

## Amendment No. 949

Senate Amendment to Senate Bill No. 427

(BDR 18-1161)

**Proposed by:** Senate Committee on Finance**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

BJE



Date: 6/5/2011

S.B. No. 427—Provides for the merger of various state agencies into the Department of Administration. (BDR 18-1161)



## SENATE BILL NO. 427—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Finance

SUMMARY—Provides for the merger ~~[of various]~~ movement and reorganization of certain state agencies ~~[into the Department of Administration]~~ (BDR 18-1161)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to state governmental administration; providing for the merger of various state agencies into the Department of Administration; creating new divisions of the Department of Administration; creating the new Department of Tourism and Cultural Affairs; providing for the dissolution of the existing Department of Cultural Affairs and ~~[several]~~ the placement of its constituent parts ~~[to]~~ under the management of other departments; making certain appropriations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill provides for: ~~[(1)]~~ the dissolution of the Department of Cultural Affairs ~~[with the exception of the Division of State Library and Archives, the State Council on Libraries and Literacy and the State Historical Records Advisory Board, which are reorganized under the Department of Administration; (2) elimination of the Division of Museums and History, the Office of Historic Preservation, the Nevada Arts Council and the Commission for Cultural Affairs; (2)]~~ and the distribution of the sub-parts of the Department of Cultural Affairs among; (1) the Department of Administration; (2) the State Department of Conservation and Natural Resources; and (3) the newly-formed Department of Tourism and Cultural Affairs. This bill also provides for the elimination of the Department of Personnel and its replacement by a new division of the Department of Administration to be known as the Division of Human Resource Management; ~~[(4)]~~ (1) significant restriction of the powers and duties of the State Public Works Board, such that the Board will only be empowered to make recommendations concerning priority of construction, adopt regulations and preside over certain appeals; ~~[(5)]~~ (2) reclassification of the Buildings and Grounds Division of the Department of Administration as a section instead of a division; ~~[(6)]~~ (3) placement of both the State Public Works Board and the Buildings and Grounds Division under a new division of the Department of Administration to be known as the State Public Works Division; ~~[(7)]~~ (4) assumption of most of the powers and duties of the State Public Works Board by the State Public Works Division; and ~~[(8)]~~ (5) elimination of the Department of Information Technology and its replacement by a new division of the Department of Administration to be known as the Division of Enterprise Information Technology Services.

**Section 96** of this bill directs the Legislative Counsel to appropriately change any references to an officer, agency or other entity whose name is changed, whose responsibilities are transferred or whose responsibilities are eliminated pursuant to the provisions of this bill. Because of ~~section 964~~ **148**, necessary changes in references to entities affected by the bill may be made during the process of codifying statutes and, thus, need not be shown repeatedly in the bill.

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

**Section 1. NRS 223.085 is hereby amended to read as follows:**

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Science, Innovation and Technology and the Governor's mansion. Any such employees are not in the classified or unclassified service of the State and serve at the pleasure of the Governor.

2. The Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

**3. The Governor may:**

**(a) Appoint a Chief Information Officer of the State; and**

**(b) Designate the Administrator as the Chief Information Officer of the State.**

**☞ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.**

**4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.**

**Sec. 2. NRS 223.121 is hereby amended to read as follows:**

223.121 1. The Director may, upon the election of each new Governor, enter into a contract with an artist for the purpose of procuring a portrait of that Governor for display in the Capitol Building.

2. The portrait must be painted in oil colors and appropriately framed. The painting and framing must be done in the same manner, style and size as the portraits of former Governors of the State displayed in the Capitol Building.

3. The contract price must not exceed the appropriation made for this purpose to the Account for the Governor's Portrait in the State General Fund. The contract price must include the cost of the portrait and the frame.

4. The portrait and frame are subject to the approval of the Governor.

5. Upon delivery of the approved, framed portrait to the Secretary of State and its acceptance by the Director, the State Controller shall draw his or her warrant in an amount equal to the contract price and the State Treasurer shall pay the warrant from the Account for the Governor's Portrait. Any balance remaining in the Account immediately lapses to the State General Fund.

6. As used in this section, "Director" means the Director of the Department of ~~Tourism and Cultural Affairs. Administration.~~

~~[Sec. 2.]~~

**Sec. 3. NRS 225.250 is hereby amended to read as follows:**

225.250 1. The Advisory Committee shall:

(a) Advise the Director of the Department of ~~[Cultural Affairs]~~ *Administration* concerning the Repository and make recommendations to support greater use of the Repository and collection of materials for the Repository;

(b) Assist the Secretary of State in identifying and proposing programs that support participatory democracy and solutions to any problem concerning the level of participatory democracy, including, without limitation, proposing methods to involve the news media in the process of addressing and proposing solutions to such a problem;

(c) Make recommendations to and discuss recommendations with the Secretary of State concerning matters brought to the attention of the Advisory Committee that relate to a program, activity, event or any combination thereof designed to increase or facilitate participatory democracy, including, without limitation, the interaction of citizens with governing bodies in the formulation and implementation of public policy;

(d) Establish a "Jean Ford Democracy Award" to honor citizens who perform exemplary service in promoting participatory democracy in this State;

(e) Support projects by national, state and local entities that encourage and advance participatory democracy, including programs established by the National Conference of State Legislatures, the State Bar of Nevada, and other public and private organizations; and

(f) Advise the Secretary of State and the Governor concerning the substance of any proclamation issued by the Governor pursuant to NRS 236.035.

2. The Advisory Committee may establish a panel to assist the Advisory Committee in carrying out its duties and responsibilities. The panel may consist of:

(a) Representatives of organizations, associations, groups or other entities committed to improving participatory democracy in this State, including, without limitation, representatives of committees that are led by youths and established to improve the teaching of the principles of participatory democracy in the schools, colleges and universities of this State; and

(b) Any other interested persons with relevant knowledge.

**Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 8.5, inclusive, of this act.**

**Sec. 5. As used in NRS 231.160 to 231.360, inclusive, and sections 5 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 and 7 of this act have the meanings ascribed to them in those sections.**

**Sec. 6. "Department" means the Department of Tourism and Cultural Affairs.**

**Sec. 7. "Director" means the Director of the Department.**

**Sec. 8. The creation of the Department does not affect any bequest, devise, endowment, trust, allotment or other gift made to a division or institution of the Department and those gifts inure to the benefit of the division or institution and remain subject to any conditions or restraints placed on the gifts.**

**Sec. 8.5. 1. The Director shall, from among employees in budgeted positions within the Division of Tourism and, in consultation with the Commission on Tourism, appoint an Administrator of the Division of Tourism. The Administrator must be appointed by the Director with special reference to the Administrator's training, experience, capacity and interest in tourism.**

**2. The Administrator of the Division of Tourism must have:**

**(a) A bachelor's degree; and**

**(b) Completed course work and accumulated experience in the tourism sector with at least 5 years of progressively responsible work experience in the**

administration of tourism, at least 2 years of which must have been in a supervisory capacity.

3. Except as otherwise provided pursuant to subsection 4 of NRS 231.230, the Administrator of the Division of Tourism is in the unclassified service of the State.

4. The Administrator of the Division of Tourism may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the Administrator's duties.

5. The Administrator of the Division of Tourism, in consultation with the Director, is responsible to the Director for the general administration of the Division of Tourism and for the submission of its budgets, subject to administrative supervision by the Director.

6. The Administrator of the Division of Tourism shall direct the work of the Division, administer the Division and perform such other duties as the Director may, from time to time, prescribe.

7. To carry out the relevant provisions of NRS 231.160 to 231.360, inclusive, and sections 5 to 8.5, inclusive, of this act, and within the limit of money available to him or her, the Administrator of the Division of Tourism may enter into contracts and other lawful agreements with:

(a) Natural persons, organizations and institutions for services furthering the mission and goals of the Division of Tourism and the Commission on Tourism; and

(b) Local, regional and national associations for cooperative endeavors furthering the mission and goals of the programs of the Division of Tourism.

8. The Administrator of the Division of Tourism may accept gifts, contributions and bequests of unrestricted money from natural persons, foundations, corporations and other organizations and institutions to further the mission and goals of the programs of the Division.

Sec. 9. NRS 231.015 is hereby amended to read as follows:

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chair, the Lieutenant Governor, who is its Vice Chair, the Director of the ~~{Commission on}~~ Department of Tourism ~~{and}~~ and Cultural Affairs, the Executive Director of the Commission on Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the ~~{Commission on}~~ Department of Tourism and Cultural Affairs and the Commission on Economic Development.

