

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 541

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.

~

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 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; and**
39 **(b) Establish the powers and duties of each museum director as**
40 **necessary for the efficient operation of the division pursuant to the**
41 **provisions of section 9 of this act.**
42 **2. Each museum director is in the classified service of the state. The**
43 **department of personnel, in cooperation with the administrator, shall**
44 **classify the position of each museum director based on the powers and**
45 **duties he is required to carry out, the size and complexity of the programs**
46 **he is required to administer and such other considerations as are deemed**
47 **relevant by the department of personnel.**



* S B 5 4 1 R 1 *

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

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

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

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

12 (c) Requirements for accreditation; and

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

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

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

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

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

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

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

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

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

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

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



* S B 5 4 1 R 1 *

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

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

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

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

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

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

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

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

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

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

46 **Sec. 10.** Any condition or restraint placed on any bequest, device,
47 endowment, trust allotment or other gift made to the division must be in
48 writing. The administrator and the board must accept, in writing, such a



* S B 5 4 1 R 1 *

1 *bequest, device, endowment, trust allotment or gift before it becomes the*
2 *property of the State of Nevada.*

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

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

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

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

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

24 381.001 As used in this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

40 381.003 The board may establish shops for the sale of gifts and
41 souvenirs, such as publications, books, postcards, color slides and such
42 other related material as, in the judgment of the board, is appropriately
43 connected with the operation of the institutions ~~of the division~~ or the
44 purposes of this chapter.

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

46 381.0037 The board may establish ~~at~~ :

47 1. A petty cash account for the ~~department~~ *division* and each
48 institution ~~of the division~~ in an amount not to exceed ~~of \$100~~ *\$500* for
49 each account. Reimbursement of the account must be made from



1 appropriated money paid out on claims as other claims against the state are
2 paid.

3 2. *A change account for each institution for which a shop for the*
4 *sale of gifts and souvenirs has been established pursuant to NRS*
5 *381.003, in an amount not to exceed \$1,500.*

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

7 381.004 1. The division of museums and history is hereby created in
8 the department . ~~{of museums, library and arts.}~~

9 2. The division consists of ~~+~~

10 ~~—(a) The~~ *the* office of the administrator ~~+~~

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

14 (a) The Nevada state museum;

15 ~~{(e)}~~ (b) The Lost City museum;

16 ~~{(d)}~~ (c) The Nevada museum and historical society;

17 ~~{(e)}~~ (d) The Nevada historical society;

18 ~~{(f)}~~ (e) The East Ely depot museum;

19 ~~{(g)}~~ (f) The Nevada state railroad museum in Carson City; and

20 ~~{(h)}~~ (g) The Nevada state railroad museum in Boulder City.

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

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

25 381.0045 The board shall establish:

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

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

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

31 4. Policies and charges for the incidental use, rental and lease of the
32 buildings, equipment, fixtures and other property of the ~~{department}~~
33 *division* and its institutions . ~~{and other divisions}~~

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

35 381.006 For the property and facilities of the division, the
36 administrator:

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

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

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

44 4. Shall oversee the public relations of its institutions.

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

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



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

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

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

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

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

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

17 381.0064 1. The fund for the support of the division of museums and
18 history of the department of ~~museums, library and arts~~ *cultural affairs* is
19 hereby created as a special revenue fund in the state treasury. The interest
20 and income earned on the money in the fund, in an amount not exceeding
21 \$300,000 per year, after deducting any applicable charges, must be credited
22 to the fund. Any interest and income earned in excess of \$300,000 per year
23 must be credited to the state general fund.

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

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

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

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

40 381.008 When not in conflict with any condition or restraint placed on
41 a gift and with the approval of the board, the *museum* director ~~for curator~~
42 of each institution ~~of the division~~ may sell duplicates, surplus and items
43 inappropriate to the collection of the institution. The proceeds of the sale
44 must be held in trust and may be expended only *as approved by the board*
45 for the purchase of photographs, memorabilia and other historical articles,
46 and collections related to history, prehistory or natural history to enrich the
47 ~~collection~~ *collections* of the ~~institution~~ *division*.



