

Amendment No. 823

Assembly Amendment to Assembly Bill No. 349 First Reprint (BDR 45-912)

Proposed by: Assemblyman O’Neill

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes 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) 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.



ASSEMBLY BILL NO. 349—~~[ASSEMBLYMAN]~~ ASSEMBLYMEN O'NEILL ; AND WATTS

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:

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]~~ **provides** 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.

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

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

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees described in NRS 278.337;

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

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

(e) Appropriations made by the Legislature; and

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

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

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

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

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

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

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

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

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

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

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

1 (a) To provide matching money required as a condition of any federal grant
2 related to the preservation, protection, management and restoration of wildlife
3 and wildlife habitats; or

4 (b) For the preservation, protection, management or restoration of wildlife
5 and wildlife habitats.

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

10 5. Any interest and income earned on money in the Account, after
11 deducting any applicable charges, must be credited to the Account. Any money
12 remaining in the Account at the end of a fiscal year does not revert to the State
13 General Fund, and the balance in the Account must be carried forward to the
14 next fiscal year. Claims against the Account must be paid as other claims against
15 the State are paid.

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

19 (a) The number of donations and total value of each donation during the
20 immediately preceding calendar year;

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

23 (c) The total amount of money received by the Program, the amount of
24 money expended from the Account, and a description of each project for which
25 the money was spent; and

26 (d) Any recommendations concerning legislation to improve the Program.

27 **Sec. 4. 1.** There is hereby created the Board of the Nevada Wildlife
28 Conservation Program to advise the Department on the expenditure of money in
29 the Nevada Wildlife Conservation Program Account created by section 3 of this
30 act.

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

32 (a) One member from ~~[a field related to the management of wildlife,]~~ the
33 Commission, appointed by the Governor;

34 (b) One member ~~[with background in the management of rangeland or the~~
35 ~~management of wildlife, appointed by the Chair of the Commission; and]~~ from a
36 nongovernmental organization in this State that is focused on conservation,
37 appointed by the Majority Leader of the Senate;

38 (c) ~~[The Chair of the Commission or a member of the Commission appointed~~
39 ~~by the Chair.]~~ One member who represents the mining industry, appointed by the
40 Minority Leader of the Senate;

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

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

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

46 3. Each appointed member of the Board:

47 (a) Must be a resident of this State; and

48 (b) Serves a term of 2 years.

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

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

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

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

9 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
10 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,
11 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,
12 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
13 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
14 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
15 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,
16 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
17 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
18 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
19 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
20 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
21 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.426, 209.521,
22 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
23 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
24 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
25 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
26 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
27 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
28 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,
29 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.330,
30 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
31 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,
32 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
33 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
34 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
35 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
36 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
37 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
38 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
39 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
40 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
41 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
42 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
43 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
44 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
45 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
46 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
47 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
48 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
49 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
50 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
51 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
52 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
53 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,

1 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
2 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
3 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
4 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
5 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
6 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
7 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
8 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
9 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
10 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
11 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
12 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
13 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
14 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
15 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
16 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
17 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.1303,
18 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
19 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
20 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340,
21 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124,
22 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440,
23 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170,
24 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
25 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
26 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196,
27 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 3 of this act*,
28 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of
29 chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be
30 confidential, all public books and public records of a governmental entity must be
31 open at all times during office hours to inspection by any person, and may be fully
32 copied or an abstract or memorandum may be prepared from those public books
33 and public records. Any such copies, abstracts or memoranda may be used to
34 supply the general public with copies, abstracts or memoranda of the records or
35 may be used in any other way to the advantage of the governmental entity or of the
36 general public. This section does not supersede or in any manner affect the federal
37 laws governing copyrights or enlarge, diminish or affect in any other manner the
38 rights of a person in any written book or record which is copyrighted pursuant to
39 federal law.

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

42 3. A governmental entity that has legal custody or control of a public book or
43 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
44 receive a copy of a public book or record on the basis that the requested public
45 book or record contains information that is confidential if the governmental entity
46 can redact, delete, conceal or separate, including, without limitation, electronically,
47 the confidential information from the information included in the public book or
48 record that is not otherwise confidential.

49 4. If requested, a governmental entity shall provide a copy of a public record
50 in an electronic format by means of an electronic medium. Nothing in this
51 subsection requires a governmental entity to provide a copy of a public record in an
52 electronic format or by means of an electronic medium if:

53 (a) The public record:

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

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

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

5 (1) Give access to proprietary software; or

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

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

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

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

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