(c) Formulate cooperative agreements between the ~~{Commission on}~~ Department of Tourism and Cultural Affairs or the Commission on Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that ~~{each of those commissions}~~ the Department and Commission may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

**Sec. 10. NRS 231.160 is hereby amended to read as follows:**

231.160 ~~{There is hereby created a Commission on}~~ The Department of Tourism ~~{and}~~ and Cultural Affairs is hereby created, consisting of:

1. ~~{A}~~ The Division of Tourism; ~~and~~
- ~~2. A Division of Publications, including Nevada Magazine;~~
2. The Division of Museums and History, created by NRS 381.004;
3. The Board of Museums and History, created by NRS 381.002;
4. The Nevada Arts Council, created by NRS 233C.025;
5. The Nevada Indian Commission, created by NRS 233A.020;
6. The Board of the Nevada Arts Council, created by NRS 233C.030;
7. The Commission on Tourism; and
8. The Commission for Cultural Affairs, created by NRS 233C.200.

**Sec. 11. NRS 231.200 is hereby amended to read as follows:**

231.200 ~~{The}~~ Except as otherwise provided in section 8.5 of this act, the Commission on Tourism:

1. Shall establish the policies and approve the programs and budgets of the Division of Tourism ~~{and Division of Publications}~~ concerning:

- (a) The promotion of tourism and travel in this State; and
- (b) The publication of Nevada Magazine and other promotional material.

2. May adopt regulations to administer and carry out the policies and programs of ~~{those divisions}~~ the Division of Tourism.

3. May from time to time create special advisory committees to advise it on special problems of tourism. Members of special advisory committees, other than members of the Commission, may be paid the per diem allowance and travel expenses provided for state officers and employees, as the budget of the Commission permits.

**Sec. 12. NRS 231.210 is hereby amended to read as follows:**

231.210 The Director: ~~{of the Commission on Tourism}~~

1. Must be appointed by the Governor from a list of three persons submitted to the Governor by the Lieutenant Governor from recommendations made to the Lieutenant Governor by the:

- (a) Members of the Commission ~~{and}~~ on Tourism;
- (b) Chair of the Commission for Cultural Affairs;
- (c) Chair of the Board of Museums and History;
- (d) Chair of the Nevada Indian Commission; and
- (e) Chair of the Board of the Nevada Arts Council.

2. ~~{Is responsible to the Commission and serves at its pleasure.}~~

~~3.}~~ Shall, except as otherwise provided in NRS 284.143, devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

**Sec. 13. NRS 231.220 is hereby amended to read as follows:**

231.220 The Director ~~{of the Commission on Tourism}~~ shall direct and supervise all ~~{the}~~ administrative and technical activities ~~{and}~~ of the Department, including coordinating its plans for tourism, ~~{and}~~ publications ~~{, scheduling its programs,}~~ and cultural affairs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to travel, ~~{and}~~ tourism ~~{and}~~ and cultural affairs. In addition to other powers and duties, the Director:

1. Shall attend all appropriate meetings of the ~~{Commission}~~ Department and appoint a staff member to act as ~~{its}~~ Secretary, keeping minutes and audio recordings or transcripts of ~~{its}~~ all appropriate proceedings.

2. Shall report regularly to the ~~{Commission}~~ commissions, divisions and council of the Department concerning the administration of ~~{its}~~ the policies and programs ~~+~~

~~3. Shall serve as the Director of the Division of Tourism.~~

~~4. Shall appoint the Administrator of the Division of Publications.~~

~~5. of the Department.~~

3. May perform any other lawful acts which he or she considers necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive ~~+~~, and sections 5 to 8.5, inclusive, of this act.

**Sec. 14. NRS 231.230 is hereby amended to read as follows:**

231.230 1. The ~~{Commission on Tourism}~~ Department through ~~{its}~~ the Director may:

(a) Employ such professional, technical, clerical and operational employees as the operation of the ~~{Commission}~~ Department may require; and

(b) Employ such experts, researchers and consultants and enter into such contracts with any public or private entities as may be necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive ~~+~~ and sections 5 to 8.5, inclusive, of this act.

2. The Director ~~{and all other nonclerical employees of the Commission are}~~ is in the unclassified service of the State.

3. ~~{The}~~ Except as otherwise provided in subsection 4, the clerical employees of the ~~{Commission}~~ Department are in the classified service of the State.

4. The Director may appoint to the Department employees in either the classified or unclassified service of the State, in accordance with the historical manner of categorization, unless state or federal law or regulation requires otherwise.

**Sec. 15. NRS 231.240 is hereby amended to read as follows:**

231.240 1. The Director ~~{of the Commission on Tourism}~~ may charge reasonable fees for materials prepared for distribution.

2. All such fees must be deposited with the State Treasurer for credit to the ~~{Commission}~~ Department. The fees must first be expended exclusively for materials and labor incident to preparing and printing those materials for distribution. Any remaining fees may be expended, in addition to any other money appropriated, for the support of the ~~{Commission}~~ Department.

**Sec. 16. NRS 231.250 is hereby amended to read as follows:**

231.250 The Fund for the Promotion of Tourism is hereby created as a special revenue Fund. The money in the Fund is hereby appropriated for the support of the ~~{Commission on Tourism}~~ Department.

**Sec. 17. NRS 231.260 is hereby amended to read as follows:**

231.260 The ~~{Commission on Tourism}~~ Department, through ~~{its}~~ the Division of Tourism, shall:

1. Promote this State so as to increase the number of domestic and international tourists.

2. Promote special events and exhibitions which are designed to increase tourism.

3. Develop a State Plan to Promote Travel and Tourism in Nevada.

4. Develop a comprehensive program of marketing and advertising, for both domestic and international markets, which publicizes travel and tourism in Nevada in order to attract more visitors to this State or lengthen their stay.

5. Provide and administer grants of money or matching grants to political subdivisions of the State, to fair and recreation boards, and to local or regional organizations which promote travel and tourism, to assist them in:

(a) Developing local programs for marketing and advertising which are consistent with the State Plan.

(b) Promoting specific events and attractions in their communities.

(c) Evaluating the effectiveness of the local programs and events.

➤ Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than ~~{50,000,}~~ 100,000, the ~~{Commission,}~~ Division may, if convinced that the recipient is financially unable to do so, provide a grant with less than equal matching money provided by the recipient.

6. Coordinate and assist the programs of travel and tourism of counties, cities, local and regional organizations for travel and tourism, fair and recreation boards and transportation authorities in the State. Local governmental agencies which promote travel and tourism shall coordinate their promotional programs with those of the ~~{Commission,}~~ Division.

7. Encourage cooperation between public agencies and private persons who have an interest in promoting travel and tourism in Nevada.

8. Compile or obtain by contract, keep current and disseminate statistics and other marketing information on travel and tourism in Nevada.

9. Prepare and publish ~~{with the assistance of the Division of Publications,}~~ brochures, travel guides, directories and other materials which promote travel and tourism in Nevada.

10. Publish or cause to be published a magazine to be known as the Nevada Magazine. The Nevada Magazine must contain materials which educate the general public about this State and thereby foster awareness and appreciation of Nevada's heritage, culture, historical monuments, natural wonders and natural resources.

Sec. 18. NRS 231.270 is hereby amended to read as follows:

231.270 In addition to its other duties, the ~~{Commission on Tourism through its}~~ Division of Tourism may:

1. Form a statewide council or regional councils on tourism, whose members include representatives from businesses, trade associations and governmental agencies, to provide for exchange of information and coordination of programs on travel and tourism.

2. Produce or cooperate in the production of promotional films which are suitable for broadcasting on television and presenting to organizations involved in travel or tourism.

3. Establish an office or offices which, by brochure, telephone, press release, videotape and other means, disseminate information on cultural, sporting, recreational and other special events, activities and facilities in the different parts of the State which will attract tourists from inside or outside the State.

Sec. 19. NRS 231.300 is hereby amended to read as follows:

231.300 In performing ~~{their}~~ his or her duties, the Director ~~{of the Commission on Tourism and the Administrator of the Division of Publications,}~~ shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on reasonable request, furnish the Director ~~{and Administrator}~~ with data and other information from their records bearing on the objectives of the ~~{Commission and its divisions,}~~ Department. The Director ~~{and Administrator}~~ shall avail ~~{themselves}~~ himself or herself of records and assistance of such other state agencies as might make a contribution to the work of the ~~{Commission,}~~ Department.

