

SENATE BILL NO. 541—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

(ON BEHALF OF DEPARTMENT OF MUSEUMS,  
LIBRARY, AND ARTS)

MARCH 26, 2001

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes to provisions governing department of museums,  
library and arts. (BDR 33-545)

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 the department of museums, library and arts; changing the name of the department to the department of cultural affairs; requiring the administrator of the division of museums and history of the department to establish the qualifications for, and the powers and duties of, the museum directors of the various institutions of the division; transferring the museum directors of the Nevada state museum, the Nevada museum and historical society and the Nevada historical society from the unclassified to the classified service of the state; providing that abandoned property held by an institution of the division of museums and history becomes the property of the division; and providing other matters properly relating thereto.

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

- 1     **Section 1.** NRS 378.005 is hereby amended to read as follows:  
2     378.005 As used in this chapter:  
3     1. “Department” means the department of ~~{museums, library and arts.}~~  
4     *cultural affairs.*  
5     2. “Director” means the director of the department . ~~{of museums,~~  
6     ~~library and arts.}~~  
7     3. “Division” means the division of state library and archives of the  
8     department.  
9     **Sec. 2.** NRS 378.008 is hereby amended to read as follows:  
10    378.008 1. There is hereby created the department of ~~{museums,~~  
11    ~~library and arts,}~~ *cultural affairs* in which is vested the administration of  
12    the provisions of this Title and chapter 233C of NRS.



2. The department consists of a director and the following:

- (a) The division of state library and archives;
- (b) The division of museums and history;
- (c) The office of historic preservation;
- (d) The state arts council;
- (e) The board of museums and history;
- (f) The state council on libraries and literacy;
- (g) The state historical records advisory board; and
- (h) The commission for cultural affairs.

**Sec. 3.** NRS 378A.040 is hereby amended to read as follows:

378A.040 1. The governor shall appoint to the board:

(a) The person who is in charge of the archives and records of the division of state library and archives of the department of ~~{museums, library and arts.}~~ *cultural affairs*. This person is the state historical records coordinator for the purposes of 36 C.F.R. § ~~{1206.10}~~ *1206.36* and shall serve as chairman of the board.

(b) ~~{The}~~ *A* person in charge of ~~{the Nevada historical society.}~~ *a state-funded historical agency who has responsibilities related to archives or records, or to both archives and records.*

(c) Seven other members, at least ~~{four}~~ *three* of whom must have experience in the administration of historical records or archives. These members must represent as broadly as possible the various public and private archive and research institutions and organizations in the state.

2. After the initial terms, the chairman serves for 4 years and each other appointed member serves for 3 years. Members of the board may be reappointed.

**Sec. 4.** NRS 379.0083 is hereby amended to read as follows:

379.0083 The state library and archives administrator may adopt regulations establishing fees:

1. Of not more than \$5 for the issuance and renewal of a certificate. The fee for issuing a duplicate certificate must be the same as for issuing the original. The money received from such fees must be paid into the state general fund.

2. To cover the amount charged by the Federal Bureau of Investigation for processing the fingerprints of an applicant. The money received from such fees must be deposited with the state treasurer for credit to the appropriate account of the division of state library and archives of the department of ~~{museums, library and arts.}~~ *cultural affairs*.

**Sec. 5.** NRS 380A.031 is hereby amended to read as follows:

380A.031 1. The state council on libraries and literacy is hereby created. The council is advisory to the division of state library and archives of the department of ~~{museums, library and arts.}~~ *cultural affairs*.

2. The council consists of 11 members appointed by the governor. Unless specifically appointed to a shorter term, the term of office of a member of the council is 3 years and commences on July 1 of the year of appointment. The terms of office of the members of the council must be staggered to result in, as nearly as possible, the appointment of three or four members to the council on July 1 of each year.



- 1     **Sec. 6.** NRS 380A.041 is hereby amended to read as follows:  
2     380A.041 1. The governor shall appoint to the ~~{state council on~~  
3     ~~libraries and literacy;}~~ **council:**  
4     (a) A representative of public libraries;  
5     (b) A trustee of a legally established library or library system;  
6     (c) A representative of school libraries;  
7     (d) A representative of academic libraries;  
8     (e) A representative of special libraries or institutional libraries;  
9     (f) A representative of persons with disabilities;  
10    (g) A representative of the public who uses these libraries;  
11    (h) A representative of recognized state labor organizations;  
12    (i) A representative of private sector employers;  
13    (j) A representative of private literacy organizations, voluntary literacy  
14    organizations or community-based literacy organizations; and  
15    (k) A classroom teacher who has demonstrated outstanding results in  
16    teaching children or adults to read.  
17    2. The director of the following state agencies or their designees shall  
18    serve as ex officio members of the council : ~~{pursuant to Public Law No.~~  
19    ~~102-73;}~~  
20    (a) The department of ~~{museums, library and arts;}~~ **cultural affairs;**  
21    (b) The department of education;  
22    (c) The state job training office;  
23    (d) The department of human resources;  
24    (e) The commission on economic development; and  
25    (f) The department of prisons.  
26    3. Officers of state government whose agencies provide funding for  
27    literacy services may be designated by the governor or the chairman of the  
28    council to serve whenever matters within the jurisdiction of the agency are  
29    considered by the council.  
30    4. The governor shall ensure that there is appropriate representation on  
31    the ~~{advisory}~~ council of urban and rural areas of the state, women, persons  
32    with disabilities and racial and ethnic minorities.  
33    5. A person may not serve as a member of the council for more than  
34    two consecutive terms.  
35    **Sec. 7.** Chapter 381 of NRS is hereby amended by adding thereto the  
36    provisions set forth as sections 8 to 13, inclusive, of this act.  
37    **Sec. 8. 1. The administrator shall:**  
38    **(a) Appoint a museum director for each institution;**  
39    **(b) Establish the qualifications for each museum director; and**  
40    **(c) Establish the powers and duties of each museum director as**  
41    **necessary for the efficient operation of the division pursuant to the**  
42    **provisions of section 9 of this act.**  
43    **2. Each museum director is in the classified service of the state. The**  
44    **department of personnel, in cooperation with the administrator, shall**  
45    **classify the position of each museum director based on the powers and**  
46    **duties he is required to carry out, the size and complexity of the programs**  
47    **he is required to administer and such other considerations as are deemed**  
48    **relevant by the department of personnel.**



1     3. Each museum director shall devote his entire time and attention to  
2 the business of his office and shall not pursue any other business or  
3 occupation or hold any other office of profit.

