

Amendment No. 616

Assembly Amendment to Assembly Bill No. 525

(BDR 45-1213)

Proposed by: Assembly Committee on Ways and Means**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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.

CAF/JRS



Date: 5/19/2011

A.B. No. 525—Creates the Wildlife Trust Fund. (BDR 45-1213)



ASSEMBLY BILL NO. 525—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Ways and Means

SUMMARY—~~{Creates}~~ Requires the establishment of the Wildlife Trust Fund.
(BDR 45-1213)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; ~~{creating}~~ requiring the Department of Wildlife to establish the Wildlife Trust Fund; ~~{requiring the Director of the Department of Wildlife to administer the Wildlife Trust Fund;}~~ authorizing the ~~{Director}~~ Department to accept ~~{gifts, grants, donations and endowments of money;}~~ any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and the ~~{Legislature;}~~ Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~{creates}~~ requires the Department of Wildlife to establish the Wildlife Trust Fund for the purposes of receiving ~~{gifts, grants, donations and endowments of money;}~~ any gift, donation, bequest or devise from any private source for the ~~{Department of Wildlife. The Director of the Department is required to administer the Wildlife Trust Fund and is authorized to accept the money for the}~~ Wildlife Trust Fund. The money in the Wildlife Trust Fund must be used either for the specified purpose of the donor who donated the money or, if the donor specified no purpose, then ~~{for carrying out the provisions of law administered by the Department;}~~ in the sound discretion of the Director of the Department. This bill further establishes that the money in the Wildlife Trust Fund is private money and exempts the money in the Wildlife Trust Fund from the statutory requirements relating to the expenditure of public money. Finally, this bill requires the Director to ~~{annually}~~ report the income and expenditures of the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and to ~~{the Legislature if it is in session, or if it is not in session, to}~~ the Interim Finance Committee.

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. The Department shall establish the Wildlife Trust Fund . ~~is hereby created in the State Treasury.~~ The ~~Director shall administer the Wildlife Trust Fund and~~ Department may accept ~~gifts, grants, donations and endowments of money~~ any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. ~~The money in the Wildlife Trust Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Wildlife Trust Fund must be credited to the Wildlife Trust Fund.~~ Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. ~~Money which is donated for a purpose specified by the donor, within the scope of the Director's duties, must be used only for that specified purpose. If no purpose is specified, the money in the Wildlife Trust Fund may be used 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.~~ All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. ~~If all or part of the money accepted by the Director from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Wildlife Trust Fund until needed for the purpose specified by the donor.~~ The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. ~~Each year, the Director shall submit an itemized statement of the income and expenditures of the Department from the Wildlife Trust Fund to:~~

~~(a) The Chief of the Budget Division of the Department of Administration together with the other submissions required of the Department pursuant to NRS 353.210; and~~

~~(b) The Legislature if it is in session or, if the Legislature is not in session, to the Interim Finance Committee.~~ The Director or the Director's designee shall submit semiannually to the Interim Finance Committee a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapters 333, 338 and 341 of NRS regarding the expenditure of public money do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 2. 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 pursuant to the provisions of NRS 488.075 and 488.1795;
- (c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 , ~~for~~ in the Trout Management Account pursuant to NRS 502.327 ~~or~~ **or in the Wildlife Trust Fund pursuant to section 1 of this act,**

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, the Department 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 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 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. 3. This act becomes effective on July 1, 2011.