

ASSEMBLY BILL NO. 349—ASSEMBLYMAN O’NEILL

MARCH 20, 2023

Referred to Committee on Natural Resources

SUMMARY—Establishes the Nevada Wildlife Conservation Program. (BDR 45-912)

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; revising provisions governing the Wildlife Account in the State General Fund; establishing the Nevada Wildlife Conservation Program and Nevada Wildlife Conservation Program Account to support the preservation, protection, management and restoration of wildlife and wildlife habitats; creating the Board of the Nevada Wildlife Conservation Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

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

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



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

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
6 488.1795;
7 (d) Remittances from the State Treasurer pursuant to the
8 provisions of NRS 365.535;
9 (e) Appropriations made by the Legislature; and
10 (f) All other sources, including, without limitation, the Federal
11 Government, except money derived from the forfeiture of any
12 property described in NRS 501.3857 or money deposited in the
13 Wildlife Heritage Account pursuant to NRS 501.3575, the Wildlife
14 Trust Fund pursuant to NRS 501.3585, *the Nevada Wildlife*
15 *Conservation Program Account pursuant to section 3 of this act,*
16 the Energy Planning and Conservation Account created by NRS
17 701.630 or the Account for the Recovery of Costs created by
18 NRS 701.640,
19 ➤ must be deposited with the State Treasurer for credit to the
20 Wildlife Account in the State General Fund.
21 2. The interest and income earned on the money in the Wildlife
22 Account, after deducting any applicable charges, must be credited to
23 the Account.
24 3. Except as otherwise provided in subsection 4 and NRS
25 503.597, the Department, *under the direction of the Commission,*
26 may use money in the Wildlife Account only to carry out the
27 provisions of this title and chapter 488 of NRS and as provided in
28 NRS 365.535, and the money must not be diverted to any other use.
29 4. Except as otherwise provided in NRS 502.250, 502.410 and
30 504.155, all fees for the sale or issuance of stamps, tags, permits and
31 licenses that are required to be deposited in the Wildlife Account
32 pursuant to the provisions of this title and any matching money



1 received by the Department from any source must be accounted for
2 separately and must be used:

3 (a) Only for the protection, propagation and management of
4 wildlife; and

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

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

11 **Sec. 3. 1.** *The Nevada Wildlife Conservation Program is*
12 *hereby established to support the preservation, protection,*
13 *management and restoration of wildlife and wildlife habitats in*
14 *this State. The Nevada Wildlife Conservation Program Account is*
15 *hereby created in the State General Fund.*

16 **2.** *The Department shall administer the Program and shall*
17 *take such actions as the Department determines are necessary to*
18 *carry out the provisions of this section. The Department may*
19 *contract with the Community Foundation of Northern Nevada to*
20 *provide assistance in the administration of the Program including,*
21 *without limitation, the collection of donations for the Program.*

22 **3.** *In addition to any direct legislative appropriation, the*
23 *Department may apply for and accept any gift, grant, bequest,*
24 *donation for deposit in the Account and use by the Program. The*
25 *money in the Account must be used in accordance with any*
26 *recommendations of the Board of the Nevada Wildlife*
27 *Conservation Program created by section 4 of this act:*

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

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

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

38 **5.** *Any interest and income earned on money in the Account,*
39 *after deducting any applicable charges, must be credited to the*
40 *Account. Any money remaining in the Account at the end of a*
41 *fiscal year does not revert to the State General Fund, and the*
42 *balance in the Account must be carried forward to the next fiscal*
43 *year. Claims against the Account must be paid as other claims*
44 *against the State are paid.*



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

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

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

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

13 **(d) Any recommendations concerning legislation to improve**
14 **the Program.**

15 **Sec. 4. 1. There is hereby created the Board of the Nevada**
16 **Wildlife Conservation Program to advise the Department on the**
17 **expenditure of money in the Nevada Wildlife Conservation**
18 **Program Account created by section 3 of this act.**

19 **2. The Board consists of the following three members:**

20 **(a) One member from a field related to the management of**
21 **wildlife, appointed by the Governor;**

22 **(b) One member with background in the management of**
23 **rangeland or the management of wildlife, appointed by the Chair**
24 **of the Commission; and**

25 **(c) The Chair of the Commission or a member of the**
26 **Commission appointed by the Chair.**

27 **3. Each 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**
31 **shall elect a Chair, who shall serve until the next Chair is elected.**
32 **The Board shall meet as necessary at the call of the Chair.**

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

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

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

42 239.010 1. Except as otherwise provided in this section and
43 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
44 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
45 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,



1 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
2 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
3 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
4 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
5 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
6 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
7 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
8 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
9 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
10 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
11 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
12 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
13 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
14 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
15 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
16 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
17 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
18 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
19 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
20 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
21 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
22 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
23 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
24 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
25 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
26 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
27 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
28 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
29 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
30 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
31 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
32 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
33 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
34 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
35 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
36 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
37 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
38 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
39 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
40 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
41 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
42 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
43 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
44 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
45 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,



1 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
2 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
3 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
4 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
5 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
6 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
7 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
8 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
9 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
10 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
11 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
12 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
13 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
14 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
15 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
16 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
17 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
18 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
19 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
20 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
21 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
22 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
23 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
24 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
25 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
26 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
27 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
28 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
29 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
30 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
31 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
32 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
33 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
34 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
35 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
36 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
37 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
38 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
39 711.600, *and section 3 of this act*, sections 35, 38 and 41 of chapter
40 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
41 of Nevada 2013 and unless otherwise declared by law to be
42 confidential, all public books and public records of a governmental
43 entity must be open at all times during office hours to inspection by
44 any person, and may be fully copied or an abstract or memorandum
45 may be prepared from those public books and public records. Any



1 such copies, abstracts or memoranda may be used to supply the
2 general public with copies, abstracts or memoranda of the records or
3 may be used in any other way to the advantage of the governmental
4 entity or of the general public. This section does not supersede or in
5 any manner affect the federal laws governing copyrights or enlarge,
6 diminish or affect in any other manner the rights of a person in any
7 written book or record which is copyrighted pursuant to federal law.

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

10 3. A governmental entity that has legal custody or control of a
11 public book or record shall not deny a request made pursuant to
12 subsection 1 to inspect or copy or receive a copy of a public book or
13 record on the basis that the requested public book or record contains
14 information that is confidential if the governmental entity can
15 redact, delete, conceal or separate, including, without limitation,
16 electronically, the confidential information from the information
17 included in the public book or record that is not otherwise
18 confidential.

19 4. If requested, a governmental entity shall provide a copy of a
20 public record in an electronic format by means of an electronic
21 medium. Nothing in this subsection requires a governmental entity
22 to provide a copy of a public record in an electronic format or by
23 means of an electronic medium if:

24 (a) The public record:

25 (1) Was not created or prepared in an electronic format; and

26 (2) Is not available in an electronic format; or

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

29 (1) Give access to proprietary software; or

30 (2) Require the production of information that is confidential
31 and that cannot be redacted, deleted, concealed or separated from
32 information that is not otherwise confidential.

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

35 (a) Shall not refuse to provide a copy of that public record in the
36 medium that is requested because the officer, employee or agent has
37 already prepared or would prefer to provide the copy in a different
38 medium.

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

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