4     4. Each museum director shall exercise such powers and carry out  
5 such duties as are assigned to him by the administrator pursuant to  
6 section 9 of this act.

7     Sec. 9. 1. The administrator may authorize or require a museum  
8 director to:

9     (a) Oversee duties related to the auditing and approval of all bills,  
10 claims and accounts of the institution administered by the museum  
11 director.

12     (b) Receive, collect, exchange, preserve, house, care for, display and  
13 exhibit, particularly, but not exclusively, respecting the State of Nevada:

14         (1) Samples of the useful and fine arts, sciences and industries,  
15 relics, memorabilia, products, works, records, rare and valuable articles  
16 and objects, including, without limitation, drawings, etchings,  
17 lithographs, photographs, paintings, statuary, sculpture, fabrics,  
18 furniture, implements, machines, geological and mineral specimens,  
19 precious, semiprecious and commercial minerals, metals, earths, gems  
20 and stones.

21         (2) Books, papers, records and documents of historic, artistic,  
22 literary or industrial value or interest by reason of rarity, representative  
23 character or otherwise.

24     (c) Collect, gather and prepare the natural history of Nevada and the  
25 Great Basin.

26     (d) Establish such programs in archeology, anthropology, mineralogy,  
27 ethnology, ornithology and such other scientific programs as in the  
28 judgment of the board and administrator may be proper and necessary to  
29 carry out the objects and purposes appropriate to the institution  
30 administered by the museum director.

31     (e) Receive and collect property from any appropriate property of the  
32 State of Nevada, or from accessions, gifts, exchanges, loans or purchases  
33 from any other agencies, persons or sources.

34     (f) House and preserve, care for and display or exhibit property  
35 received by the division. This paragraph does not prevent the permanent  
36 or temporary retention, placement, housing or exhibition of a portion of  
37 the property in other places or locations in or outside of the state at the  
38 sole discretion of the board.

39     (g) Oversee the supervision, control, management and operation of  
40 any buildings or properties in this state that are under the control of the  
41 division.

42     (h) Supervise the furnishing, remodeling, repairing, alteration and  
43 erection of premises and buildings of the division or premises and  
44 buildings that may be conveyed or made available to the division.

45     (i) Make and obtain plans and specifications and let and supervise  
46 contracts for work or have the work done on force account or day labor,  
47 supplying material or labor, or otherwise.

48     (j) Receive, accept and obtain by exchange in the name of the State of  
49 Nevada all property loaned to the institution administered by the museum



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1 *director for preservation, care, display or exhibit, or decline and reject*  
2 *the property in his discretion, and undertake to be responsible for all*  
3 *property loaned to the institution or make just payment of any reasonable*  
4 *costs or rentals therefor.*

5 *(k) Apply for and expend all gifts and grants that the division is*  
6 *authorized to accept in accordance with the terms and conditions of the*  
7 *gift or grant.*

8 *(l) Govern, manage and control the exhibit and display of all property*  
9 *and things of the institution administered by the museum director at*  
10 *other exhibits, expositions, world's fairs and places of public or private*  
11 *exhibition. Any property of the State of Nevada that may be placed on*  
12 *display or on exhibition at any world's fair or exposition must be taken*  
13 *into custody by the administrator at the conclusion of the world's fair or*  
14 *exposition and placed and kept in the institution, subject to being*  
15 *removed and again exhibited at the discretion of the administrator or a*  
16 *person designated by the administrator.*

17 *(m) Negotiate and consult with and agree with other institutions,*  
18 *departments, officers and persons or corporations of and in the State of*  
19 *Nevada and elsewhere respecting quarters for and the preservation, care,*  
20 *transportation, storage, custody, display and exhibit of articles and things*  
21 *controlled by the institutions and respecting the terms and cost, the*  
22 *manner, time, place and extent, and the return thereof.*

23 *(n) Trade, exchange and transfer exhibits and duplicates when the*  
24 *administrator deems it proper. Such transactions shall not be deemed*  
25 *sales.*

26 *(o) Establish the qualifications for life, honorary, annual, sustaining*  
27 *and such other memberships as are established by the board pursuant to*  
28 *NRS 381.0045.*

29 *(p) Adopt rules for the internal operations of the institution*  
30 *administered by the museum director, including, without limitation, the*  
31 *operation of equipment of the division.*

32 *2. The enumeration of the powers and duties that may be assigned to*  
33 *a museum director pursuant to subsection 1 is not exclusive of other*  
34 *general objects and purposes appropriate to a public museum.*

35 **Sec. 10.** *Any condition or restraint placed on any bequest, device,*  
36 *endowment, trust allotment or other gift made to the division must be in*  
37 *writing. The administrator and the board must accept, in writing, such a*  
38 *bequest, device, endowment, trust allotment or gift before it becomes the*  
39 *property of the State of Nevada.*

40 **Sec. 11.** *In addition to private money, the funding to carry out the*  
41 *provisions of this chapter must be provided by legislative appropriation*  
42 *from the state general fund and must be paid out on claims as other*  
43 *claims against the state are paid.*

44 **Sec. 12.** *1. To enable the Nevada historical society to augment its*  
45 *collection by effecting exchanges with other societies and institutions,*  
46 *two bound copies each of the several publications of the state and of its*  
47 *societies and institutions, except the Nevada Reports and Statutes of*  
48 *Nevada, must be donated to the Nevada historical society as they are*



1 *issued. The publications must be delivered to the society by the secretary*  
2 *of state or another elected officer who has custody of the publications.*

3 2. *One set of the Nevada Reports and one set of Statutes of Nevada*  
4 *must be donated to the society, which, together with one set of all the*  
5 *publications donated in compliance with the provisions of subsection 1,*  
6 *must be deposited in the collections of the society.*

7 **Sec. 13.** *The Nevada historical society shall preserve as is deemed*  
8 *appropriate all old and obsolete property and obsolete and noncurrent*  
9 *public records presented to it by the state library and archives*  
10 *administrator from the archives and records of the division of state*  
11 *library and archives of the department.*

12 **Sec. 14.** NRS 381.001 is hereby amended to read as follows:

13 381.001 As used in this chapter, unless the context otherwise requires:

14 1. “Administrator” means the administrator of the division . ~~of~~  
15 ~~museums and history.~~

16 2. “Board” means the board of museums and history.

