

Senate Bill No. 541–Committee on Human
Resources and Facilities

CHAPTER.....

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 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:

Section 1. NRS 378.005 is hereby amended to read as follows:

378.005 As used in this chapter:

1. “Department” means the department of ~~{museums, library and arts,}~~ *cultural affairs*.
2. “Director” means the director of the department . ~~{of museums, library and arts,}~~
3. “Division” means the division of state library and archives of the department.

Sec. 2. NRS 378.008 is hereby amended to read as follows:

378.008 1. There is hereby created the department of ~~{museums, library and arts,}~~ *cultural affairs* in which is vested the administration of 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.

Sec. 6. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The governor shall appoint to the ~~state council on libraries and literacy;~~ *council:*

- (a) A representative of public libraries;
- (b) A trustee of a legally established library or library system;
- (c) A representative of school libraries;
- (d) A representative of academic libraries;
- (e) A representative of special libraries or institutional libraries;
- (f) A representative of persons with disabilities;
- (g) A representative of the public who uses these libraries;
- (h) A representative of recognized state labor organizations;
- (i) A representative of private sector employers;
- (j) A representative of private literacy organizations, voluntary literacy organizations or community-based literacy organizations; and
- (k) A classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

2. The director of the following state agencies or their designees shall serve as ex officio members of the council : ~~pursuant to Public Law No. 402-73;~~

- (a) The department of ~~museums, library and arts;~~ *cultural affairs;*
- (b) The department of education;
- (c) The state job training office;
- (d) The department of human resources;
- (e) The commission on economic development; and
- (f) The department of prisons.

3. Officers of state government whose agencies provide funding for literacy services may be designated by the governor or the chairman of the council to serve whenever matters within the jurisdiction of the agency are considered by the council.

4. The governor shall ensure that there is appropriate representation on the ~~advisory~~ council of urban and rural areas of the state, women, persons with disabilities and racial and ethnic minorities.

5. A person may not serve as a member of the council for more than two consecutive terms.

Sec. 7. Chapter 381 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 13, inclusive, of this act.

Sec. 8. 1. The administrator shall:

(a) Appoint a museum director for each institution; and

(b) Establish the powers and duties of each museum director as necessary for the efficient operation of the division pursuant to the provisions of section 9 of this act.

2. Each museum director is in the classified service of the state. The department of personnel, in cooperation with the administrator, shall classify the position of each museum director based on the powers and duties he is required to carry out, the size and complexity of the programs he is required to administer and such other considerations as are deemed relevant by the department of personnel.

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

Sec. 9. 1. The administrator shall, in accordance with any directive received from the director pursuant to NRS 232.005 or 378.0089, authorize or require each museum director to perform such duties set forth in subsection 2 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the division.

2. The administrator may authorize or require a museum director to:

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

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

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

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

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

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

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

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

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

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

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

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

(l) Trade, exchange and transfer exhibits and duplicates when the administrator deems it proper. Such transactions shall not be deemed sales.

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

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

3. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

4. The provisions of this section do not prohibit the administrator from making such administrative and organizational changes as are necessary for the efficient operation of the division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 9.5. The administrator shall adopt regulations governing the use and safe operation of locomotives, motorcars, cars, recreational or commercial rides on the trains and fixtures owned by the State of Nevada.

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

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

Sec. 12. 1. To enable the Nevada historical society to augment its collection by effecting exchanges with other societies and institutions, one bound copy each of the several publications of the state and of its societies and institutions, except the Nevada Reports and Statutes of Nevada, must be donated to the Nevada historical society as they are issued. The publications must be delivered to the society by the secretary of state or another elected officer who has custody of the publications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

381.0037 The board may establish ~~{a}~~ :

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

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

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

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

2. The division consists of ~~{~~:

~~—(a) The~~ *the* office of the administrator ~~{~~

~~—(b)}~~ *and a state system of museums consisting of the following museums and historical societies, which are hereby established as institutions of the division:*

(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.

3. *Each institution shall, in accordance with the duties assigned to it by the administrator, collect, preserve and interpret the history, prehistory and natural history of this state.*

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}~~ *division* 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.

10. Shall oversee the supervision, control, management and operation of any buildings or properties in this state that are under the control of the division.

11. Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the division or premises and buildings that may be conveyed or made available to the division.

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.

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

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

to the state general fund. Upon approval of the interim finance committee, the money may be so transferred.

