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ASSEMBLY BILL NO. 71—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF NATURAL  
HERITAGE OF THE STATE DEPARTMENT  
OF CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2020

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Referred to Committee on Natural Resources

**SUMMARY**—Revises provisions relating to certain information maintained by the Division of Natural Heritage of the State Department of Conservation and Natural Resources. (BDR 18-313)

**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.

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AN ACT relating to conservation; making certain information maintained by the Division of Natural Heritage of the State Department of Conservation and Natural Resources confidential; authorizing the Division to release such information under certain circumstances and to charge a fee for such a release; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the Division of Natural Heritage of the State Department  
2 of Conservation and Natural Resources to maintain data systems related to the  
3 location, biology and conservation status of plants and animal species and  
4 ecosystems. (NRS 232.1369) This bill makes confidential any information related  
5 to the location of a rare plant or animal species or ecological community included  
6 in the Division’s data systems. This bill also authorizes, under certain  
7 circumstances, the Administrator of the Division to release this confidential  
8 information for a reasonable fee.

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

1 **Section 1.** NRS 232.1369 is hereby amended to read as  
2 follows:

3 232.1369 1. The Division of Natural Heritage shall:

4 (a) Provide expertise in the areas of zoology, botany and  
5 community ecology, including the study of wetland ecosystems; and

6 (b) Maintain data systems related to the location, biology and  
7 conservation status of plant and animal species and ecosystems.

8 2. *Except as otherwise provided in subsection 3, information*  
9 *related to the location of a rare plant or animal species or*  
10 *ecological community that is maintained by the Division pursuant*  
11 *to subsection 1 is confidential and is not a public record for the*  
12 *purposes of chapter 239 of NRS.*

13 3. *The Administrator or his or her designee may release*  
14 *information declared confidential pursuant to subsection 2, upon*  
15 *request and for a reasonable fee, if:*

16 (a) *The release of the information is not otherwise prohibited*  
17 *by law;*

18 (b) *The release of the information is not restricted by the*  
19 *original provider of the information; and*

20 (c) *The Administrator or his or her designee determines that*  
21 *the request is:*

22 (1) *Made for a legitimate activity related to conservation,*  
23 *environmental review or scientific research;*

24 (2) *Limited to the release of information necessary to*  
25 *achieve the purpose of the request; and*

26 (3) *Unlikely to result in harm to a rare plant or animal*  
27 *species or ecological community.*

28 4. The Administrator may adopt any regulations necessary to  
29 carry out the provisions of this section.

30 5. *As used in this section, "rare plant or animal species or*  
31 *ecological community" includes, without limitation, any species,*  
32 *subspecies or ecological community:*

33 (a) *Declared as threatened or endangered pursuant to the*  
34 *federal Endangered Species Act of 1973, as amended, 16 U.S.C.*  
35 *§§ 1531 et seq.;*

36 (b) *Designated as sensitive by the United States Bureau of*  
37 *Land Management or the United States Forest Service;*

38 (c) *Classified as protected, sensitive, threatened or endangered*  
39 *by the Board of Wildlife Commissioners pursuant to NRS 501.110;*

40 (d) *Protected under the provisions of chapter 527 of NRS,*  
41 *including, without limitation, Christmas trees, cacti and yucca*  
42 *protected pursuant to NRS 527.060 to 527.120, inclusive, and any*



1 *species listed as a fully protected species of native flora pursuant*  
2 *to NRS 527.270; or*

3 *(e) Considered rare or at risk of extinction by the Division of*  
4 *Natural Heritage.*

5 **Sec. 2.** NRS 239.010 is hereby amended to read as follows:

6 239.010 1. Except as otherwise provided in this section and  
7 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,  
8 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,  
9 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,  
10 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,  
11 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,  
12 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,  
13 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,  
14 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,  
15 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,  
16 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,  
17 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,  
18 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,  
19 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,  
20 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
21 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,  
22 213.010, 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,  
24 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,  
25 231.1473, **232.1369**, 233.190, 237.300, 239.0105, 239.0113,  
26 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,  
27 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020,  
28 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550,  
29 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978,  
30 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,  
31 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,  
32 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,  
33 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,  
34 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,  
35 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,  
36 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,  
37 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,  
38 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,  
39 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,  
40 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,  
41 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,  
42 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,  
43 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
44 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,  
45 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,



1 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,  
2 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,  
3 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,  
4 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,  
5 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,  
6 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,  
7 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,  
8 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,  
9 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,  
10 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,  
11 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,  
12 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,  
13 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,  
14 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,  
15 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,  
16 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,  
17 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,  
18 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,  
19 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,  
20 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,  
21 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,  
22 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,  
23 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,  
24 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
25 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,  
26 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,  
27 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,  
28 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,  
29 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
30 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,  
31 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
32 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,  
33 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,  
34 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,  
35 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,  
36 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,  
37 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
38 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,  
39 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,  
40 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,  
41 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600,  
42 sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and  
43 section 2 of chapter 391, Statutes of Nevada 2013 and unless  
44 otherwise declared by law to be confidential, all public books and  
45 public records of a governmental entity must be open at all times



1 during office hours to inspection by any person, and may be fully  
2 copied or an abstract or memorandum may be prepared from those  
3 public books and public records. Any such copies, abstracts or  
4 memoranda may be used to supply the general public with copies,  
5 abstracts or memoranda of the records or may be used in any other  
6 way to the advantage of the governmental entity or of the general  
7 public. This section does not supersede or in any manner affect the  
8 federal laws governing copyrights or enlarge, diminish or affect in  
9 any other manner the rights of a person in any written book or  
10 record which is copyrighted pursuant to federal law.

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

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

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

27 (a) The public record:

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

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

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

32 (1) Give access to proprietary software; or

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

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

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

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



1     **Sec. 3.** This act becomes effective upon passage and approval.

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