17 3. “Department” means the department of ~~museums, library and arts.~~  
18 *cultural affairs.*

19 4. “Director” means the director of the department . ~~of museums,~~  
20 ~~library and arts.~~

21 5. “Division” means the division of museums and history of the  
22 department.

23 6. *“Institution” means an institution of the division established*  
24 *pursuant to NRS 381.004.*

25 7. *“Museum director” means the executive director of an institution*  
26 *of the division appointed by the administrator pursuant to section 8 of*  
27 *this act.*

28 **Sec. 15.** NRS 381.003 is hereby amended to read as follows:

29 381.003 The board may establish shops for the sale of gifts and  
30 souvenirs, such as publications, books, postcards, color slides and such  
31 other related material as, in the judgment of the board, is appropriately  
32 connected with the operation of the institutions ~~of the division~~ or the  
33 purposes of this chapter.

34 **Sec. 16.** NRS 381.0037 is hereby amended to read as follows:

35 381.0037 The board may establish ~~it~~ :

36 1. A petty cash account for the department and each institution ~~of the~~  
37 ~~division~~ in an amount not to exceed ~~\$100~~ \$500 for each account.  
38 Reimbursement of the account must be made from appropriated money  
39 paid out on claims as other claims against the state are paid.

40 2. *A change account for each institution for which a shop for the*  
41 *sale of gifts and souvenirs has been established pursuant to NRS*  
42 *381.003, in an amount not to exceed \$1,500.*

43 **Sec. 17.** NRS 381.004 is hereby amended to read as follows:

44 381.004 1. The division of museums and history is hereby created in  
45 the department . ~~of museums, library and arts.~~

46 2. The division consists of ~~the~~

47 ~~—(a) The~~ *the* office of the administrator ~~;~~

48 ~~—(b)~~ *and the following museums and historical societies, which are*  
49 *hereby established as institutions of the division:*



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- (a) The Nevada state museum;
- ~~((e))~~ (b) The Lost City museum;
- ~~((d))~~ (c) The Nevada museum and historical society;
- ~~((e))~~ (d) The Nevada historical society;
- ~~((f))~~ (e) The East Ely depot museum;
- ~~((e))~~ (f) The Nevada state railroad museum in Carson City; and
- ~~((h))~~ (g) The Nevada state railroad museum in Boulder City.

**Sec. 18.** NRS 381.0045 is hereby amended to read as follows:

381.0045 The board shall establish:

1. Categories of memberships in the institutions ~~{of the division}~~ and the fees to be charged for the memberships.

2. Fees for admission to the institutions . ~~{of the division}~~ Children under the age of 18 years must be admitted free of charge.

3. *Fees for train rides provided by an institution.*

4. Policies and charges for the incidental use, rental and lease of the buildings, equipment, fixtures and other property of the department and its institutions and other divisions.

**Sec. 19.** NRS 381.006 is hereby amended to read as follows:

381.006 For the property and facilities of the division, the administrator:

1. Is responsible to the director for the general administration of the division *and its institutions* and for the submission of its budgets, which must include the combined budgets of its institutions.

2. Shall supervise the *museum* directors of its institutions in matters pertaining to the general administration of the institutions.

3. Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

4. Shall oversee the public relations of its institutions.

5. Shall superintend the planning and development of any new facilities for the division or its institutions.

6. Shall assist the efforts of its institutions in improving their services to the rural counties.

7. Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

8. Shall trade, exchange and transfer exhibits and equipment when he considers it proper and the transactions are not sales.

9. May contract with any person to provide concessions on the grounds of the property and facilities of the division, provided that any contract permitting control of real property of the division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 322.050, 322.060 and 322.070.

**Sec. 20.** NRS 381.0064 is hereby amended to read as follows:

381.0064 1. The fund for the support of the division of museums and history of the department of ~~{museums, library and arts}~~ *cultural affairs* is hereby created as a special revenue fund in the state treasury. The interest and income earned on the money in the fund, in an amount not exceeding \$300,000 per year, after deducting any applicable charges, must be credited to the fund. Any interest and income earned in excess of \$300,000 per year must be credited to the state general fund.





1     2. The state treasurer shall, subject to the limitation in subsection 1,  
2 pay to the administrator at the end of each quarter an amount equal to any  
3 interest and income credited to the fund during that quarter. The  
4 administrator may use the money to pay the expenses related to the  
5 operations of the division.

6     3. The state board of examiners may, upon making a determination  
7 that any portion of the principal of the money in the fund is necessary to  
8 meet existing or future obligations of the state, recommend to the interim  
9 finance committee that the amount so needed be transferred from the fund  
10 to the state general fund. Upon approval of the interim finance committee,  
11 the money may be so transferred.

12     4. The administrator shall submit an itemized statement of the income  
13 and expenditures of the division each year to the legislature, if it is in  
14 session or, if the legislature is not in session, to the interim finance  
15 committee.

16     **Sec. 21.** NRS 381.008 is hereby amended to read as follows:

17     381.008 When not in conflict with any condition or restraint placed on  
18 a gift and with the approval of the board, the ~~{director or curator of each~~  
19 ~~institution of the division may sell}~~ *administrator may approve the sale of*  
20 duplicates, surplus and items inappropriate to the collection of ~~{the}~~ *an*  
21 institution. The proceeds of the sale must be held in trust and may be  
22 expended only for the purchase of photographs, memorabilia and other  
23 historical articles, and collections related to history, prehistory or natural  
24 history to enrich the collection of the ~~{institution}~~ *division.*

25     **Sec. 22.** NRS 381.009 is hereby amended to read as follows:

26     381.009 1. Any property held by an institution ~~{of the division}~~ for  
27 10 years or more, to which no person has made claim, shall be deemed to  
28 be abandoned and becomes the property of the ~~{institution}~~ *division* if the  
29 ~~{institution}~~ *administrator* complies with the provisions of subsection 2.

