

Amendment No. 62

Senate Amendment to Senate Bill No. 75	(BDR 45-139)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No 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.

EMR/HAC



Date: 4/3/2017

S.B. No. 75—Makes various changes relating to the Department of Wildlife.
(BDR 45-139)



SENATE BILL NO. 75—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DEPARTMENT OF WILDLIFE)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to the Department of Wildlife.
(BDR 45-139)

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; revising provisions relating to the confidentiality of certain information obtained by the Department of Wildlife; revising provisions governing the preparation and dissemination of certain reports and statements concerning the Wildlife Trust Fund, ~~the Dream Tag program~~ upland game bird projects, and certain energy development projects; ~~eliminating the requirement for publication in a newspaper of notice of a meeting relating to certain orders or regulations by the Board of Wildlife Commissioners;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, with certain exceptions, all public books and public records of a governmental entity must be open at all times during office hours for inspection by any person and a copy or an abstract or memorandum may be prepared from those books and records. (NRS 239.010; *Donrey v. Bradshaw*, 106 Nev. 630 (1990)) **Sections 1 and 6** of this bill specifically make confidential any information obtained by the Department of Wildlife or any agent of the Department if that information concerns a person who: (1) has requested assistance from the Department; or (2) has reported any information to the Department concerning any wildlife causing a nuisance or any potentially dangerous wildlife. ~~Section 5 of this bill eliminates certain exceptions specified in existing law to clarify the extent of the confidentiality of the information in the possession of the Department concerning the registration of a trap, snare or similar device.~~

Existing law requires: (1) the Department of Wildlife to establish the Wildlife Trust Fund; and (2) the Director of the Department or the Director's designee to submit semiannually to the Interim Finance Committee and the Board of Wildlife Commissioners a report concerning the investment and expenditure of the money in the Fund. Existing law further requires the submission of a separate statement concerning the anticipated amount and proposed expenditures of the money in the Fund to the Chief of the Budget Division of the Office of Finance for budgetary purposes. (NRS 501.3585) **Section 2** of this bill requires, in lieu of submission of semiannual reports to the specified recipients, that the Director of the Department or the Director's designee post annually on the Internet website maintained by the Department a statement setting forth the investment and expenditure of the money in the

Fund. **Section 2** also changes the recipient of the budgetary statement concerning the Fund to the Director of the Office of Finance.

~~Existing law establishes a program for the issuance of additional big game tags each year to be known as "Dream Tags" and requires a certain nonprofit organization established through the Community Foundation of Western Nevada to report, on or before February 1 of each year, to the Department of Wildlife and the Interim Finance Committee concerning the Dream Tag program. (NRS 502.210) Section 2 of this bill requires that, in lieu of submission of the annual report to the specified recipients, the nonprofit organization post the annual report on the Internet website maintained by the Community Foundation of Western Nevada.~~

Under existing law, the Department of Wildlife is required to submit a biennial report by the fifth calendar day of each regular session to the Legislature summarizing any projects undertaken and certain other information concerning the program for the sale of documentation to hunt any upland game bird, except turkey and crow. (NRS 502.298) In lieu of submitting this biennial report to the Legislature, **section 4** of this bill requires the Department to post the report on the Internet website maintained by the Department by the revised deadline of February 1 of each odd-numbered year.

Existing law requires the Department of Wildlife to compile and maintain detailed information concerning each energy development project in this State and to prepare a report setting forth that information. On or before January 1, the Department is required to submit the report to the Legislative Commission in even-numbered years and the Director of the Legislative Counsel Bureau in odd-numbered years for transmittal to the Legislature. (NRS 701.620) **Section 7** of this bill specifies the period of coverage of the report as the immediately preceding 2 fiscal years. **Section 7** also eliminates the requirement of an annual submission of the report to the specified recipients and instead requires the Department to post the report biennially on the Internet website maintained by the Department by the revised deadline of January 31 of each odd-numbered year.

~~Under Nevada's Open Meeting Law, a public body, which includes the Board of Wildlife Commissioners, is required to hold meetings open to the public and to post a notice, an agenda and certain other information about each of its meetings, with certain exceptions. (NRS 241.020) Under existing law, whenever the Board of Wildlife Commissioners is required to publish any official order or regulation regarding open or closed seasons, bag limits or hours, the Commission is also required to publish a notice of intention to establish the order or regulation at an open meeting held on a date not sooner than 10 days following the publication. The notice of the meeting is required to be published at least once in a newspaper of general circulation in this State or in the locality to which the order or regulation applies. (NRS 501.118) Section 8 of this bill eliminates the requirement that the Board of Wildlife Commissioners publish notice of such a meeting in a newspaper.~~

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:

Any information obtained by the Department or any agent of the Department concerning a person who has requested assistance from the Department or has reported any information to the Department concerning any wildlife causing a nuisance or any potentially dangerous wildlife is confidential.

Sec. 2. NRS 501.3585 is hereby amended to read as follows:

501.3585 1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in 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. 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. 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. The Director or the Director's designee shall ~~submit semiannually to the Interim Finance Committee and the Commission a report concerning~~ *annually post on the Internet website maintained by the Department a statement setting forth* 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~~ *Director* of the ~~Budget Division of the~~ Office of Finance for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted *to the Chief of the Budget Division of the Office of Finance* 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 chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 3. ~~NRS 502.219 is hereby amended to read as follows:~~

~~502.219 1. A program is hereby established for the issuance of additional big game tags each year to be known as "Dream Tags." The program must provide:~~

~~(a) For the issuance of Dream Tags to either a resident or nonresident of this State;~~

~~(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and~~

~~(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.~~

~~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 and NRS 502.222 and 502.225.~~

~~3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department, at prices established by the Department, subject to the following conditions:~~

~~(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for \$5 each to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.~~

~~(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.~~

~~(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit~~

organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.