1       **Sec. 20. NRS 231.320 is hereby amended to read as follows:**

2       231.320 ~~“Committee”~~ **“Commission”** means the ~~{Committee for the~~  
3 ~~Development of Projects Relating to}~~ **Commission on** Tourism created by NRS  
4 ~~{231.350}~~ **231.170.**

5       **Sec. 21. NRS 231.340 is hereby amended to read as follows:**

6       231.340 “Grant Program” means the Grant Program administered by the  
7 ~~{Committee for the Development of Projects Relating to Tourism}~~ **Commission.**

8       **Sec. 22. NRS 231.360 is hereby amended to read as follows:**

9       231.360 1. The ~~{Committee}~~ **Commission** may provide grants of money to  
10 counties, cities, and local and regional organizations in this State for the  
11 development of projects relating to tourism to the extent that:

12       (a) Money in the Fund for the Promotion of Tourism created by NRS 231.250  
13 is made available for that purpose. ~~{Not more than \$200,000}~~ **The amount** of  
14 revenue from taxes on the gross receipts from the rental of transient lodging ~~{may~~  
15 ~~be}~~ made available for that purpose in any biennium **it must be determined**  
16 **through the budget process and approved by the Legislature.**

17       (b) Gifts, grants or other money is made available for that purpose.

18       2. Except as otherwise provided in this subsection, the State Controller shall,  
19 upon the request of the ~~{Committee}~~ **Commission**, transfer to the State General  
20 Fund all money made available for the use of the ~~{Committee}~~ **Commission**  
21 pursuant to subsection 1. All such money must be accounted for separately in the  
22 State General Fund. The State Controller shall not transfer any revenue from taxes  
23 on the gross receipts from the rental of transient lodging from the Fund for the  
24 Promotion of Tourism to the State General Fund unless the transfer is approved by  
25 the Interim Finance Committee.

26       3. The ~~{Committee}~~ **Commission** shall administer the account created  
27 pursuant to subsection 2 and may make grants only from that account. Any interest  
28 earned on the money in the account must be credited to the account quarterly. The  
29 money in the account does not revert to the State General Fund at the end of any  
30 fiscal year and must be carried forward to the next fiscal year.

31       4. The ~~{Committee}~~ **Commission** shall:

32       (a) Develop and administer the Grant Program for the Development of Projects  
33 Relating to Tourism;

34       (b) Establish guidelines for the submission and review of applications to  
35 receive money from the Grant Program;

36       (c) Establish the criteria for eligibility to receive money from the Grant  
37 Program; and

38       (d) Consider and approve or disapprove applications for money from the Grant  
39 Program.

40       5. Except as otherwise provided in subsection 6, as a condition of eligibility  
41 for a grant from the ~~{Committee}~~ **Commission** pursuant to this section, an applicant  
42 must provide an amount of money, at least equal to the amount of the grant, for the  
43 same purpose.

44       6. If an applicant for a grant is from a county whose population is less than  
45 100,000 and the ~~{Committee}~~ **Commission** determines that the applicant is  
46 financially unable to provide the matching money otherwise required by subsection  
47 5, the ~~{Committee}~~ **Commission** may provide a grant with less than equal matching  
48 money provided by the applicant.

49       **Sec. 23. NRS 232.090 is hereby amended to read as follows:**

50       232.090 1. The Department consists of the Director and the following **:**  
51 ~~{divisions}~~

52       (a) The Division of Water Resources.

53       (b) The Division of State Lands.

(c) The Division of Forestry.  
(d) The Division of State Parks.  
(e) The Division of Conservation Districts.  
(f) The Division of Environmental Protection.  
(g) The Office of Historic Preservation.  
(h) Such other divisions as the Director may from time to time establish.  
2. The State Environmental Commission, the State Conservation Commission, the Commission for the Preservation of Wild Horses, the Nevada Natural Heritage Program and the Board to Review Claims are within the Department.

~~Sec. 23.~~ **Sec. 24.** NRS 232.213 is hereby amended to read as follows:  
232.213 1. The Department of Administration is hereby created.  
2. The Department consists of a Director and the following divisions:  
(a) Budget Division.  
(b) Risk Management Division.  
(c) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.  
(d) ~~(Buildings and Grounds)~~ *State Public Works* Division.  
(e) Purchasing Division.  
(f) Administrative Services Division.  
(g) Division of Internal Audits.  
(h) *Division of Human Resource Management.*  
(i) *Division of Enterprise Information Technology Services.*  
(j) *Division of State Library and Archives.*

3. The Director may establish a Motor Pool Division or may assign the functions of the State Motor Pool to one of the other divisions of the Department.

~~Sec. 24.~~ **Sec. 25.** NRS 232.215 is hereby amended to read as follows:  
232.215 The Director:  
1. Shall appoint ~~a Chief~~ an Administrator of the:  
(a) Risk Management Division;  
(b) ~~(Buildings and Grounds)~~ *State Public Works* Division;  
(c) Purchasing Division;  
(d) Administrative Services Division;  
(e) Division of Internal Audits; ~~and~~  
(f) *Division of Human Resource Management;*  
(g) *Division of Enterprise Information Technology Services;*  
(h) *Division of State Library and Archives; and*  
(i) Motor Pool Division, if separately established.

2. Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by NRS 353.175.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters *233F, 242, 284, 331, 333, and 336, 338, 341 and 378* of NRS, NRS 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive, and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

~~[Sec. 5.]~~ **Sec. 26.** NRS 232.2165 is hereby amended to read as follows:

232.2165 ~~[(1.)]~~ The ~~[Chief]~~ **Administrator** of:

~~[(a) The Buildings and Grounds]~~

**1. The State Public Works** Division;

~~[(b)]~~ **2.** The Purchasing Division;

~~[(c)]~~ **3.** The Administrative Services Division;

~~[(d)]~~ **4.** The Division of Internal Audits; ~~and~~

~~—(e) 5. The Division of Human Resource Management;~~

**6. The Division of Enterprise Information Technology Services;**

**7. The Division of State Library and Archives; and**

**8.** If separately established, the Motor Pool Division,

↪ of the Department serves at the pleasure of the Director ~~[-, but, except as otherwise provided in subsection 2, for all purposes except removal is in the classified] and is in the unclassified~~ service of the State.

~~[(2) — The Chief of the Motor Pool Division, if separately established, and the Chief of the Division of Internal Audits are in the unclassified service of the State.]~~

~~[Sec. 6.]~~ **Sec. 27.** NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the Chief of the

~~[-]~~  
~~—1.]~~ Budget Division ~~[-]~~

~~—2.]~~ ~~Buildings and Grounds]~~ **and the Administrator of the:**

**1. State Public Works** Division;

~~[(2)]~~ **2.** Purchasing Division;

~~[(4)]~~ **3.** Division of Internal Audits; ~~and]~~

~~[(5)]~~ **4. Division of Human Resource Management;**

~~[(6)]~~ **5. Division of Enterprise Information Technology Services;**

~~[(7)]~~ **6. Division of State Library and Archives; and**

~~[(8)]~~ **7.** Motor Pool Division, if separately established,

↪ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.

~~[Sec. 7.]~~ **Sec. 28.** NRS 232.219 is hereby amended to read as follows:

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

(a) State Public Works ~~[Board.]~~ **Division;**

(b) Budget Division;

(c) ~~[Buildings and Grounds Division;~~

~~—(d)]~~ Purchasing Division;

~~[(e)]~~ (d) Hearings Division;

~~[(f)]~~ (e) Risk Management Division;

~~[(g)]~~ (f) Division of Internal Audits; ~~and~~

~~—(h)]~~ (g) **Division of Human Resource Management;**

**(h) Division of Enterprise Information Technology Services;**

**(i) Division of State Library and Archives; and**

**(j)** If separately established, the Motor Pool Division.

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

**Sec. 29. NRS 233C.017 is hereby amended to read as follows:**

233C.017 “Department” means the Department of Tourism and Cultural Affairs.

**Sec. 30. NRS 233C.091 is hereby amended to read as follows:**

233C.091 1. The Administrator is appointed by the Director with special reference to the Administrator’s training, experience, capacity and interest in the arts. The Director shall consult with the Board before making the appointment.