30     2. The ~~{institution}~~ *administrator* shall cause to be published in at least  
31 one newspaper of general circulation in the county in which the institution  
32 is located at least once a week for 2 consecutive weeks a notice and listing  
33 of the property. The notice must contain:

34     (a) The name and last known address, if any, of the last known owner of  
35 the property;

36     (b) A description of the property; and

37     (c) A statement that if proof of a claim is not presented by the owner to  
38 the institution and if the owner's right to receive the property is not  
39 established to the ~~{institution's}~~ *administrator's* satisfaction within 60 days  
40 after the date of the second published notice, the property will be  
41 considered abandoned and become the property of the ~~{institution}~~  
42 *division.*

43     3. If no claim has been made to the property within 60 days after the  
44 date of the second published notice, title, including literary rights, to the  
45 property vests in the ~~{institution}~~ *division*, free from all claims of the  
46 owner and of all persons claiming through or under him.

47     **Sec. 23.** NRS 381.195 is hereby amended to read as follows:

48     381.195 As used in NRS 381.195 to 381.227, inclusive:

49     1. "Historic" means after the middle of the 18th century.





1 2. "Historic site" means a site, landmark or monument of historical  
2 significance pertaining to the white man's history of Nevada, or Indian  
3 campgrounds, shelters, petroglyphs, pictographs and burials.

4 3. *"Museum director" means the museum director of the Nevada*  
5 *state museum.*

6 4. "Prehistoric" means before the middle of the 18th century.

7 ~~4.~~ 5. "Prehistoric site" means any archeological or paleontological  
8 site, ruin, deposit, fossilized footprints and other impressions, petroglyphs  
9 and pictographs, habitation caves, rock shelters, natural caves or burial  
10 ground.

11 **Sec. 24.** NRS 381.199 is hereby amended to read as follows:

12 381.199 1. An applicant is required to secure, from the *museum*  
13 director, or an agent designated by the *museum* director, a permit for the  
14 investigation, exploration or excavation of any state or federal lands within  
15 the boundaries of the State of Nevada.

16 2. If the land to be investigated, explored or excavated is owned or  
17 held by the United States, the applicant is also required to secure a permit  
18 from the proper authorities in accordance with the provisions of 16 U.S.C.  
19 §§ 431 to 433, inclusive.

20 **Sec. 25.** NRS 381.201 is hereby amended to read as follows:

21 381.201 The *museum* director may designate any state board, state  
22 department, division of a state department or state institution as an agent  
23 for the purpose of issuing permits. The agency so designated may adopt  
24 regulations relating to investigations, explorations or excavations carried  
25 out pursuant to any permit issued by that agency.

26 **Sec. 26.** NRS 381.203 is hereby amended to read as follows:

27 381.203 1. In order to qualify as the recipient of a permit, the  
28 applicant must show:

29 (a) That the investigation, exploration or excavation is undertaken for  
30 the benefit of a reputable museum, university, college or other recognized  
31 scientific or educational institution, with a view of increasing knowledge.

32 (b) That the gathering is made for permanent preservation in public  
33 museums or other recognized educational or scientific institutions.

34 (c) That the applicant possesses sufficient knowledge and scientific  
35 training to make such an investigation, exploration or excavation.

36 (d) The location of the site where the applicant proposes to investigate,  
37 explore or excavate.

38 2. The *museum* director may prescribe reasonable regulations for  
39 carrying out such investigations, explorations or excavations.

40 **Sec. 27.** NRS 381.205 is hereby amended to read as follows:

41 381.205 Upon granting the permit, the *museum* director shall  
42 immediately notify the office of historic preservation, the sheriff in the  
43 county in which the permit is to be exercised, and personnel of the Nevada  
44 highway patrol controlling the state roads of the district embracing the site  
45 in which the permit is to be exercised.

46 **Sec. 28.** NRS 381.207 is hereby amended to read as follows:

47 381.207 1. The holder of a permit, except as *otherwise* provided in  
48 subsections 2 and 3, who does work upon aboriginal mounds and  
49 earthworks, ancient burial grounds, prehistoric sites, deposits of fossil



1 bones or other archeological and vertebrate paleontological features within  
2 the state shall give to the state 50 percent of all articles, implements and  
3 materials found or discovered, to be deposited with the *Nevada* state  
4 museum, for exhibition or other use within the state as determined by the  
5 *museum* director. The *museum* director may ~~[- in his discretion,]~~ accept  
6 less than 50 percent of such items. Upon receipt of items pursuant to this  
7 subsection , the *museum* director shall notify the office of historic  
8 preservation.

9 2. The holder of a permit who does any such work within the state  
10 under the authority and direction of the Nevada historical society, the  
11 Nevada museum and historical society, or an institution or political  
12 subdivision of the state shall give 50 percent of all articles, implements and  
13 materials found or discovered to the society, institution or political  
14 subdivision. The holder of the permit may retain the other 50 percent.

15 3. If the Nevada historical society, the Nevada museum and historical  
16 society, or an institution or political subdivision of the state is the holder of  
17 the permit, it may retain all articles, implements and materials found or  
18 discovered.

19 4. Whenever the office of historic preservation acquires articles,  
20 implements and materials under the provisions of this section, they must be  
21 transferred to the *museum* director for exhibition or other use within the  
22 state as determined by the *museum* director.

23 **Sec. 29.** NRS 381.209 is hereby amended to read as follows:

24 381.209 The *museum* director may limit a permit as to time and  
25 location. A permit ~~shall~~ *may* not be granted:

26 1. For a period of more than 1 year.

27 2. For investigation, exploration or excavation in a larger area than the  
28 applicant can reasonably be expected to explore fully and systematically  
29 within the time limit set in the permit.