* S B 5 4 1 R 1 *

1 **Sec. 22.** NRS 381.009 is hereby amended to read as follows:
2 381.009 1. Any property held by an institution ~~{of the division}~~ for
3 10 years or more, to which no person has made claim, shall be deemed to
4 be abandoned and becomes the property of the ~~{institution}~~ *division* if the
5 ~~{institution}~~ *administrator* complies with the provisions of subsection 2.
6 2. The ~~{institution}~~ *administrator* shall cause to be published in at least
7 one newspaper of general circulation in the county in which the institution
8 is located at least once a week for 2 consecutive weeks a notice and listing
9 of the property. The notice must contain:
10 (a) The name and last known address, if any, of the last known owner of
11 the property;
12 (b) A description of the property; and
13 (c) A statement that if proof of a claim is not presented by the owner to
14 the institution and if the owner's right to receive the property is not
15 established to the ~~{institution's}~~ *administrator's* satisfaction within 60 days
16 after the date of the second published notice, the property will be
17 considered abandoned and become the property of the ~~{institution}~~
18 *division*.
19 3. If no claim has been made to the property within 60 days after the
20 date of the second published notice, title, including literary rights, to the
21 property vests in the ~~{institution}~~ *division*, free from all claims of the
22 owner and of all persons claiming through or under him.
23 **Sec. 23.** NRS 381.195 is hereby amended to read as follows:
24 381.195 As used in NRS 381.195 to 381.227, inclusive:
25 1. "Historic" means after the middle of the 18th century.
26 2. "Historic site" means a site, landmark or monument of historical
27 significance pertaining to the ~~{white man's}~~ history of *the settlement of*
28 Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and
29 burials.
30 3. *"Museum director" means the museum director of the Nevada*
31 *state museum.*
32 4. "Prehistoric" means before the middle of the 18th century.
33 ~~{4-}~~ 5. "Prehistoric site" means any archeological or paleontological
34 site, ruin, deposit, fossilized footprints and other impressions, petroglyphs
35 and pictographs, habitation caves, rock shelters, natural caves or burial
36 ground.
37 **Sec. 24.** NRS 381.199 is hereby amended to read as follows:
38 381.199 1. An applicant is required to secure, from the *museum*
39 director, or an agent designated by the *museum* director, a permit for the
40 investigation, exploration or excavation of any state or federal lands within
41 the boundaries of the State of Nevada.
42 2. If the land to be investigated, explored or excavated is owned or
43 held by the United States, the applicant is also required to secure a permit
44 from the proper authorities in accordance with the provisions of 16 U.S.C.
45 §§ 431 to 433, inclusive.
46 **Sec. 25.** NRS 381.201 is hereby amended to read as follows:
47 381.201 The *museum* director may designate any state board, state
48 department, division of a state department or state institution as an agent
49 for the purpose of issuing permits. The agency so designated may adopt



1 regulations relating to investigations, explorations or excavations carried
2 out pursuant to any permit issued by that agency.

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

4 381.203 1. In order to qualify as the recipient of a permit, the
5 applicant must show:

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

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

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

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

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

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

18 381.205 Upon granting the permit, the **museum** director shall
19 immediately notify the office of historic preservation, the sheriff in the
20 county in which the permit is to be exercised, and personnel of the Nevada
21 highway patrol controlling the state roads of the district embracing the site
22 in which the permit is to be exercised.

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

24 381.207 1. The holder of a permit, except as **otherwise** provided in
25 subsections 2 and 3, who does work upon aboriginal mounds and
26 earthworks, ancient burial grounds, prehistoric sites, deposits of fossil
27 bones or other archeological and vertebrate paleontological features within
28 the state shall give to the state 50 percent of all articles, implements and
29 materials found or discovered, to be deposited with the **Nevada** state
30 museum, for exhibition or other use within the state as determined by the
31 **museum** director. The **museum** director may ~~+, in his discretion, +~~ accept
32 less than 50 percent of such items. Upon receipt of items pursuant to this
33 subsection , the **museum** director shall notify the office of historic
34 preservation.