2. The Administrator must have:

(a) A degree in the arts, a field related to the arts or public administration; and

(b) Completed course work and accumulated experience in at least one of the arts with at least 5 years of progressively responsible work experience in the administration of arts and cultural programming, at least 2 years of which must have been in a supervisory capacity.

3. The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the Administrator’s duties.

4. The Administrator is responsible to the Director for the general administration of the Division and for the submission of its budgets, subject to administrative supervision by the Director.

5. The Administrator shall direct the work of the Division, administer the Division and perform such other duties as the Director may, from time to time, prescribe.

6. To carry out the provisions of this chapter and within the limit of money available to him or her, the Administrator may enter into contracts and other lawful agreements with:

(a) Natural persons, organizations and institutions for services furthering the mission and goals of the Division and the Board; and

(b) Local, regional and national associations for cooperative endeavors furthering the mission and goals of the programs of the Division.

7. The Administrator may accept gifts, contributions and bequests of unrestricted money from natural persons, foundations, corporations and other organizations and institutions to further the mission and goals of the programs of the Division.

8. Except as otherwise provided pursuant to subsection 4 of NRS 231.230, the Administrator is in the unclassified service of the State.

9. As used in this section, “Director” means the Director of the Department.

~~[Sec. 8.]~~ **Sec. 31.** Chapter 233F of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[9]~~ **32** and ~~[10]~~ **33** of this act.

~~[Sec. 9.]~~ **Sec. 32.** ~~“Chief Information Officer”~~ **“Administrator” means the** ~~[Chief Information Officer]~~ **Administrator of the Division.**

~~[Sec. 10.]~~ **Sec. 33. “Division” means the Division of Enterprise Information Technology Services of the Department.**

~~[Sec. 11.]~~ **Sec. 34.** NRS 233F.010 is hereby amended to read as follows:

233F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233F.020 to 233F.065, inclusive, and sections ~~[9]~~ 32 and ~~[10]~~ 33 of this act have the meanings ascribed to them in those sections.

~~[Sec. 12.]~~ **Sec. 35.** NRS 233F.045 is hereby amended to read as follows:

233F.045 “Communications Unit” means the Communications Unit of the Communication and Computing ~~[Division]~~ **Unit** of the ~~[Department.]~~ **Division.**

~~[Sec. 13.]~~ **Sec. 36.** NRS 233F.055 is hereby amended to read as follows:

233F.055 “Department” means the Department of ~~[Information Technology.]~~ **Administration.**

~~[Sec. 14.]~~ **Sec. 37.** NRS 233F.065 is hereby amended to read as follows:

233F.065 “Telecommunications Unit” means the Telecommunications Unit of the Communication and Computing ~~{Division}~~ **Unit** of the ~~{Department}~~ **Division**.

~~{Sec. 15.}~~ **Sec. 38.** NRS 233F.080 is hereby amended to read as follows:

233F.080 The Legislature finds and declares that a state communications system is vital to the security and welfare of the State during times of emergency and in the conduct of its regular business, and that economies may be realized by joint use of the system by all state agencies. It is the purpose of the Legislature that a state communications system be developed whereby the greatest efficiency in the joint use of existing communications systems is achieved and that all communication functions and activities of state agencies be coordinated. It is not the intent of the Legislature to remove from the ~~{Department of Information Technology}~~ **Division** control over the state telecommunications system intended for use by state agencies and the general public.

~~{Sec. 16.}~~ **Sec. 39.** NRS 233F.110 is hereby amended to read as follows:

233F.110 1. The ~~{Director}~~ ~~{Chief Information Officer}~~ **Administrator** may, upon receiving a request for a microwave channel or channels from an agency, approve or disapprove that request. If the request is approved, the ~~{Department}~~ **Division** shall assign a channel or channels to the agency at a cost which reflects the actual share of costs incurred for services provided to the agency, in accordance with the comprehensive system of equitable billing and charges developed by the coordinator of communications.

2. Except as otherwise provided in subsection 3, a microwave channel assigned by the ~~{Director}~~ ~~{Chief Information Officer}~~ **Administrator** to an agency for its use must not be reassigned without the concurrence of the agency.

3. The ~~{Director}~~ ~~{Chief Information Officer}~~ **Administrator** may revoke the assignment of a microwave channel if an agency fails to pay for its use and may reassign that channel to another agency.

4. Equipment for microwave channels which is purchased by a using agency becomes the property of the ~~{Department}~~ **Division** if the agency fails to use or pay for those channels. The equipment must be used by the ~~{Department}~~ **Division** to replace old or obsolete equipment in the state communications system.

5. A state agency shall not purchase equipment for microwave stations without prior approval from the ~~{Director}~~ ~~{Chief Information Officer}~~ **Administrator** unless:

(a) The existing services do not meet the needs of the agency; or

(b) The equipment will not be used to duplicate services which are provided by the state communications system or a private company.

6. The ~~{Department}~~ **Division** shall reimburse an agency for buildings, facilities or equipment which is consolidated into the state communications system.

~~{Sec. 17.}~~ **Sec. 40.** NRS 233F.115 is hereby amended to read as follows:

233F.115 The ~~{Director}~~ ~~{Chief Information Officer}~~ **Administrator** shall designate at least one microwave channel of the state communications system for use by the fire services.

~~{Sec. 18.}~~ **Sec. 41.** NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.090, NRS 341.142, **paragraph (f) of** subsection ~~{6}~~ **1** of NRS 341.145, NRS

353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works ~~Board~~ *Division* that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.090, NRS 341.142 and subsection 6 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director of the Legislative Counsel Bureau or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

~~Sec. 42.~~ *Sec. 42.* NRS 235.012 is hereby amended to read as follows:

235.012 1. The Director, after consulting with the Director of the ~~Commission on~~ *Department of* Tourism ~~and Cultural Affairs,~~ *the Administrator of the Division of Museums and History of the Department of Tourism and 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 or her judgment no satisfactory bid has been received, the Director 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. 43. 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 Director of the ~~Commission on~~ *Department of* Tourism ~~and Cultural Affairs,~~

1 the Administrator of the Division of Museums and History of the Department of  
2 Tourism and Cultural Affairs and the Administrator of the Division of Minerals of  
3 the Commission on Mineral Resources.

4 ~~[Sec. 20.]~~ **Sec. 44.** NRS 239.005 is hereby amended to read as follows:

5 239.005 As used in this chapter, unless the context otherwise requires:

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

9 2. "Committee" means the Committee to Approve Schedules for the  
10 Retention and Disposition of Official State Records.

11 3. "Division" means the Division of State Library and Archives of the  
12 Department of ~~[Cultural Affairs.]~~ Administration.

13 4. "Governmental entity" means:

14 (a) An elected or appointed officer of this State or of a political subdivision of  
15 this State;

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

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

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

22 ~~[Sec. 24.]~~ **Sec. 45.** NRS 239.073 is hereby amended to read as follows:

23 239.073 1. The Committee to Approve Schedules for the Retention and  
24 Disposition of Official State Records, consisting of six members, is hereby created.

25 2. The Committee consists of:

26 (a) The Secretary of State;

27 (b) The Attorney General;

28 (c) The Director of the Department of Administration;

29 (d) The State Library and Archives Administrator;

30 (e) The ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator of the Division  
31 of Enterprise Information Technology Services of the Department of ~~[Information~~  
32 ~~Technology.]~~ Administration; and

33 (f) One member who is a representative of the general public appointed by the  
34 Governor.

35 ➤ All members of the Committee, except the representative of the general public,  
36 are ex officio members of the Committee.

37 3. The Secretary of State or a person designated by the Secretary of State  
38 shall serve as Chair of the Committee. The State Library and Archives  
39 Administrator shall serve as Secretary of the Committee and prepare and maintain  
40 the records of the Committee.

41 4. The Committee shall meet at least quarterly and may meet upon the call of  
42 the Chair.

43 5. An ex officio member of the Committee may designate a person to  
44 represent the ex officio member at any meeting of the Committee. The person  
45 designated may exercise all the duties, rights and privileges of the member that the  
46 person represents.

47 6. The Committee may adopt rules and regulations for its management.

48 ~~[Sec. 22.]~~ **Sec. 46.** Chapter 242 of NRS is hereby amended by adding  
49 thereto the provisions set forth as sections ~~[23]~~ 47 and ~~[24]~~ 48 of this act.