30 3. For the removal of any ancient monument, structure or site which  
31 can be permanently preserved under the control of the State of Nevada in  
32 situ, and remain an object of interest, if desired by the state, for a park,  
33 landmark or monument for the benefit of the public.

34 **Sec. 30.** NRS 381.215 is hereby amended to read as follows:

35 381.215 After the close of each season's work, within a reasonable  
36 time designated in the permit, every permit holder shall furnish to the  
37 *museum* director a report containing a detailed account of the work done,  
38 material collected and other pertinent data.

39 **Sec. 31.** NRS 381.223 is hereby amended to read as follows:

40 381.223 Any object of antiquity taken, or collection made, on historic  
41 or prehistoric sites covered by NRS 381.195 to 381.227, inclusive, without  
42 a permit must be seized by the proper law enforcement officers, who shall  
43 notify the *museum* director of the action. The object or collection so taken  
44 must be forfeited to the state for exhibition or other use within the state as  
45 determined by the *museum* director. Upon receipt of any forfeited item  
46 pursuant to this section the *museum* director shall notify the office of  
47 historic preservation.



1     **Sec. 32.** NRS 383.011 is hereby amended to read as follows:  
2     383.011 As used in this chapter, unless the context otherwise requires:  
3     1. "Administrator" means the administrator of the office.  
4     2. "Advisory board" means the board of museums and history.  
5     3. "Director" means the director of the department of ~~{museums,~~  
6     ~~library and arts.}~~ *cultural affairs*.  
7     4. "Office" means the office of historic preservation of the department  
8     of ~~{museums, library and arts.}~~ *cultural affairs*.  
9     **Sec. 33.** NRS 384.050 is hereby amended to read as follows:  
10    384.050 1. The governor shall appoint to the commission:  
11    (a) One member who is a county commissioner of Storey County.  
12    (b) One member who is a county commissioner of Lyon County.  
13    (c) One member who is the administrator or an employee of the office  
14    of historic preservation of the department of ~~{museums, library and arts.}~~  
15    *cultural affairs*.  
16    (d) Two members who are persons licensed to practice architecture in  
17    this state.  
18    (e) Four members who are persons interested in the protection and  
19    preservation of structures, sites and areas of historic interest and are  
20    residents of the district.  
21    2. The commission shall elect one of its members as chairman and  
22    another as vice chairman, who shall serve for a term of 1 year or until their  
23    successors are elected and qualified.  
24    3. Each member of the commission is entitled to receive a salary of not  
25    more than \$80, as fixed by the commission, for each day's attendance at a  
26    meeting of the commission.  
27    4. While engaged in the business of the commission, each member and  
28    employee of the commission is entitled to receive the per diem allowance  
29    and travel expenses provided for state officers and employees generally.  
30    **Sec. 34.** NRS 233C.080 is hereby amended to read as follows:  
31    233C.080 1. The director of the council must be selected by the  
32    director of the department of ~~{museums, library and arts.}~~ *cultural affairs*  
33    with special reference to his training, experience, capacity and interest in  
34    the arts from a list of three candidates submitted by the council.  
35    2. The director of the council must have a degree in the arts or a  
36    related field or in public administration with course work and experience in  
37    at least one of the arts.  
38    **Sec. 35.** NRS 233C.200 is hereby amended to read as follows:  
39    233C.200 1. The commission for cultural affairs is hereby created.  
40    The commission is advisory to the department of ~~{museums, library and~~  
41    ~~arts.}~~ *cultural affairs* and consists of:  
42    (a) The chairman of the Nevada Humanities Committee or a member of  
43    the committee designated by him;  
44    (b) The chairman of the state arts council or a member of the council  
45    designated by him;  
46    (c) The chairman of the board of museums and history or a member of  
47    the board designated by him;  
48    (d) A member of the board of museums and history, to be appointed by  
49    the governor;



1 (e) One representative of the general public who has a working  
2 knowledge of the promotion of tourism in Nevada, to be appointed by the  
3 governor; and

4 (f) The chairman of the state council on libraries and literacy or a  
5 member of the council designated by him.

6 2. The commission shall:

7 (a) Elect from its membership a chairman who shall serve for a term of  
8 2 years. A vacancy occurring in this position must be filled by election of  
9 the members of the commission for the remainder of the unexpired term.

10 (b) Prescribe rules for its own management and government.

11 (c) Meet biannually, or at more frequent times if it deems necessary,  
12 and may, within the limitations of its budget, hold special meetings at the  
13 call of its chairman.

14 3. Three members of the commission constitute a quorum, but a  
15 majority of the members of the commission is necessary to consider the  
16 particular business before it and to exercise the power conferred on the  
17 commission.

18 4. The members of the commission are not entitled to be paid a salary  
19 or receive reimbursement for per diem or travel expenses.

20 5. The commission may use the money derived from interest earned on  
21 the money in the fund for the preservation and promotion of cultural  
22 resources created pursuant to NRS 233C.230 to pay for administrative  
23 services required by the commission.

24 **Sec. 36.** NRS 235.012 is hereby amended to read as follows:

25 235.012 1. The director, after consulting with the executive director  
26 of the commission on tourism, the administrator of the division of  
27 museums and history of the department of  ~~museums, library and arts~~  
28 *cultural affairs* and the administrator of the division of minerals of the  
29 commission on mineral resources, may contract with a mint to produce  
30 medallions made of gold, silver, platinum or nonprecious metals and bars  
31 made of gold, silver or platinum.

32 2. The decision of the director to award a contract to a particular mint  
33 must be based on the ability of the mint to:

34 (a) Provide a product of the highest quality;

35 (b) Advertise and market the product properly, including the promotion  
36 of museums and tourism in this state; and

37 (c) Comply with the requirements of the contract.

38 3. The director shall award the contract to the lowest responsible  
39 bidder, except that if in his judgment no satisfactory bid has been received,  
40 he may reject all bids.

41 4. All bids for the contract must be solicited in the manner prescribed  
42 in NRS 333.310 and comply with the provisions of NRS 333.330.