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

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

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



1 **Sec. 29.** NRS 381.209 is hereby amended to read as follows:
2 381.209 The *museum* director may limit a permit as to time and
3 location. A permit ~~shall~~ *may* not be granted:

4 1. For a period of more than 1 year.
5 2. For investigation, exploration or excavation in a larger area than the
6 applicant can reasonably be expected to explore fully and systematically
7 within the time limit set in the permit.

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

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

13 381.215 After the close of each season's work, within a reasonable
14 time designated in the permit, every permit holder shall furnish to the
15 *museum* director a report containing a detailed account of the work done,
16 material collected and other pertinent data.

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

18 381.223 Any object of antiquity taken, or collection made, on historic
19 or prehistoric sites covered by NRS 381.195 to 381.227, inclusive, without
20 a permit must be seized by the proper law enforcement officers, who shall
21 notify the *museum* director of the action. The object or collection so taken
22 must be forfeited to the state for exhibition or other use within the state as
23 determined by the *museum* director. Upon receipt of any forfeited item
24 pursuant to this section the *museum* director shall notify the office of
25 historic preservation.

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

27 383.011 As used in this chapter, unless the context otherwise requires:

28 1. "Administrator" means the administrator of the office.
29 2. "Advisory board" means the board of museums and history.
30 3. "Director" means the director of the department of ~~museums,~~
31 ~~library and arts.~~ *cultural affairs.*

32 4. "Office" means the office of historic preservation of the department
33 of ~~museums, library and arts.~~ *cultural affairs.*

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

35 384.050 1. The governor shall appoint to the commission:

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

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

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

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



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

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

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

8 233C.080 1. The director of the council must be selected by the
9 director of the department of ~~museums, library and arts~~ *cultural affairs*
10 with special reference to his training, experience, capacity and interest in
11 the arts from a list of three candidates submitted by the council.

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

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

16 233C.200 1. The commission for cultural affairs is hereby created.
17 The commission is advisory to the department of ~~museums, library and~~
18 ~~arts~~ *cultural affairs* and consists of:

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

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

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

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

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

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

32 2. The commission shall:

33 (a) Elect from its membership a chairman who shall serve for a term of
34 2 years. A vacancy occurring in this position must be filled by election of
35 the members of the commission for the remainder of the unexpired term.

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

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

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

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

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



- 1 **Sec. 36.** NRS 235.012 is hereby amended to read as follows:
2 235.012 1. The director, after consulting with the executive director
3 of the commission on tourism, the administrator of the division of
4 museums and history of the department of ~~{museums, library and arts}~~
5 *cultural affairs* and the administrator of the division of minerals of the
6 commission on mineral resources, may contract with a mint to produce
7 medallions made of gold, silver, platinum or nonprecious metals and bars
8 made of gold, silver or platinum.
9 2. The decision of the director to award a contract to a particular mint
10 must be based on the ability of the mint to:
11 (a) Provide a product of the highest quality;
12 (b) Advertise and market the product properly, including the promotion
13 of museums and tourism in this state; and
14 (c) Comply with the requirements of the contract.
15 3. The director shall award the contract to the lowest responsible
16 bidder, except that if in his judgment no satisfactory bid has been received,
17 he may reject all bids.
18 4. All bids for the contract must be solicited in the manner prescribed
19 in NRS 333.310 and comply with the provisions of NRS 333.330.
20 **Sec. 37.** NRS 235.014 is hereby amended to read as follows:
21 235.014 1. The ore used to produce a medallion or bar must be
22 mined in Nevada, if the ore is available. If it is not available, ore newly
23 mined in the United States may be used. Each medallion or bar made of
24 gold, silver or platinum must be 0.999 fine. Additional series of medallions
25 made of gold, silver or platinum at degrees of fineness of 0.900 or greater
26 may be approved by the director with the concurrence of the interim
27 finance committee. The degree of fineness of the materials used must be
28 clearly indicated on each medallion.
29 2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25
30 ounce and 0.1 ounce.
31 3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and
32 100 ounces.
33 4. Each medallion must bear on its obverse The Great Seal of the State
34 of Nevada and on its reverse a design selected by the director, in
35 consultation with the executive director of the commission on tourism, the
36 administrator of the division of museums and history of the department of
37 ~~{museums, library and arts}~~ *cultural affairs* and the administrator of the
38 division of minerals of the commission on mineral resources.
39 **Sec. 38.** NRS 239.005 is hereby amended to read as follows:
40 239.005 As used in this chapter, unless the context otherwise requires:
41 1. “Actual cost” means the direct cost related to the reproduction of a
42 public record. The term does not include a cost that a governmental entity
43 incurs regardless of whether or not a person requests a copy of a particular
44 public record.
45 2. “Committee” means the committee to approve schedules for the
46 retention and disposition of official state records.
47 3. “Division” means the division of state library and archives of the
48 department of ~~{museums, library and arts}~~ *cultural affairs*.
49 4. “Governmental entity” means:



* S B 5 4 1 R 1 *

- 1 (a) An elected or appointed officer of this state or of a political
2 subdivision of this state;
- 3 (b) An institution, board, commission, bureau, council, department,
4 division, authority or other unit of government of this state or of a political
5 subdivision of this state;
- 6 (c) A university foundation, as defined in NRS 396.405; or
- 7 (d) An educational foundation, as defined in NRS 388.750, to the extent
8 that the foundation is dedicated to the assistance of public schools.
- 9 **Sec. 39.** NRS 244A.689 is hereby amended to read as follows:
- 10 244A.689 "Project" means:
- 11 1. Any land, building or other improvement and all real and personal
12 properties necessary in connection therewith, whether or not in existence,
13 suitable for:
- 14 (a) A manufacturing, industrial or warehousing enterprise;
- 15 (b) An organization for research and development;
- 16 (c) A health and care facility;
- 17 (d) A supplemental facility for a health and care facility;
- 18 (e) The purposes of a corporation for public benefit; or
- 19 (f) Affordable housing.
- 20 2. The refinancing of any land, building or other improvement and any
21 real and personal property necessary for:
- 22 (a) A health and care facility;
- 23 (b) A supplemental facility for a health and care facility;
- 24 (c) The purposes of a corporation for public benefit; or
- 25 (d) Affordable housing.
- 26 3. Any land, building, structure, facility, system, fixture, improvement,
27 appurtenance, machinery, equipment, or any combination thereof or any
28 interest therein, used by any natural person, partnership, firm, company,
29 corporation, ~~or~~ including a public utility, ~~or~~ association, trust, estate,
30 political subdivision, state agency or any other legal entity, or its legal
31 representative, agent or assigns:
- 32 (a) For the reduction, abatement or prevention of pollution or for the
33 removal or treatment of any substance in a processed material which
34 otherwise would cause pollution when such material is used.
- 35 (b) In connection with the furnishing of water if available on reasonable
36 demand to members of the general public.
- 37 (c) In connection with the furnishing of energy or gas.
- 38 4. Any real or personal property appropriate for addition to a hotel,
39 motel, apartment building, casino or office building to protect it or its
40 occupants from fire.
- 41 5. Any undertaking by a public utility, in addition to that allowed by
42 subsections 2 and 3, which is solely for the purpose of making capital
43 improvements to property, whether or not in existence, of a public utility.
- 44 6. In addition to the kinds of property described in subsections 2 and 3,
45 if the project is for the generation and transmission of electricity, any other
46 property necessary or useful for that purpose, including, without limitation,
47 any leases and any rights to take water or fuel.
- 48 7. The preservation of any historic structure or its restoration for its
49 original or another use, if the plan has been approved by the office of



* S B 5 4 1 R 1 *

1 historic preservation of the department of ~~museums, library and arts,~~
2 *cultural affairs*.

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

4 277.058 1. A public entity, in consultation with any Indian tribe that
5 has local aboriginal ties to the geographical area in which a unique
6 archeological or historical site is located and in cooperation with the office
7 of historic preservation of the department of ~~museums, library and arts,~~
8 *cultural affairs*, may enter into a cooperative agreement with the owner of
9 any property that contains a unique archeological or historical site in this
10 state or with any other person, agency of the Federal Government or other
11 public entity for the preservation, protection, restoration and enhancement
12 of unique archeological or historical sites in this state, including, without
13 limitation, cooperative agreements to:

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

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

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

21 (d) Create and enforce:

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

23 (2) Easements for conservation, as defined in NRS 111.410,
24 for the protection of such sites.