50 ~~[Sec. 23.]~~ **Sec. 47.** ~~["Chief Information Officer"]~~ "Administrator" means  
51 the [Chief Information Officer] Administrator of the Division.

52 ~~[Sec. 24.]~~ **Sec. 48.** "Division" means the Division of Enterprise  
53 Information Technology Services of the Department.

~~[Sec. 25.]~~ **Sec. 49.** NRS 242.011 is hereby amended to read as follows:  
 242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 242.015 to 242.068, inclusive, *and sections ~~224~~ 47 and ~~244~~ 48 of this act* have the meanings ascribed to them in those sections.

~~[Sec. 26.]~~ **Sec. 50.** NRS 242.031 is hereby amended to read as follows:  
 242.031 "Department" means the Department of ~~[Information Technology]~~ *Administration*.

~~[Sec. 27.]~~ **Sec. 51.** NRS 242.071 is hereby amended to read as follows:  
 242.071 1. The Legislature hereby determines and declares that the creation of the *Division of Enterprise Information Technology Services of the* Department of ~~[Information Technology]~~ *Administration* is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the ~~[Department]~~ *Division* are:  
 (a) To perform information services for state agencies.  
 (b) To provide technical advice but not administrative control of the information systems within the state agencies, county agencies and governing bodies and agencies of incorporated cities and towns.

~~[Sec. 28.]~~ **Sec. 52.** NRS 242.080 is hereby amended to read as follows:  
 242.080 1. The *Division of Enterprise Information Technology Services of the* Department ~~[of Information Technology]~~ is hereby created.

2. The ~~[Department]~~ *Division* consists of the ~~[Director]~~ *[Chief Information Officer]* *Administrator* and the:  
 (a) ~~[Programming Division]~~ *Enterprise Application Services Unit*.  
 (b) Communication and Computing ~~[Division]~~ *Unit*.  
 (c) Office of Information Security.

3. A Communications Unit and a Telecommunications Unit are hereby created within the Communication and Computing ~~[Division]~~ *Unit* of the ~~[Department]~~ *Division*.

~~[Sec. 29.]~~ **Sec. 53.** NRS 242.090 is hereby amended to read as follows:  
 242.090 1. The ~~[Governor]~~ *Director of the Department* shall appoint the ~~[Director]~~ *[Chief Information Officer]* *Administrator* in the unclassified service of the State. ~~[In selecting the]~~ *[the]* ~~[Director]~~ *[Chief Information Officer]*, the ~~[Governor]~~ *[Director of the Department]* shall consider recommendations of the *Division of Human Resource Management of the Department* ~~[of Personnel]~~ *[relating to minimum qualifications]*.

2. The ~~[Director]~~ *[Chief Information Officer]* *Administrator*:  
 (a) Serves at the pleasure of ~~[the Governor]~~ and is responsible to ~~[the Governor]~~ *Director of the Department*.  
 (b) Shall not engage in any other gainful employment or occupation.

~~[Sec. 30.]~~ **Sec. 54.** NRS 242.101 is hereby amended to read as follows:  
 242.101 1. The ~~[Director]~~ *[Chief Information Officer]* *Administrator* shall:  
 (a) Appoint the ~~[chiefs]~~ *heads* of the ~~[divisions]~~ *units and offices of the Division* in the unclassified service of the State;

(b) Administer the provisions of this chapter and other provisions of law relating to the duties of the ~~[Department]~~ *Division*; and  
 (c) Carry out other duties and exercise other powers specified by law.

2. The ~~[Director]~~ *[Chief Information Officer]* *Administrator* may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

~~[Sec. 31.]~~ **Sec. 55.** NRS 242.105 is hereby amended to read as follows:

242.105 1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the ~~[Department]~~ Division to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator shall maintain or cause to be maintained a list of each record or portion of a record that the ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the ~~[Director]~~ ~~[Chief Information Officer]~~ Administrator shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, “act of terrorism” has the meaning ascribed to it in NRS 239C.030.

**Sec. 56. 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, including a public utility, 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 State Department of ~~[Cultural Affairs]~~ Conservation and Natural Resources.

**Sec. 57. 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, paleontological or historical site is located and in cooperation with the Office of Historic Preservation of the State Department of ~~[Cultural Affairs]~~ Conservation and Natural Resources, may enter into a cooperative agreement with the owner of any property that contains a unique archeological, paleontological 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

1 unique archeological, paleontological or historical sites in this state, including,  
2 without limitation, cooperative agreements to:

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

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

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

9 (d) Create and enforce:

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

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

12 ➤ for the protection of such sites.

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

14 (a) Agency of this state, including the Office of Historic Preservation of the  
15 State Department of ~~Cultural Affairs~~ Conservation and Natural Resources; and

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

17 ~~Sec. 58.~~ Sec. 58. NRS 281.641 is hereby amended to read as follows:

18 281.641 1. If any reprisal or retaliatory action is taken against a state officer  
19 or employee who discloses information concerning improper governmental action  
20 within 2 years after the information is disclosed, the state officer or employee may  
21 file a written appeal with a hearing officer of the ~~Department of~~ Personnel  
22 Commission for a determination of whether the action taken was a reprisal or  
23 retaliatory action. The written appeal must be accompanied by a statement that sets  
24 forth with particularity:

25 (a) The facts and circumstances under which the disclosure of improper  
26 governmental action was made; and

27 (b) The reprisal or retaliatory action that is alleged to have been taken against  
28 the state officer or employee.

29 ➤ The hearing must be conducted in accordance with the procedures set forth in  
30 NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel  
31 Commission pursuant to subsection 4.

32 2. If the hearing officer determines that the action taken was a reprisal or  
33 retaliatory action, the hearing officer may issue an order directing the proper person  
34 to desist and refrain from engaging in such action. The hearing officer shall file a  
35 copy of the decision with the Governor or any other elected state officer who is  
36 responsible for the actions of that person.

37 3. The hearing officer may not rule against the state officer or employee based  
38 on the person or persons to whom the improper governmental action was disclosed.

39 4. The Personnel Commission may adopt rules of procedure for conducting a  
40 hearing pursuant to this section that are not inconsistent with the procedures set  
41 forth in NRS 284.390 to 284.405, inclusive.

42 5. As used in this section, "Personnel Commission" means the Personnel  
43 Commission created by NRS 284.030.

44 ~~Sec. 59.~~ Sec. 59. NRS 284.015 is hereby amended to read as follows:

45 284.015 As used in this chapter, unless the context otherwise requires:

46 1. "Administrator" means the Administrator of the Division.

47 2. "Commission" means the Personnel Commission.

48 ~~2. "Department" means the Department of Personnel.~~

49 ~~3. "Director" means the Director of the Department.~~

50 ~~4.~~ 3. "Disability," includes, but is not limited to, physical disability, mental  
51 retardation and mental or emotional disorder.

52 4. "Division" means the Division of Human Resource Management of the  
53 Department of Administration.

5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

~~{Sec. 34.}~~ **Sec. 60.** NRS 284.025 is hereby amended to read as follows:

284.025 1. The ~~{Department of Personnel}~~ **Division of Human Resource Management of the Department of Administration** is hereby created.

2. The ~~{Department}~~ **Division** shall administer the provisions of this chapter.

~~{Sec. 35.}~~ **Sec. 61.** NRS 284.030 is hereby amended to read as follows:

284.030 1. There is hereby created in the ~~{Department}~~ **Division** a personnel commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public personnel administration.

(b) One member who is a representative of labor and has a background in personnel administration.

(c) One member who is a representative of employers or managers and has a background in personnel administration.

~~{Sec. 36.}~~ **Sec. 62.** NRS 284.172 is hereby amended to read as follows:

284.172 1. The ~~{Director}~~ **Administrator** shall prepare, maintain and revise as necessary a list of all positions in the classified service that consist primarily of performing data processing.

2. The request of an appointing authority that is required to use the equipment or services of the **Division of Enterprise Information Technology Services of the Department of ~~{Information Technology}~~ Administration** for a new position or the reclassification of an existing position to a position included on the list required by subsection 1 must be submitted to the ~~{Director}~~ **~~{Chief Information Officer}~~ Administrator** of the ~~{Department of Information Technology}~~ **Division of Enterprise Information Technology Services** for approval before submission to the ~~{Department of Personnel}~~ **Division of Human Resource Management**.

