

(Reprinted with amendments adopted on April 14, 2023)

FIRST REPRINT

A.B. 221

ASSEMBLY BILL NO. 221—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON NATURAL RESOURCES)

FEBRUARY 23, 2023

Referred to Committee on Natural Resources

SUMMARY—Authorizes the management of designated invertebrates. (BDR 45-339)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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; authorizing the management of designated invertebrates by the Board of Wildlife Commissioners and the Department of Wildlife; revising the definition of “wildlife” to include designated invertebrates; establishing a wildlife classification for designated invertebrates; requiring the listing of designated invertebrates as a fully protected species under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes certain provisions governing the management of
2 wildlife in this State by the Board of Wildlife Commissioners and the Department
3 of Wildlife. (Chapter 501 of NRS) This bill expands the wildlife managed by the
4 Board and Department to include designated invertebrates. As a result of the
5 inclusion of designated invertebrates, certain fees and penalties that apply to
6 violations of certain provisions of law relating to wildlife will also apply to
7 designated invertebrates. (See, e.g., NRS 501.385, 502.240, 504.295)
8 **Section 2** of this bill defines “designated invertebrate” to mean any nonpest
9 species of invertebrate designated as a species of greatest conservation need in the
10 State Wildlife Action Plan. **Section 3** of this bill defines “State Wildlife Action
11 Plan.” **Section 5** of this bill revises the definition of “wildlife” to include
12 designated invertebrates.



13 **Section 4** of this bill makes a conforming change to indicate the proper
14 placement of **sections 2 and 3** in the Nevada Revised Statutes.

15 Existing law requires: (1) wildlife to be classified into certain categories; and
16 (2) the Commission to place each species of wildlife in a classification by
17 regulation. (NRS 501.110) **Section 6** of this bill establishes a classification for
18 designated invertebrates.

19 Existing law provides that if the Commission determines that the existence of a
20 species or subspecies of native fish, wildlife and other fauna is endangered and its
21 survival requires assistance, the Commission must place the animal on the list of
22 fully protected species and the animal may not be captured, removed or destroyed
23 except by means of a special permit issued by the Department. (NRS 503.585)
24 **Sections 5, 7 and 8** of this bill provide for the placement of designated
25 invertebrates on the list of fully protected species.

26 Existing law requires the Commission to carry out a program for conserving,
27 protecting, restoring and propagating selected species of native fish, wildlife and
28 other vertebrates and their habitats which are threatened with extinction and
29 destruction. (NRS 503.587) **Section 9** of this bill requires the Commission to
30 include designated invertebrates in such a program.

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

1 **Section 1.** Chapter 501 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *“Designated invertebrate” means any nonpest species*
4 *of invertebrate designated as a species of greatest conservation*
5 *need in the State Wildlife Action Plan.*

6 **Sec. 3.** *“State Wildlife Action Plan” means a statewide plan*
7 *prepared by the Department and approved by the United States*
8 *Fish and Wildlife Service which sets forth provisions for the*
9 *conservation of wildlife and wildlife habitat, including, without*
10 *limitation, provisions for assisting in the prevention of any species*
11 *of wildlife from becoming threatened or endangered.*

12 **Sec. 4.** NRS 501.001 is hereby amended to read as follows:

13 501.001 As used in this title, unless the context otherwise
14 requires, the words and terms defined in NRS 501.003 to 501.097,
15 inclusive, *and sections 2 and 3 of this act*, have the meanings
16 ascribed to them in those sections.

17 **Sec. 5.** NRS 501.097 is hereby amended to read as follows:

18 501.097 “Wildlife” means any wild mammal, wild bird, fish,
19 reptile, amphibian, mollusk , ~~for~~ crustacean *or designated*
20 *invertebrate* found naturally in a wild state, whether indigenous to
21 Nevada or not and whether raised in captivity or not.

22 **Sec. 6.** NRS 501.110 is hereby amended to read as follows:

23 501.110 1. For the purposes of this title, wildlife must be
24 classified as follows:



1 (a) Wild mammals, which must be further classified as either
2 game mammals, fur-bearing mammals, protected mammals or
3 unprotected mammals.

4 (b) Wild birds, which must be further classified as either game
5 birds, protected birds or unprotected birds. Game birds must be
6 further classified as upland game birds or migratory game birds.

7 (c) Fish, which must be further classified as either game fish,
8 protected fish or unprotected fish.

9 (d) Reptiles, which must be further classified as either protected
10 reptiles or unprotected reptiles.

11 (e) Amphibians, which must be further classified as either game
12 amphibians, protected amphibians or unprotected amphibians.

13 (f) Mollusks, which must be further classified as either protected
14 mollusks or unprotected mollusks.

15 (g) Crustaceans, which must be further classified as either
16 protected crustaceans or unprotected crustaceans.

17 *(h) Designated invertebrates.*

18 2. Protected wildlife may be further classified as either
19 sensitive, threatened or endangered.

20 3. Each species of wildlife must be placed in a classification by
21 regulation of the Commission and, when it is in the public interest to
22 do so, species may be moved from one classification to another.

23 **Sec. 7.** NRS 503.584 is hereby amended to read as follows:

24 503.584 1. The Legislature finds that:

25 (a) The economic growth of the State of Nevada has been
26 attended with some serious and unfortunate consequences. Nevada
27 has experienced the extermination or extirpation of some of the
28 State's native species of animals, including fish , ~~and~~
29 wildlife ~~[]~~ *and designated invertebrates*. Serious losses have
30 occurred and are occurring in other species of native wild animals
31 with important economic, educational, historical, political,
32 recreational, scientific and aesthetic values.

33 (b) The people of the State of Nevada have an obligation to
34 conserve and protect the various species of native fish and wildlife
35 that are threatened with extinction.

36 2. The purpose of NRS 503.584 to 503.589, inclusive, is to
37 provide a program for the:

38 (a) Conservation, protection, restoration and propagation of
39 selected species of native fish , ~~and other~~ vertebrate wildlife,
40 including , *without limitation*, migratory birds ~~[]~~ *and designated*
41 *invertebrates*; and

42 (b) Perpetuation of the populations and habitats of such species.

43 **Sec. 8.** NRS 503.585 is hereby amended to read as follows:

44 503.585 A species or subspecies of native fish, wildlife ,
45 *including, without limitation, vertebrates and designated*



1 *invertebrates* and other fauna must be regarded as threatened with
2 extinction when the Commission, after consultation with competent
3 authorities, determines that its existence is endangered and its
4 survival requires assistance because of overexploitation, disease or
5 other factors or its habitat is threatened with destruction, drastic
6 modification or severe curtailment. Any animal so declared to be
7 threatened with extinction must be placed on the list of fully
8 protected species, and no member of its kind may be captured,
9 removed or destroyed at any time by any means except under
10 special permit issued by the Department.

11 **Sec. 9.** NRS 503.587 is hereby amended to read as follows:

12 503.587 The Commission shall use its authority to manage
13 land to carry out a program for conserving, protecting, restoring and
14 propagating selected species of native fish ~~[]~~ *and* wildlife ~~[and~~
15 ~~other]~~, *including, without limitation, vertebrates and designated*
16 *invertebrates* and their habitats which are threatened with extinction
17 and destruction.