43 **Sec. 37.** NRS 235.014 is hereby amended to read as follows:

44 235.014 1. The ore used to produce a medallion or bar must be  
45 mined in Nevada, if the ore is available. If it is not available, ore newly  
46 mined in the United States may be used. Each medallion or bar made of  
47 gold, silver or platinum must be 0.999 fine. Additional series of medallions  
48 made of gold, silver or platinum at degrees of fineness of 0.900 or greater  
49 may be approved by the director with the concurrence of the interim



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1 finance committee. The degree of fineness of the materials used must be  
2 clearly indicated on each medallion.

3 2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25  
4 ounce and 0.1 ounce.

5 3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and  
6 100 ounces.

7 4. Each medallion must bear on its obverse The Great Seal of the State  
8 of Nevada and on its reverse a design selected by the director, in  
9 consultation with the executive director of the commission on tourism, the  
10 administrator of the division of museums and history of the department of  
11 ~~the department of museums, library and arts~~ *cultural affairs* and the administrator of the  
12 division of minerals of the commission on mineral resources.

13 **Sec. 38.** NRS 239.005 is hereby amended to read as follows:

14 239.005 As used in this chapter, unless the context otherwise requires:

15 1. “Actual cost” means the direct cost related to the reproduction of a  
16 public record. The term does not include a cost that a governmental entity  
17 incurs regardless of whether or not a person requests a copy of a particular  
18 public record.

19 2. “Committee” means the committee to approve schedules for the  
20 retention and disposition of official state records.

21 3. “Division” means the division of state library and archives of the  
22 department of ~~the department of museums, library and arts~~ *cultural affairs*.

23 4. “Governmental entity” means:

24 (a) An elected or appointed officer of this state or of a political  
25 subdivision of this state;

26 (b) An institution, board, commission, bureau, council, department,  
27 division, authority or other unit of government of this state or of a political  
28 subdivision of this state;

29 (c) A university foundation, as defined in NRS 396.405; or

30 (d) An educational foundation, as defined in NRS 388.750, to the extent  
31 that the foundation is dedicated to the assistance of public schools.

32 **Sec. 39.** NRS 244A.689 is hereby amended to read as follows:

33 244A.689 “Project” means:

34 1. Any land, building or other improvement and all real and personal  
35 properties necessary in connection therewith, whether or not in existence,  
36 suitable for:

37 (a) A manufacturing, industrial or warehousing enterprise;

38 (b) An organization for research and development;

39 (c) A health and care facility;

40 (d) A supplemental facility for a health and care facility;

41 (e) The purposes of a corporation for public benefit; or

42 (f) Affordable housing.

43 2. The refinancing of any land, building or other improvement and any  
44 real and personal property necessary for:

45 (a) A health and care facility;

46 (b) A supplemental facility for a health and care facility;

47 (c) The purposes of a corporation for public benefit; or

48 (d) Affordable housing.



- 1 3. Any land, building, structure, facility, system, fixture, improvement,  
2 appurtenance, machinery, equipment, or any combination thereof or any  
3 interest therein, used by any natural person, partnership, firm, company,  
4 corporation, ~~or~~ including a public utility, ~~or~~ association, trust, estate,  
5 political subdivision, state agency or any other legal entity, or its legal  
6 representative, agent or assigns:  
7 (a) For the reduction, abatement or prevention of pollution or for the  
8 removal or treatment of any substance in a processed material which  
9 otherwise would cause pollution when such material is used.  
10 (b) In connection with the furnishing of water if available on reasonable  
11 demand to members of the general public.  
12 (c) In connection with the furnishing of energy or gas.  
13 4. Any real or personal property appropriate for addition to a hotel,  
14 motel, apartment building, casino or office building to protect it or its  
15 occupants from fire.  
16 5. Any undertaking by a public utility, in addition to that allowed by  
17 subsections 2 and 3, which is solely for the purpose of making capital  
18 improvements to property, whether or not in existence, of a public utility.  
19 6. In addition to the kinds of property described in subsections 2 and 3,  
20 if the project is for the generation and transmission of electricity, any other  
21 property necessary or useful for that purpose, including, without limitation,  
22 any leases and any rights to take water or fuel.  
23 7. The preservation of any historic structure or its restoration for its  
24 original or another use, if the plan has been approved by the office of  
25 historic preservation of the department of  ~~museums, library and arts,~~  
26 *cultural affairs*.  
27 **Sec. 40.** NRS 277.058 is hereby amended to read as follows:  
28 277.058 1. A public entity, in consultation with any Indian tribe that  
29 has local aboriginal ties to the geographical area in which a unique  
30 archeological or historical site is located and in cooperation with the office  
31 of historic preservation of the department of  ~~museums, library and arts,~~  
32 *cultural affairs*, may enter into a cooperative agreement with the owner of  
33 any property that contains a unique archeological or historical site in this  
34 state or with any other person, agency of the Federal Government or other  
35 public entity for the preservation, protection, restoration and enhancement  
36 of unique archeological or historical sites in this state, including, without  
37 limitation, cooperative agreements to:  
38 (a) Monitor compliance with and enforce any federal or state statutes or  
39 regulations for the protection of such sites.  
40 (b) Ensure the sensitive treatment of such sites in a manner that  
41 provides for their long-term preservation and the consideration of the  
42 values of relevant cultures.  
43 (c) Apply for and accept grants and donations for the preservation,  
44 protection, restoration and enhancement of such sites.  
45 (d) Create and enforce:  
46 (1) Legal restrictions on the use of real property; and  
47 (2) Easements for conservation, as defined in NRS 111.410,  
48 for the protection of such sites.  
49 2. As used in this section, "public entity" means any:



- 1 (a) Agency of this state, including the office of historic preservation ~~of the department of cultural affairs~~; and  
2  
3 (b) County, city or town in this state.