~~{Sec. 37.}~~ **Sec. 63.** NRS 284.320 is hereby amended to read as follows:

284.320 1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for specific reasons competition in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the ~~{director}~~ **Administrator** may suspend the requirements of competition.

2. The ~~{Director}~~ **Administrator** may suspend the requirements of competitive examination for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.

3. Upon specific written justification by the appointing authority, the ~~{Director}~~ **Administrator** may suspend the requirement of competitive examination for a position where extreme difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

4. Except in the circumstances described in subsection 2, no suspension may be general in its application to any position, and each case of suspension and the

justifying circumstances must be reported in the biennial report of the ~~{department}~~ **Division** with the reasons for the suspension.

~~{Sec. 38.}~~ **Sec. 64.** NRS 284.390 is hereby amended to read as follows:

284.390 1. Within 10 working days after the effective date of an employee's dismissal, demotion or suspension pursuant to NRS 284.385, the employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the ~~{Department}~~ **Commission** to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 days.

3. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

4. Technical rules of evidence do not apply at the hearing.

5. After the hearing and consideration of the evidence, the hearing officer shall render a decision in writing, setting forth the reasons therefor.

6. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.

7. The decision of the hearing officer is binding on the parties.

8. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS.

**Sec. 65. 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 Chair of the State Environmental Commission;

(h) The Director of the State Department of Agriculture;

(i) The Chair of the Board of Wildlife Commissioners; and

(j) The Administrator of the Office of Historic Preservation of the **State Department of ~~{Cultural Affairs}~~ Conservation and Natural Resources.**

2. The Chair of the State Environmental Commission serves as Chair of the Board.

3. The Board shall meet at such times and places as are specified by a call of the Chair. 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 Chair of the State Environmental Commission and the Chair of the Board of Wildlife Commissioners are entitled to receive a

1 salary of not more than \$80, as fixed by the Board, for each day's attendance at a  
2 meeting of the Board.

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

6 6. The Board:

7 (a) Shall review and approve or disapprove all regulations proposed by the  
8 State Land Registrar pursuant to NRS 321.597.

9 (b) May review any decision of the State Land Registrar made pursuant to  
10 NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS  
11 321.5987, and affirm, modify or reverse the decision.

12 (c) Shall review any plan or statement of policy concerning the use of lands in  
13 Nevada under federal management which is submitted by the State Land Use  
14 Planning Agency.

15 ~~[Sec. 39.]~~ **Sec. 66.** NRS 331.010 is hereby amended to read as follows:

16 331.010 As used in NRS 331.010 to ~~[331.145.]~~ **331.180**, inclusive, unless the  
17 context otherwise requires:

18 1. **"Administrator" means the Administrator of the Division.**

19 2. "Buildings and Grounds ~~[Division.]~~ **Section**" means the Buildings and  
20 Grounds **Section of the Division**. ~~[of the Department of Administration.]~~

21 ~~2. "Chief" means the Chief of the Buildings and Grounds Division.]~~

22 3. **"Department" means the Department of Administration.**

23 4. "Director" means the Director of the Department. ~~[of Administration.]~~

24 5. **"Division" means the State Public Works Division of the Department.**

25 ~~[Sec. 40.]~~ **Sec. 67.** NRS 331.020 is hereby amended to read as follows:

26 331.020 The ~~[Buildings and Grounds]~~ **Division** shall administer the  
27 provisions of NRS 331.010 to ~~[331.145.]~~ **331.180**, inclusive, subject to  
28 administrative supervision by the Director.

29 ~~[Sec. 41.]~~ **Sec. 68.** NRS 331.060 is hereby amended to read as follows:

30 331.060 1. The ~~[Chief]~~ **Administrator** shall, within the limits of legislative  
31 appropriations, employ such clerks, engineers, electricians, painters, mechanics,  
32 janitors, gardeners and other persons as may be necessary to carry out the  
33 provisions of NRS 331.010 to ~~[331.145.]~~ **331.180**, inclusive.

34 2. The employees shall perform duties as assigned by the ~~[Chief.]~~  
35 **Administrator.**

36 3. The ~~[Chief]~~ **Administrator** is responsible for the fitness and good conduct  
37 of all employees.

38 ~~[Sec. 42.]~~ **Sec. 69.** NRS 331.085 is hereby amended to read as follows:

39 331.085 The ~~[Chief]~~ **Administrator** may charge the various state departments,  
40 agencies and institutions for the cost of labor and materials for extra services  
41 provided to their respective offices by the Buildings and Grounds ~~[Division.]~~  
42 **Section**. Extra services for which these charges may be made include, but are not  
43 limited to, office remodeling, furniture construction and moving. Money received  
44 by the Chief for this purpose must be deposited in the Buildings and Grounds  
45 Operating Fund in the State Treasury.

46 ~~[Sec. 43.]~~ **Sec. 70.** NRS 331.100 is hereby amended to read as follows:

47 331.100 The ~~[Chief]~~ **Administrator** has the following specific powers and  
48 duties:

49 1. To keep all buildings, rooms, basements, floors, windows, furniture and  
50 appurtenances clean, orderly and presentable as befitting public property.

51 2. To keep all yards and grounds clean and presentable, with proper attention  
52 to landscaping and horticulture.

3. Under the supervision of the State Fire Marshal, to make arrangements for the installation and maintenance of water sprinkler systems, fire extinguishers, fire hoses and fire hydrants, and to take other fire prevention and suppression measures, necessary and feasible, that may reduce the fire hazards in all buildings under his or her control.

4. To make arrangements and provision for the maintenance of the State's water system supplying the state-owned buildings at Carson City, with particular emphasis upon the care and maintenance of water reservoirs, in order that a proper and adequate supply of water be available to meet any emergency.

5. To make arrangements for the installation and maintenance of water meters designed to measure accurately the quantity of water obtained from sources not owned by the State.

6. To make arrangements for the installation and maintenance of a lawn sprinkling system on the grounds adjoining the Capitol Building at Carson City, or on any other state-owned grounds where such installation is practical or necessary.

7. To investigate the feasibility, and economies resultant therefrom, if any, of the installation of a central power meter, to measure electrical energy used by the state buildings in the vicinity of and including the Capitol Building at Carson City, assuming the buildings were served with power as one unit.

8. To purchase, use and maintain such supplies and equipment as are necessary for the care, maintenance and preservation of the buildings and grounds under his or her supervision and control.

9. Subject to the provisions of chapter 426 of NRS regarding the operation of vending stands in or on public buildings and properties by persons who are blind, to install or remove vending machines and vending stands in the buildings under his or her supervision and control, and to have control of and be responsible for their operation.

10. To ~~cooperate with the Nevada Arts Council [and] of the [State Public Works Board]~~ Department of Tourism and Cultural Affairs to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

~~[Sec. 44.]~~ **Sec. 71.** NRS 331.102 is hereby amended to read as follows:

331.102 1. The ~~[Chief]~~ **Administrator** shall:

(a) Maintain accurate records reflecting the costs of administering the provisions of NRS 331.010 to ~~[331.145,]~~ **331.180**, inclusive.

(b) Between July 1 and August 1 of each even-numbered year, determine, on the basis of experience during the 2 preceding fiscal years, the estimated cost per square foot of rentable area of carrying out the functions of the Buildings and Grounds ~~[Division]~~ **Section** for the 2 succeeding fiscal years, and inform each department, agency and institution operating under the provisions of NRS 331.010 to ~~[331.145,]~~ **331.180**, inclusive, of the cost.

2. Each department, agency and institution occupying space in state-owned buildings maintained by the Buildings and Grounds ~~[Division,]~~ **Section** shall include in its budget for each of the 2 succeeding fiscal years an amount of money equal to the cost per budgeted square foot of rentable area, as determined by the ~~[Chief,]~~ **Administrator**, multiplied by the number of rentable square feet occupied by each department, agency or institution.

3. Except as otherwise provided in subsection 4, on July 1 of each year each department, agency or institution shall pay to the ~~[Chief]~~ **Administrator** for deposit in the Buildings and Grounds Operating Fund the amount of money appropriated to or authorized for the department, agency or institution for building space rental costs pursuant to its budget.

4. Any state department, agency or institution may pay building space rental costs required pursuant to subsection 3 on a date or dates other than July 1, if compliance with federal law or regulation so requires.