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

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

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

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

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

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

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

(b) A description of the property; and

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

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

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

381.195 As used in NRS 381.195 to 381.227, inclusive:

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

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

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

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

~~{4-}~~ 5. "Prehistoric site" means any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs

and pictographs, habitation caves, rock shelters, natural caves or burial ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

381.207 1. The holder of a permit, except as *otherwise* provided in subsections 2 and 3, who does work upon aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, deposits of fossil bones or other archeological and vertebrate paleontological features within the state shall give to the state 50 percent of all articles, implements and materials found or discovered, to be deposited with the *Nevada* state museum, for exhibition or other use within the state as determined by the *museum* director. The *museum* director may ~~[- in his discretion,]~~ accept less than 50 percent of such items. Upon receipt of items pursuant to this subsection, the *museum* director shall notify the office of historic preservation.

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

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

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

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

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

1. For a period of more than 1 year.
2. For investigation, exploration or excavation in a larger area than the applicant can reasonably be expected to explore fully and systematically within the time limit set in the permit.
3. For the removal of any ancient monument, structure or site which can be permanently preserved under the control of the State of Nevada in situ, and remain an object of interest, if desired by the state, for a park, landmark or monument for the benefit of the public.

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

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

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

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

Sec. 32. NRS 383.011 is hereby amended to read as follows:

- 383.011 As used in this chapter, unless the context otherwise requires:
1. "Administrator" means the administrator of the office.
 2. "Advisory board" means the board of museums and history.
 3. "Director" means the director of the department of ~~museums, library and arts.~~ *cultural affairs.*
 4. "Office" means the office of historic preservation of the department of ~~museums, library and arts.~~ *cultural affairs.*

Sec. 33. NRS 384.050 is hereby amended to read as follows:

- 384.050 1. The governor shall appoint to the commission:
- (a) One member who is a county commissioner of Storey County.

(b) One member who is a county commissioner of Lyon County.
(c) One member who is the administrator or an employee of the office of historic preservation of the department of ~~{museums, library and arts}~~ *cultural affairs*.

(d) Two members who are persons licensed to practice architecture in this state.

(e) Four members who are persons interested in the protection and preservation of structures, sites and areas of historic interest and are residents of the district.

2. The commission shall elect one of its members as chairman and another as vice chairman, who shall serve for a term of 1 year or until their successors are elected and qualified.

3. Each member of the commission is entitled to receive a salary of not more than \$80, as fixed by the commission, for each day's attendance at a meeting of the commission.

4. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 34. NRS 233C.080 is hereby amended to read as follows:

233C.080 1. The director of the council must be selected by the director of the department of ~~{museums, library and arts}~~ *cultural affairs* with special reference to his training, experience, capacity and interest in the arts from a list of three candidates submitted by the council.

2. The director of the council must have a degree in the arts or a related field or in public administration with course work and experience in at least one of the arts.

Sec. 35. NRS 233C.200 is hereby amended to read as follows:

233C.200 1. The commission for cultural affairs is hereby created. The commission is advisory to the department of ~~{museums, library and arts}~~ *cultural affairs* and consists of:

(a) The chairman of the Nevada Humanities Committee or a member of the committee designated by him;

(b) The chairman of the state arts council or a member of the council designated by him;

(c) The chairman of the board of museums and history or a member of the board designated by him;

(d) A member of the board of museums and history, to be appointed by the governor;

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

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

2. The commission shall:

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

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

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

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

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

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

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

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

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

- (a) Provide a product of the highest quality;
- (b) Advertise and market the product properly, including the promotion of museums and tourism in this state; and
- (c) Comply with the requirements of the contract.

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

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

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

235.014 1. The ore used to produce a medallion or bar must be mined in Nevada, if the ore is available. If it is not available, ore newly mined in the United States may be used. Each medallion or bar made of gold, silver or platinum must be 0.999 fine. Additional series of medallions made of gold, silver or platinum at degrees of fineness of 0.900 or greater may be approved by the director with the concurrence of the interim finance committee. The degree of fineness of the materials used must be clearly indicated on each medallion.

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

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

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the director, in consultation with the executive director of the commission on tourism, the administrator of the division of museums and history of the department of

~~{museums, library and arts}~~ *cultural affairs* and the administrator of the division of minerals of the commission on mineral resources.

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

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

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

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

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

4. “Governmental entity” means:

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

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

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

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

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

244A.689 “Project” means:

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

(a) A manufacturing, industrial or warehousing enterprise;

(b) An organization for research and development;

(c) A health and care facility;

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

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

(f) Affordable housing.

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

(a) A health and care facility;

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

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

(d) Affordable housing.

3. Any land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof or any interest therein, used by any natural person, partnership, firm, company, corporation, ~~{H}~~ including a public utility, ~~{H}~~ association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, agent or assigns:

(a) For the reduction, abatement or prevention of pollution or for the removal or treatment of any substance in a processed material which otherwise would cause pollution when such material is used.