25 2. As used in this section, "public entity" means any:

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

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

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

30 321.5967 1. There is hereby created a board of review composed of:

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

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

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

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

39 (e) The state engineer;

40 (f) The state forester firewarden;

41 (g) The chairman of the state environmental commission;

42 (h) The director of the state department of agriculture;

43 (i) The chairman of the board of wildlife commissioners; and

44 (j) The administrator of the office of historic preservation of the
45 department of ~~museums, library and arts,~~ *cultural affairs*.

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

48 3. The board shall meet at such times and places as are specified by a
49 call of the chairman. Six members of the board constitute a quorum. The



1 affirmative vote of a majority of the board members present is sufficient
2 for any action of the board.

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

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

11 6. The board:

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

14 (b) May review any decision of the state land registrar made pursuant to
15 NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS
16 321.5987, and affirm, modify or reverse the decision.

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

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

21 331.130 1. At all times the maintenance of the Capitol Building is
22 under the supervision of the chief, and it must be kept clean, orderly and
23 presentable as befitting public property.

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

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

30 331.133 The **museum** director of the Nevada state museum shall:

31 1. Prepare and present exhibits in the government museum.

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

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

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

37 349.510 "Project" means:

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

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

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

47 (c) Commercial enterprises;

48 (d) Civic and cultural enterprises open to the general public, including
49 theaters, museums and exhibitions, together with buildings and other



* S B 5 4 1 R 1 *

1 structures, machinery, equipment, facilities and appurtenances thereto
2 which the director deems useful or desirable in connection with the
3 conduct of any such enterprise;

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

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

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

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

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

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

18 350.575 1. Upon the adoption of a resolution to finance the
19 preservation or restoration of a historic structure, in the manner provided in
20 NRS 350.087, by a municipality, a certified copy thereof must be
21 forwarded to the executive director of the department of taxation,
22 accompanied by a letter from the office of historic preservation of the
23 department of ~~museums, library and arts.~~ *cultural affairs* certifying that
24 the preservation or restoration conforms to accepted standards for such
25 work. As soon as is practicable, the executive director of the department of
26 taxation shall, after consideration of the tax structure of the municipality
27 concerned and the probable ability of the municipality to repay the
28 requested financing, approve or disapprove the resolution in writing to the
29 governing board. No such resolution is effective until approved by the
30 executive director of the department of taxation. The written approval of
31 the executive director of the department of taxation must be recorded in the
32 minutes of the governing board.

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

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

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

41 361A.050 "Open-space use" means the current employment of land,
42 the preservation of which use would conserve and enhance natural or
43 scenic resources, protect streams and water supplies, maintain natural
44 features which enhance control of floods or preserve sites designated as
45 historic by the office of historic preservation of the department of
46 ~~museums, library and arts.~~ *cultural affairs.*

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

48 376A.010 As used in this chapter, unless the context otherwise
49 requires:



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

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

9 3. "Open-space use" includes:

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

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

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

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

19 (e) The development of recreational sites.

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

21 412.052 The adjutant general:

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

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

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

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

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

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

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

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

48 **Sec. 49.** NRS 381.007, 381.010, 381.015, 381.020, 381.090, 381.120,
49 381.140, 381.150, 381.160, 381.170, 381.190, 381.265, 381.270, 381.275,



* S B 5 4 1 R 1 *

1 381.285, 381.315, 381.325, 381.335, 381.345, 381.355, 381.365, 381.375,
2 381.405, 381.415, 381.425, 381.435, 381.445, 381A.010, 381A.020,
3 381A.030, 381A.040, 381A.050, 381A.080, 381A.090, 381A.100,
4 382.005, 382.010, 382.011, 382.0135, 382.014, 382.022, 382.026, 382.030,
5 382.040 and 382.060 are hereby repealed.

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

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

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

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

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

LEADLINES OF REPEALED SECTIONS

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.



* S B 5 4 1 R 1 *

- 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.
- 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.