~~[Sec. 45.]~~ **Sec. 72.** NRS 331.110 is hereby amended to read as follows:

331.110 1. ~~[Except as otherwise provided in subsection 2, the Chief]~~ **The Administrator** may lease and equip office rooms outside of state buildings for the use of state officers and employees, whenever sufficient space for the officers and employees cannot be provided within state buildings, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. ~~[The]~~ **Except as otherwise provided in this subsection, the** provisions of subsection 1 **do not** apply to ~~fall~~ state officers and employees of boards ~~including, without limitation, officers and employees of:~~

~~(a) Boards;~~ that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005. ~~+~~

~~(b)]~~ **The provisions of subsection 1 apply to:**

~~(a)]~~ **The Department of Public Safety;**

~~(c)]~~ **(b) The Department of Motor Vehicles; and**

~~(d)]~~ **(c) The State Gaming Control Board.**

3. **An owner of a building who enters into a contract with a state agency for occupancy in the building:**

**(a) If the contract is entered into before May 28, 2009, may comply with the program; and**

**(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.**

**↗ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.**

4. **As used in this section, "program" means the program established pursuant to section ~~[93]~~ 140 of this act.**

~~[Sec. 46.]~~ **Sec. 73.** NRS 331.140 is hereby amended to read as follows:

331.140 1. The ~~[Chief]~~ **Administrator** shall take proper care to prevent any unlawful activity on or damage to any state property under the supervision and control of the ~~[Chief.]~~ **Administrator,** and to protect the safety of any persons on that property.

2. The Director of the Department of Public Safety shall appoint to the Capitol Police Division of that Department such personnel as may be necessary to assist the ~~[Chief of]~~ **Administrator and** the Buildings and Grounds ~~[Division]~~ **Section** in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the Buildings and Grounds Operating Fund.

~~[Sec. 47.]~~ **Sec. 74.** NRS 331.160 is hereby amended to read as follows:

331.160 1. The Marlette Lake Water System, composed of the water rights, easements, pipelines, flumes and other fixtures and appurtenances used in connection with the collection, transmission and storage of water in Carson City and Washoe and Storey Counties, Nevada, acquired by the State of Nevada pursuant to law, is hereby created.

2. The purposes of the Marlette Lake Water System are:  
(a) To provide adequate supplies of water to the areas served.  
(b) To maintain distribution lines, flumes, dams, culverts, bridges and all other appurtenances of the system in a condition calculated to assure dependable supplies of water.

(c) To sell water under equitable and fiscally sound contractual arrangements. Any such contractual arrangements must not include the value of the land comprising the watershed as an element in determining the cost of water sold.

3. The Department of Administration is designated as the state agency to supervise and administer the functions of the Marlette Lake Water System.

4. The Director of the Department of Administration may assign the supervision and administration of the functions of the Marlette Lake Water System to one of the divisions of the Department, *a city or a county*, or may establish a separate division to carry out the purposes of this section and NRS 331.170 and 331.180. Subject to the limit of money provided by legislative appropriation or revenues whose expenditure is authorized by law, the chief of that division, *or the city or county, as applicable*, shall employ necessary staff to carry out the provisions of this section and NRS 331.170 and 331.180.

5. The Director of the Department of Administration shall:

(a) Establish the value of water to be distributed from the Marlette Lake Water System.

(b) Include in the water rate structure provisions for recovery, over a reasonable period, of the major capital costs of improving and modernizing the System.

(c) Assure that the rate structure is equitable for all present and potential customers.

6. The Director of the Department of Administration may request the State Board of Finance to issue general obligation bonds of the State or revenue bonds in an aggregate principal amount not to exceed \$25,000,000 to finance the capital costs of improving and modernizing the Marlette Lake Water System. Before any revenue bonds are issued pursuant to this subsection, the State Board of Finance must determine that sufficient revenue will be available in the Marlette Lake Water System Fund to pay the interest and installments of principal as they become due. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of state securities pursuant to this subsection.

7. The Legislature finds and declares that the issuance of state securities and the incurrence of indebtedness pursuant to subsection 6 is necessary for the protection and preservation of the natural resources of this State and for the purpose of obtaining the benefits thereof, and constitutes an exercise of the authority conferred by the second paragraph of Section 3 of Article 9 of the Constitution of the State of Nevada.

~~[Sec. 48.]~~ **Sec. 75.** NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. *"Division" means the State Public Works Division of the Department of Administration.*

9. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~9-10~~ 10. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~10-11~~ 11. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~11-12~~ 12. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a

1 budget separate from that of the parent political subdivision. The term includes a  
2 person who has been designated by the governing body of a local government to  
3 serve as its authorized representative.

4 ~~H2-1~~ 13. "Offense" means failing to:

- 5 (a) Pay the prevailing wage required pursuant to this chapter;
- 6 (b) Pay the contributions for unemployment compensation required pursuant to  
7 chapter 612 of NRS;
- 8 (c) Provide and secure compensation for employees required pursuant to  
9 chapters 616A to 617, inclusive, of NRS; or
- 10 (d) Comply with subsection 4 or 5 of NRS 338.070.

11 ~~H3-1~~ 14. "Prime contractor" means a contractor who:

- 12 (a) Contracts to construct an entire project;
- 13 (b) Coordinates all work performed on the entire project;
- 14 (c) Uses his or her own workforce to perform all or a part of the public work;  
15 and
- 16 (d) Contracts for the services of any subcontractor or independent contractor or  
17 is responsible for payment to any contracted subcontractors or independent  
18 contractors.

19 ➤ The term includes, without limitation, a general contractor or a specialty  
20 contractor who is authorized to bid on a project pursuant to NRS 338.139 or  
21 338.148.

22 ~~H4-1~~ 15. "Public body" means the State, county, city, town, school district or  
23 any public agency of this State or its political subdivisions sponsoring or financing  
24 a public work.

25 ~~H5-1~~ 16. "Public work" means any project for the new construction, repair or  
26 reconstruction of:

- 27 (a) A project financed in whole or in part from public money for:
  - 28 (1) Public buildings;
  - 29 (2) Jails and prisons;
  - 30 (3) Public roads;
  - 31 (4) Public highways;
  - 32 (5) Public streets and alleys;
  - 33 (6) Public utilities;
  - 34 (7) Publicly owned water mains and sewers;
  - 35 (8) Public parks and playgrounds;
  - 36 (9) Public convention facilities which are financed at least in part with  
37 public money; and
- 38 (10) All other publicly owned works and property.

39 (b) A building for the Nevada System of Higher Education of which 25 percent  
40 or more of the costs of the building as a whole are paid from money appropriated  
41 by this State or from federal money.

42 ~~H6-1~~ 17. "Specialty contractor" means a person who is licensed to conduct  
43 business as described in subsection 4 of NRS 624.215.

44 ~~H7-1~~ 18. "Stand-alone underground utility project" means an underground  
45 utility project that is not integrated into a larger project, including, without  
46 limitation:

47 (a) An underground sewer line or an underground pipeline for the conveyance  
48 of water, including facilities appurtenant thereto; and

49 (b) A project for the construction or installation of a storm drain, including  
50 facilities appurtenant thereto,

51 ➤ that is not located at the site of a public work for the design and construction of  
52 which a public body is authorized to contract with a design-build team pursuant to  
53 subsection 2 of NRS 338.1711.

~~[18-]~~ 19. "Subcontract" means a written contract entered into between:

- (a) A contractor and a subcontractor or supplier; or
  - (b) A subcontractor and another subcontractor or supplier,
- ↳ for the provision of labor, materials, equipment or supplies for a construction project.

~~[19-]~~ 20. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[20-]~~ 21. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[21-]~~ 22. "Wages" means:

- (a) The basic hourly rate of pay; and
- (b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[22-]~~ 23. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

~~[Sec. 49-]~~ Sec. 76. NRS 338.1375 is hereby amended to read as follows:

338.1375 1. The ~~[State Public Works Board]~~ Division shall not accept a bid on a contract for a public work unless the contractor who submits the bid has qualified pursuant to NRS 338.1379 to bid on that contract.

2. The State Public Works Board shall by regulation adopt criteria for the qualification of bidders on contracts for public works of this State. The criteria adopted by the State Public Works Board pursuant to this section must be used by the ~~[State Public Works Board]~~ Division to determine the qualification of bidders on contracts for public works of this State.

3. The criteria adopted by the State Public Works Board pursuant to this section:

(a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.