4 **Sec. 41.** NRS 321.5967 is hereby amended to read as follows:

5 321.5967 1. There is hereby created a board of review composed of:

- 6 (a) The director of the state department of conservation and natural  
7 resources;  
8 (b) The administrator of the division of environmental protection of the  
9 state department of conservation and natural resources;  
10 (c) The administrator of the division of minerals of the commission on  
11 mineral resources;  
12 (d) The administrator of the division of state parks of the state  
13 department of conservation and natural resources;  
14 (e) The state engineer;  
15 (f) The state forester firewarden;  
16 (g) The chairman of the state environmental commission;  
17 (h) The director of the state department of agriculture;  
18 (i) The chairman of the board of wildlife commissioners; and  
19 (j) The administrator of the office of historic preservation of the  
20 department of ~~museums, library and arts~~ *cultural affairs*.

21 2. The chairman of the state environmental commission serves as  
22 chairman of the board.

23 3. The board shall meet at such times and places as are specified by a  
24 call of the chairman. Six members of the board constitute a quorum. The  
25 affirmative vote of a majority of the board members present is sufficient  
26 for any action of the board.

27 4. Except as otherwise provided in this subsection, the members of the  
28 board serve without compensation. The chairman of the state  
29 environmental commission and the chairman of the board of wildlife  
30 commissioners are entitled to receive a salary of not more than \$80, as  
31 fixed by the board, for each day's attendance at a meeting of the board.

32 5. While engaged in the business of the board, each member and  
33 employee of the board is entitled to receive the per diem allowance and  
34 travel expenses provided for state officers and employees generally.

35 6. The board:

36 (a) Shall review and approve or disapprove all regulations proposed by  
37 the state land registrar pursuant to NRS 321.597.

38 (b) May review any decision of the state land registrar made pursuant to  
39 NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS  
40 321.5987, and affirm, modify or reverse the decision.

41 (c) Shall review any plan or statement of policy concerning the use of  
42 lands in Nevada under federal management which is submitted by the state  
43 land use planning agency.

44 **Sec. 42.** NRS 331.130 is hereby amended to read as follows:

45 331.130 1. At all times the maintenance of the Capitol Building is  
46 under the supervision of the chief, and it must be kept clean, orderly and  
47 presentable as befitting public property.

48 2. The former assembly, senate and supreme court chambers on the  
49 second floor of the Capitol Building are under the management of the





1 **museum** director of the Nevada state museum for the purpose of  
2 establishing and maintaining a government museum. The remainder of the  
3 second floor of the Capitol Building is under the management of the chief.

4 **Sec. 43.** NRS 331.133 is hereby amended to read as follows:

5 331.133 The **museum** director of the Nevada state museum shall:

- 6 1. Prepare and present exhibits in the government museum.
- 7 2. Conduct, in an appropriate manner, tours of the government  
8 museum.
- 9 3. In cooperation with other state agencies and departments, provide  
10 for the security of the government museum.

11 **Sec. 44.** NRS 349.510 is hereby amended to read as follows:

12 349.510 "Project" means:

13 1. Any land, building or other improvement and all real and personal  
14 properties necessary in connection therewith, excluding inventories, raw  
15 materials and working capital, whether or not in existence, suitable for new  
16 construction, improvement, rehabilitation or redevelopment for:

17 (a) Industrial uses, including assembling, fabricating, manufacturing,  
18 processing or warehousing;

19 (b) Research and development relating to commerce or industry,  
20 including professional, administrative and scientific offices and  
21 laboratories;

22 (c) Commercial enterprises;

23 (d) Civic and cultural enterprises open to the general public, including  
24 theaters, museums and exhibitions, together with buildings and other  
25 structures, machinery, equipment, facilities and appurtenances thereto  
26 which the director deems useful or desirable in connection with the  
27 conduct of any such enterprise;

28 (e) An educational institution operated by a nonprofit organization not  
29 otherwise directly funded by the state which is accredited by a nationally  
30 recognized educational accrediting association;

31 (f) Health and care facilities and supplemental facilities for health and  
32 care; or

33 (g) The purposes of a corporation for public benefit.

34 2. Any real or personal property appropriate for addition to a hotel,  
35 motel, apartment building, casino or office building to protect it or its  
36 occupants from fire.

37 3. The preservation of a historic structure or its restoration for its  
38 original or another use, if the plan has been approved by the office of  
39 historic preservation of the department of  ~~museums, library and arts.~~  
40 **cultural affairs.**

41 **Sec. 45.** NRS 350.575 is hereby amended to read as follows:

42 350.575 1. Upon the adoption of a resolution to finance the  
43 preservation or restoration of a historic structure, in the manner provided in  
44 NRS 350.087, by a municipality, a certified copy thereof must be  
45 forwarded to the executive director of the department of taxation,  
46 accompanied by a letter from the office of historic preservation of the  
47 department of  ~~museums, library and arts~~ **cultural affairs** certifying that  
48 the preservation or restoration conforms to accepted standards for such  
49 work. As soon as is practicable, the executive director of the department of



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1 taxation shall, after consideration of the tax structure of the municipality  
2 concerned and the probable ability of the municipality to repay the  
3 requested financing, approve or disapprove the resolution in writing to the  
4 governing board. No such resolution is effective until approved by the  
5 executive director of the department of taxation. The written approval of  
6 the executive director of the department of taxation must be recorded in the  
7 minutes of the governing board.

8 2. If the executive director of the department of taxation does not  
9 approve the financing resolution, the governing board of the municipality  
10 may appeal the executive director's decision to the Nevada tax  
11 commission.

12 3. As used in this section, "historic structure" means a building,  
13 facility or other structure which is eligible for listing in the state register of  
14 historic places under NRS 383.085.

15 **Sec. 46.** NRS 361A.050 is hereby amended to read as follows:

16 361A.050 "Open-space use" means the current employment of land,  
17 the preservation of which use would conserve and enhance natural or  
18 scenic resources, protect streams and water supplies, maintain natural  
19 features which enhance control of floods or preserve sites designated as  
20 historic by the office of historic preservation of the department of  
21  ~~museums, library and arts;~~  *cultural affairs.*

22 **Sec. 47.** NRS 376A.010 is hereby amended to read as follows:

23 376A.010 As used in this chapter, unless the context otherwise  
24 requires:

25 1. "Open-space land" means land that is undeveloped natural  
26 landscape, including, but not limited to, ridges, stream corridors, natural  
27 shoreline, scenic areas, viewsheds, agricultural or other land devoted  
28 exclusively to open-space use and easements devoted to open-space use  
29 that are owned, controlled or leased by public or nonprofit agencies.