4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

5. The nonprofit organization shall, on or before February 1 of each year, prepare a report [to the Department and the Interim Finance Committee] concerning the Dream Tag program [, including,] and post the report on the Internet website maintained by the Community Foundation of Western Nevada. The report must include, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations concerning the program or necessary legislation.

6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk. **(Deleted by amendment.)**

Sec. 4. NRS 502.298 is hereby amended to read as follows:

502.298 The Department shall, not later than ~~the fifth calendar day of each regular session of the Legislature, submit to it~~ **February 1 of each odd-numbered year, post on the Internet website maintained by the Department** a report summarizing any projects undertaken and the receipt and expenditure of money and public benefits achieved by the program for the sale of documentation to hunt any upland game bird, except turkey and crow.

Sec. 5. ~~NRS 503.452 is hereby amended to read as follows:~~

~~503.452 1. Except as otherwise provided in subsection 2, each trap, snare or similar device used by a person in the taking of wild mammals may be registered with the Department before it is used. Each registered trap, snare or similar device must bear a number which is assigned by the Department and is affixed to or marked on the trap, snare or similar device in the manner specified by regulations adopted by the Commission. The registration of a trap, snare or similar device is valid until the trap, snare or similar device is sold or ownership of the trap, snare or similar device is otherwise transferred.~~

~~2. The provisions of subsection 1 do not apply to a trap, snare or similar device used:~~

~~(a) Exclusively on private property which is posted or fenced in accordance with the provisions of NRS 207.200 by the owner or occupant of the property or with the permission of the owner or occupant;~~

~~(b) For the control of rodents by an institution of the Nevada System of Higher Education;~~

~~(c) By any federal, state or local governmental agency; or~~

~~(d) For the taking of wild mammals for scientific or educational purposes under a permit issued by the Department pursuant to NRS 503.650.~~

~~3. A registration fee of \$10 for each registrant is payable only once by each person who registers a trap, snare or similar device. The fee must be paid at the time the first trap, snare or similar device is registered.~~

~~4. It is unlawful:~~

~~(a) For a person to whom a trap, snare or similar device is registered to allow another person to possess or use the trap, snare or similar device without providing to that person written authorization to possess or use the trap, snare or similar device.~~

~~(b) For a person to possess or use a trap, snare or similar device registered to another person without obtaining the written authorization required pursuant to paragraph (a). If a person obtains written authorization to possess or use a trap, snare or similar device pursuant to paragraph (a), the person shall ensure that the written authorization, together with his or her trapping license, is in his or her possession during any period in which he or she uses the trap, snare or similar device to take fur bearing mammals.~~

~~5. A person to whom a trap, snare or similar device is registered pursuant to this section shall report any theft of the trap, snare or similar device to the Department as soon as it is practical to do so after the person discovers the theft.~~

~~6. Any information in the possession of the Department concerning the registration of a trap, snare or similar device is confidential, [and the Department shall not disclose that information unless required to do so by law or court order.]~~

~~(Deleted by amendment.)~~

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.16925, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,

459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 1 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

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

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

Sec. 7. NRS 701.620 is hereby amended to read as follows:

701.620 The Department of Wildlife shall:

1 1. Compile and maintain detailed information concerning each energy
2 development project for which notice is filed pursuant to NRS 701.610. The
3 information must include, without limitation:

- 4 (a) The location of the energy development project;
5 (b) A description of the energy development project;
6 (c) The estimated energy output of the energy development project; and
7 (d) The amount charged for the reimbursement of costs for the energy
8 development project in accordance with the regulations specified in subsection 4 of
9 NRS 701.610.

10 2. Prepare a report ~~that covers the immediately preceding 2 fiscal years:~~

- 11 (a) Containing the information compiled pursuant to subsection 1; and
12 (b) Setting forth the effect, if any, on the budget of the Department of Wildlife
13 as a result of receiving the reimbursement of costs for providing information
14 concerning energy development projects and the manner in which the total amount
15 received for those costs was used by the Department.

16 3. On or before January ~~of each even-numbered odd-numbered~~ year,
17 ~~submit~~ *post* the report required pursuant to subsection 2 ~~to the Legislative~~
18 ~~Commission. On or before January 1 of each odd-numbered year, on the Internet~~
19 *website maintained by* the Department of Wildlife . ~~shall submit the report~~
20 ~~required pursuant to subsection 2 to the Director of the Legislative Counsel Bureau~~
21 ~~for transmittal to the Legislature.~~

22 Sec. 8. ~~NRS 501.118 is hereby repealed.~~ *(Deleted by amendment.)*

23 Sec. 9. This act becomes effective on July 1, 2017.

†

TEXT OF REPEALED SECTION

~~501.118 Manner of publication of order or regulation regarding seasons, bag limits or hours. Whenever the Commission is required to publish any official order or regulation regarding open or closed seasons, bag limits or hours, it shall publish once in each case, in a newspaper of general circulation in the State of Nevada or in the locality to which the order or regulation applies a notice of intention to establish the order or regulation at an open meeting to be held on a date no sooner than 10 days following the publication.~~