(b) In connection with the furnishing of water if available on reasonable demand to members of the general public.

(c) In connection with the furnishing of energy or gas.

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

5. Any undertaking by a public utility, in addition to that allowed by subsections 2 and 3, which is solely for the purpose of making capital improvements to property, whether or not in existence, of a public utility.

6. In addition to the kinds of property described in subsections 2 and 3, if the project is for the generation and transmission of electricity, any other property necessary or useful for that purpose, including, without limitation, any leases and any rights to take water or fuel.

7. The preservation of any historic structure or its restoration for its original or another use, if the plan has been approved by the office of historic preservation of the department of ~~museums, library and arts,~~ *cultural affairs*.

Sec. 40. NRS 277.058 is hereby amended to read as follows:

277.058 1. A public entity, in consultation with any Indian tribe that has local aboriginal ties to the geographical area in which a unique archeological or historical site is located and in cooperation with the office of historic preservation of the department of ~~museums, library and arts,~~ *cultural affairs*, may enter into a cooperative agreement with the owner of any property that contains a unique archeological or historical site in this state or with any other person, agency of the Federal Government or other public entity for the preservation, protection, restoration and enhancement of unique archeological or historical sites in this state, including, without limitation, cooperative agreements to:

(a) Monitor compliance with and enforce any federal or state statutes or regulations for the protection of such sites.

(b) Ensure the sensitive treatment of such sites in a manner that provides for their long-term preservation and the consideration of the values of relevant cultures.

(c) Apply for and accept grants and donations for the preservation, protection, restoration and enhancement of such sites.

(d) Create and enforce:

(1) Legal restrictions on the use of real property; and

(2) Easements for conservation, as defined in NRS 111.410,

for the protection of such sites.

2. As used in this section, “public entity” means any:

(a) Agency of this state, including the office of historic preservation ~~of~~ *of the department of cultural affairs;* and

(b) County, city or town in this state.

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

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

(a) The director of the state department of conservation and natural resources;

(b) The administrator of the division of environmental protection of the state department of conservation and natural resources;

(c) The administrator of the division of minerals of the commission on mineral resources;

(d) The administrator of the division of state parks of the state department of conservation and natural resources;

- (e) The state engineer;
- (f) The state forester firewarden;
- (g) The chairman of the state environmental commission;
- (h) The director of the state department of agriculture;
- (i) The chairman of the board of wildlife commissioners; and
- (j) The administrator of the office of historic preservation of the department of ~~museums, library and arts,~~ *cultural affairs*.

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

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

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

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

6. The board:

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

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

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

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

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

2. The former assembly, senate and supreme court chambers on the second floor of the Capitol Building are under the management of the *museum* director of the Nevada state museum for the purpose of establishing and maintaining a government museum. The remainder of the second floor of the Capitol Building is under the management of the chief.

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

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

1. Prepare and present exhibits in the government museum.

2. Conduct, in an appropriate manner, tours of the government museum.

3. In cooperation with other state agencies and departments, provide for the security of the government museum.

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

349.510 "Project" means:

1. Any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw

materials and working capital, whether or not in existence, suitable for new construction, improvement, rehabilitation or redevelopment for:

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

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

(c) Commercial enterprises;

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

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

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

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

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

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

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

350.575 1. Upon the adoption of a resolution to finance the preservation or restoration of a historic structure, in the manner provided in NRS 350.087, by a municipality, a certified copy thereof must be forwarded to the executive director of the department of taxation, accompanied by a letter from the office of historic preservation of the department of ~~museums, library and arts.~~ *cultural affairs* certifying that the preservation or restoration conforms to accepted standards for such work. As soon as is practicable, the executive director of the department of taxation shall, after consideration of the tax structure of the municipality concerned and the probable ability of the municipality to repay the requested financing, approve or disapprove the resolution in writing to the governing board. No such resolution is effective until approved by the executive director of the department of taxation. The written approval of the executive director of the department of taxation must be recorded in the minutes of the governing board.

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

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

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

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

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

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

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

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

3. “Open-space use” includes:

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

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

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

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

(e) The development of recreational sites.

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

412.052 The adjutant general:

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

2. Is the channel of official military correspondence with the governor, and, on or before November 1 of each even-numbered year, shall report to the governor the transactions, expenditures and condition of the Nevada National Guard. The report must include the report of the United States Property and Fiscal Officer.

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

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

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

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

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

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

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

Sec. 50. The regulations of the director of the department of museums, library and arts adopted before the effective date of this act pursuant to NRS 381A.030 shall be deemed to have been adopted by the administrator of the division of museums and history of the department of cultural affairs and remain in force until amended or repealed by the administrator.

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

Sec. 52. The legislative counsel shall:

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

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