary to carry out the*
10 *provisions of this section. The Department may contract with the*
11 *Community Foundation of Northern Nevada to provide assistance in the*
12 *administration of the Program including, without limitation, the*
13 *collection of donations for the Program.*

14 **3.** *In addition to any direct legislative appropriation, the*
15 *Department may apply for and accept any gift, grant, bequest, donation*
16 *for deposit in the Account and use by the Program. The money in the*
17 *Account must be used in accordance with any recommendations of the*
18 *Board of the Nevada Wildlife Conservation Program created by section 4*
19 *of this act:*

20 **(a)** *To provide matching money required as a condition of any*
21 *federal grant related to the preservation, protection, management and*
22 *restoration of wildlife and wildlife habitats; or*

23 **(b)** *For the preservation, protection, management or restoration of*
24 *wildlife and wildlife habitats.*

25 **4.** *A person that makes a donation to the Program may request to*
26 *remain anonymous. The personal identifying information of such a*
27 *person is confidential. As used in this subsection, "personal identifying*
28 *information" has the meaning ascribed to it in NRS 205.4617.*

29 **5.** *Any interest and income earned on money in the Account, after*
30 *deducting any applicable charges, must be credited to the Account. Any*
31 *money remaining in the Account at the end of a fiscal year does not*
32 *revert to the State General Fund, and the balance in the Account must be*
33 *carried forward to the next fiscal year. Claims against the Account must*
34 *be paid as other claims against the State are paid.*

35 **6.** *The Department shall, on or before February 1 of each year,*
36 *submit a report to the Interim Finance Committee concerning the*
37 *Nevada Wildlife Conservation Program Account, including, without*
38 *limitation:*

39 **(a)** *The number of donations and total value of each donation during*
40 *the immediately preceding calendar year;*

41 **(b)** *The total amount of any grants of money received by the*
42 *Department for deposit in the Account during the immediately preceding*
43 *calendar year;*

1 (c) *The total amount of money received by the Program, the amount*
2 *of money expended from the Account, and a description of each project*
3 *for which the money was spent; and*

4 (d) *Any recommendations concerning legislation to improve the*
5 *Program.*

6 **Sec. 4.** 1. *There is hereby created the Board of the Nevada*
7 *Wildlife Conservation Program to advise the Department on the*
8 *expenditure of money in the Nevada Wildlife Conservation Program*
9 *Account created by section 3 of this act.*

10 2. *The Board consists of the following ~~three~~ six members:*

11 (a) *One member from ~~a field related to the management of wildlife,~~*
12 *the Commission, appointed by the Governor;*

13 (b) *One member ~~with background in the management of rangeland~~*
14 *~~or the management of wildlife, appointed by the Chair of the~~*
15 *~~Commission; and~~ from a nongovernmental organization in this State*
16 *that is focused on conservation, appointed by the Majority Leader of the*
17 *Senate;*

18 (c) *~~The Chair of the Commission or a member of the Commission~~*
19 *~~appointed by the Chair.~~ One member who represents the mining*
20 *industry, appointed by the Minority Leader of the Senate;*

21 (d) *One member who is an attorney with legal expertise in the field of*
22 *real estate or personal estate planning, appointed by the Speaker of the*
23 *Assembly;*

24 (e) *One member who represents an energy corporation that operates*
25 *in this State, appointed by the Minority Leader of the Assembly; and*

26 (f) *The Director, who serves as an ex-officio member of the Board.*

27 3. *Each appointed member of the Board:*

28 (a) *Must be a resident of this State; and*

29 (b) *Serves a term of 2 years.*

30 4. *At its first meeting each year, the members of the Board shall*
31 *elect a Chair, who shall serve until the next Chair is elected. The Board*
32 *shall meet as necessary at the call of the Chair.*

33 5. *A majority of the members of the Board constitutes a quorum for*
34 *the transaction of business, and a majority of those members present at*
35 *any meeting is sufficient for any official action taken by the Board.*

36 6. *While engaged in the business of the Board, to the extent of*
37 *legislative appropriation, each member of the Board is entitled to receive*
38 *the per diem allowance and travel expenses provided for state officers*
39 *and employees generally.*

40 **Sec. 5.** *NRS 239.010 is hereby amended to read as follows:*

41 239.010 1. *Except as otherwise provided in this section and NRS*
42 *1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293,*
43 *62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,*
44 *62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850,*
45 *82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640,*

1 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
2 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265,
3 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,
4 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163,
5 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
6 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245,
7 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
8 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772,
9 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925,
10 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095,
11 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
12 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270,
13 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190,
14 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040,
15 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
16 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264,
17 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
18 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
19 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
20 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025,
21 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504,
22 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135,
23 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
24 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
25 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
26 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,
27 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075,
28 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
29 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
30 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
31 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850,
32 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
33 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
34 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,
35 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
36 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280,
37 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902,
38 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840,
39 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845,
40 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
41 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
42 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720,
43 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,
44 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005,
45 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170,

1 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,
2 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452,
3 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
4 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
5 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
6 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
7 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
8 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336,
9 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415,
10 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717,
11 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111,
12 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288,
13 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152,
14 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600,
15 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
16 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
17 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
18 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625,
19 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,
20 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945,
21 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228,
22 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
23 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
24 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122,
25 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690,
26 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873,
27 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115,
28 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
29 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354,
30 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325,
31 706.1725, 706A.230, 710.159, 711.600, *and section 3 of this act*, sections
32 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
33 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law
34 to be confidential, all public books and public records of a governmental
35 entity must be open at all times during office hours to inspection by any
36 person, and may be fully copied or an abstract or memorandum may be
37 prepared from those public books and public records. Any such copies,
38 abstracts or memoranda may be used to supply the general public with
39 copies, abstracts or memoranda of the records or may be used in any other
40 way to the advantage of the governmental entity or of the general public.
41 This section does not supersede or in any manner affect the federal laws
42 governing copyrights or enlarge, diminish or affect in any other manner the
43 rights of a person in any written book or record which is copyrighted
44 pursuant to federal law.

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

3 3. A governmental entity that has legal custody or control of a public
4 book or record shall not deny a request made pursuant to subsection 1 to
5 inspect or copy or receive a copy of a public book or record on the basis
6 that the requested public book or record contains information that is
7 confidential if the governmental entity can redact, delete, conceal or
8 separate, including, without limitation, electronically, the confidential
9 information from the information included in the public book or record
10 that is not otherwise confidential.

11 4. If requested, a governmental entity shall provide a copy of a public
12 record in an electronic format by means of an electronic medium. Nothing
13 in this subsection requires a governmental entity to provide a copy of a
14 public record in an electronic format or by means of an electronic medium
15 if:

16 (a) The public record:

- 17 (1) Was not created or prepared in an electronic format; and
18 (2) Is not available in an electronic format; or

19 (b) Providing the public record in an electronic format or by means of
20 an electronic medium would:

- 21 (1) Give access to proprietary software; or
22 (2) Require the production of information that is confidential and
23 that cannot be redacted, deleted, concealed or separated from information
24 that is not otherwise confidential.

25 5. An officer, employee or agent of a governmental entity who has
26 legal custody or control of a public record:

27 (a) Shall not refuse to provide a copy of that public record in the
28 medium that is requested because the officer, employee or agent has
29 already prepared or would prefer to provide the copy in a different
30 medium.

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

34 **Sec. 6.** This act becomes effective on July 1, 2023.