30 2. "Open-space plan" means the plan adopted by the board of county  
31 commissioners of a county to provide for the acquisition, development and  
32 use of open-space land.

33 3. "Open-space use" includes:

34 (a) The preservation of land to conserve and enhance natural or scenic  
35 resources;

36 (b) The protection of streams and stream environment zones,  
37 watersheds, viewsheds, natural vegetation and wildlife habitat areas;

38 (c) The maintenance of natural and man-made features that control  
39 floods, other than dams;

40 (d) The preservation of natural resources and sites that are designated as  
41 historic by the office of historic preservation of the department of  
42  ~~museums, library and arts;~~  *cultural affairs;* and

43 (e) The development of recreational sites.

44 **Sec. 48.** NRS 412.052 is hereby amended to read as follows:

45 412.052 The adjutant general:

46 1. Shall supervise the preparation and submission of all returns and  
47 reports pertaining to the militia of the state required by the United States.

48 2. Is the channel of official military correspondence with the governor,  
49 and, on or before November 1 of each even-numbered year, shall report to



1 the governor the transactions, expenditures and condition of the Nevada  
2 National Guard. The report must include the report of the United States  
3 Property and Fiscal Officer.

4 3. Is the custodian of records of officers and enlisted personnel and all  
5 other records and papers required by law or regulations to be filed in his  
6 office. He may deposit with the division of state library and archives of the  
7 department of  ~~museums, library and arts~~ *cultural affairs* for safekeeping  
8 records of his office that are used for historical purposes rather than the  
9 administrative purposes assigned to his office by law.

10 4. Shall attest all military commissions issued and keep a roll of all  
11 commissioned officers, with dates of commission and all changes  
12 occurring in the commissioned forces.

13 5. Shall record, authenticate and communicate to units and members of  
14 the militia all orders, instructions and regulations.

15 6. Shall cause to be procured, printed and circulated to those  
16 concerned all books, blank forms, laws, regulations or other publications  
17 governing the militia necessary to the proper administration, operation and  
18 training of it or to carry out the provisions of this chapter.

19 7. Shall keep an appropriate seal of office and affix its impression to  
20 all certificates of record issued from his office.

21 8. Shall render such professional aid and assistance and perform such  
22 military duties, not otherwise assigned, as may be ordered by the governor.

23 **Sec. 49.** NRS 381.007, 381.010, 381.015, 381.020, 381.090, 381.120,  
24 381.140, 381.150, 381.160, 381.170, 381.190, 381.265, 381.270, 381.275,  
25 381.285, 381.315, 381.325, 381.335, 381.345, 381.355, 381.365, 381.375,  
26 381.405, 381.415, 381.425, 381.435, 381.445, 381A.010, 381A.020,  
27 381A.030, 381A.040, 381A.050, 381A.080, 381A.090, 381A.100,  
28 382.005, 382.010, 382.011, 382.0135, 382.014, 382.022, 382.026, 382.030,  
29 382.040 and 382.060 are hereby repealed.

30 **Sec. 50.** The regulations of the director of the department of  
31 museums, library and arts adopted before the effective date of this act  
32 pursuant to NRS 381A.030 are void. The legislative counsel shall remove  
33 those regulations from the Nevada Administrative Code as soon as  
34 practicable after the effective date of this act.

35 **Sec. 51.** This act becomes effective upon passage and approval.

36 **Sec. 52.** The legislative counsel shall:

37 1. In preparing the reprint and supplements to the Nevada Revised  
38 Statutes, appropriately correct any obsolete or incorrect reference to the  
39 department of museums, library and arts.

40 2. In preparing supplements to the Nevada Administrative Code,  
41 appropriately correct any obsolete or incorrect reference to the department  
42 of museums, library and arts.



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LEADLINES OF REPEALED SECTIONS

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- 381.007 Effect of creation of division on bequests and gifts to institution.
- 381.010 Establishment.
- 381.015 “Director” defined.
- 381.020 General objects and powers.
- 381.090 Legislative appropriations; audit and approval of claims and accounts by director.
- 381.120 Director: Appointment; qualifications; employment and expenses of curators, assistants and other employees; classification; restriction on other employment.
- 381.140 Control and management of buildings.
- 381.150 Acceptance of loan of property; use of gifts and grants.
- 381.160 Exhibits and displays: Management and control; establishment of fees for admission.
- 381.170 Removal and care of displays and exhibits upon conclusion of world’s fair or exposition; exceptions.
- 381.190 Exchange of exhibits and duplicates.
- 381.265 “Curator” defined.
- 381.270 Establishment; appointment and classification of curator.
- 381.275 Powers of curator.
- 381.285 Curator: Use of gifts.
- 381.315 Employment of personnel.
- 381.325 Qualifications for memberships.
- 381.335 Biennial report by curator.
- 381.345 “Director” defined.
- 381.355 Establishment.
- 381.365 General objects and powers.
- 381.375 Legislative appropriations; audit and approval of claims and accounts by director.
- 381.405 Director: Appointment; qualifications; employment and expenses of curators, assistants and other employees; classification; restriction on other employment.
- 381.415 Control and management of buildings.
- 381.425 Acceptance of loan of property; use of gifts and grants.
- 381.435 Exhibits and displays: Management and control; establishment of fees.
- 381.445 Exchange of exhibits and duplicates.
- 381A.010 “Curator” defined.
- 381A.020 Creation and general powers.
- 381A.030 Regulations.
- 381A.040 Appointment and classification of curators.
- 381A.050 Powers of curator.
- 381A.080 Employment of personnel.



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381A.090 Qualifications for memberships.  
381A.100 Biennial report by curator.  
382.005 Definitions.  
382.010 Establishment.  
382.011 Purposes.  
382.0135 Director: Appointment; qualifications; classification.  
382.014 Powers of director.  
382.022 Employment of personnel; salaries.  
382.026 Memberships in society.  
382.030 Biennial report by director.  
382.040 Donation of state publications.  
382.060 Preservation of old and obsolete property and public  
records.