(b) May include only:

- (1) The financial ability of the applicant to perform a contract;
- (2) The principal personnel of the applicant;
- (3) Whether the applicant has breached any contracts with a public body or person in this State or any other state;
- (4) Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845 or 338.13895;
- (5) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;
- (6) The performance history of the applicant concerning other recent, similar contracts, if any, completed by the applicant; and
- (7) The truthfulness and completeness of the application.

~~[Sec. 50-]~~ Sec. 77. NRS 338.1381 is hereby amended to read as follows:

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 or disqualifying a subcontractor pursuant to

1 NRS 338.1376, the applicant or subcontractor, as applicable, files a written request  
2 for a hearing with the ~~{State Public Works Board}~~ **Division** or the local government,  
3 the **State Public Works** Board or governing body shall set the matter for a hearing  
4 within 20 days after receipt of the request. The hearing must be held not later than  
5 45 days after the receipt of the request for a hearing unless the parties, by written  
6 stipulation, agree to extend the time.

7 2. The hearing must be held at a time and place prescribed by the Board or  
8 local government. At least 10 days before the date set for the hearing, the Board or  
9 local government shall serve the applicant or subcontractor with written notice of  
10 the hearing. The notice may be served by personal delivery to the applicant or  
11 subcontractor or by certified mail to the last known business or residential address  
12 of the applicant or subcontractor.

13 3. The applicant or subcontractor has the burden at the hearing of proving by  
14 substantial evidence that the applicant is entitled to be qualified to bid on a contract  
15 for a public work, or that the subcontractor is qualified to be a subcontractor on a  
16 contract for a public work.

17 4. In conducting a hearing pursuant to this section, the Board or governing  
18 body may:

19 (a) Administer oaths;

20 (b) Take testimony;

21 (c) Issue subpoenas to compel the attendance of witnesses to testify before the  
22 Board or governing body;

23 (d) Require the production of related books, papers and documents; and

24 (e) Issue commissions to take testimony.

25 5. If a witness refuses to attend or testify or produce books, papers or  
26 documents as required by the subpoena issued pursuant to subsection 4, the Board  
27 or governing body may petition the district court to order the witness to appear or  
28 testify or produce the requested books, papers or documents.

29 6. The Board or governing body shall issue a decision on the matter during  
30 the hearing. The decision of the Board or governing body is a final decision for  
31 purposes of judicial review.

32 ~~{Sec. 51.}~~ **Sec. 78.** NRS 338.13845 is hereby amended to read as follows:

33 338.13845 1. If the ~~{State Public Works Board}~~ **Division** determines that a  
34 business has made a material misrepresentation or otherwise committed a  
35 fraudulent act in applying for the preference described in NRS 338.13844, the  
36 business is thereafter permanently prohibited from:

37 (a) Applying for or receiving the preference described in NRS 338.13844; and

38 (b) Bidding on a contract for a public work of this State.

39 2. If the ~~{State Public Works Board}~~ **Division** determines, as described in  
40 subsection 1, that a business has made a material misrepresentation or otherwise  
41 committed a fraudulent act in applying for the preference described in NRS  
42 338.13844, the business may apply to the ~~{Manager}~~ **Administrator** to review the  
43 decision pursuant to chapter 233B of NRS.

44 3. As used in this section, ~~{“Manager”}~~ **“Administrator”** has the meaning  
45 ascribed to it in ~~{NRS 341.015.} section 82 of this act.~~

46 ~~{Sec. 52.}~~ **Sec. 79.** NRS 338.13847 is hereby amended to read as follows:

47 338.13847 The State Public Works Board may adopt such regulations as it  
48 determines to be necessary or advisable to carry out the provisions of NRS  
49 338.1384 to 338.13847, inclusive. The regulations may include, without limitation,  
50 provisions setting forth:

51 1. The method by which a business may apply to receive the preference  
52 described in NRS 338.13844;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in NRS 338.13844; and

3. Such other matters as the ~~State Public Works Board~~ *Division* deems relevant.

☞ In carrying out the provisions of this section, the State Public Works Board *and the Division* shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 333.3369 are reasonably consistent.

~~Sec. 53.~~ *Sec. 80.* NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; or

(II) The Renewable Energy School Pilot Program created by NRS 701B.350.

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the ~~Nevada~~ *Director of the Office of Energy* ~~Commissioner~~ and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~11~~ *12* of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

1    ✎ The term does not include coal, natural gas, oil, propane or any other fossil fuel,  
2    or nuclear energy.

3    (c) "Retrofit" means to alter, improve, modify, remodel or renovate a building,  
4    facility or structure to make that building, facility or structure more energy-  
5    efficient.

6    ~~[Sec. 54.]~~ *Sec. 81.* Chapter 341 of NRS is hereby amended by adding  
7    thereto the provisions set forth as sections ~~[55.]~~ **82** to ~~[58.]~~ **85**, inclusive, of this act.

8    ~~[Sec. 55.]~~ *Sec. 82. "Administrator" means the Administrator of the*  
9    *Division.*

10   ~~[Sec. 56.]~~ *Sec. 83. "Department" means the Department of*  
11   *Administration.*

12   ~~[Sec. 57.]~~ *Sec. 84. "Division" means the State Public Works Division of*  
13   *the Department.*

14   ~~[Sec. 58.]~~ *Sec. 85. 1. There is hereby created the State Public Works*  
15   *Division of the Department of Administration.*

16    2. *The Division consists of:*

17    (a) *The Administrator;*

18    (b) *The Buildings and Grounds Section; and*

19    (c) *The State Public Works Board.*

20    3. *The Division shall, subject to the administrative supervision of the*  
21    *Director of the Department, administer the provisions of this chapter and NRS*  
22    *331.010 to 331.180, inclusive.*

23    ~~[Sec. 59.]~~ *Sec. 86.* NRS 341.010 is hereby amended to read as follows:  
24    341.010 As used in this chapter, unless the context otherwise requires, the  
25    words and terms defined in NRS 341.013 and ~~[341.015]~~ **sections 82, 83 and 84** of this act have the meanings ascribed to them in those sections.

26    ~~[Sec. 60.]~~ *Sec. 87.* NRS 341.020 is hereby amended to read as follows:

27    341.020 1. The State Public Works Board is hereby created.

28    2. The Board consists of ~~[seven]~~ **the Director of the Department and six**  
29    members appointed as follows:

30    (a) The Governor shall appoint:

31    (1) One member who has education or experience, or both, regarding the  
32    principles of engineering or architecture;

33    (2) ~~[One member who has education or experience, or both, regarding the~~  
34    ~~principles of financing or managing public or private construction projects;~~

35    ~~— (3) One member who is licensed to practice law in this State and who has~~  
36    experience in the practice of construction law; and

37    ~~[(4)]~~ **(3)** Two members who are licensed in this State as a general building  
38    contractor or general engineering contractor pursuant to chapter 624 of NRS.

39    (b) The Majority Leader of the Senate shall appoint one member who is  
40    licensed in this State as a general building contractor or general engineering  
41    contractor pursuant to chapter 624 of NRS.

42    (c) The Speaker of the Assembly shall appoint one member who is licensed in  
43    this State as a general building contractor or general engineering contractor  
44    pursuant to chapter 624 of NRS.

45    3. Each member of the Board **who is appointed** serves at the pleasure of the  
46    appointing authority.

47    4. A vacancy on the Board **in an appointed position** must be filled by the  
48    appointing authority in the same manner as the original appointment.

49    ~~Sec. 88. (Deleted by amendment.)~~

50    ~~[Sec. 61]~~ *Sec. 88.5.* NRS 341.070 is hereby amended to read as follows:  
51    341.070 The Board shall:  
52

1. Adopt such rules for the regulation of its proceedings and the transaction of its business as it deems proper.

2. Meet ~~[at least once every 3 months.]~~ *as necessary to conduct the business of the Board for the following purposes:*

(a) *Submitting reports and making recommendations as required pursuant to NRS 341.191;*

(b) *Adopting regulations; and*

(c) *Presiding over appeals taken on the following matters:*

(1) *The qualification of contractors; and*

(2) *Disputes regarding contracts.*

~~[Sec. 62.]~~ *Sec. 89.* NRS 341.100 is hereby amended to read as follows:

341.100 1. The ~~[Board shall appoint a Manager and a deputy manager for compliance and code enforcement, each of whom must be approved by the Governor. The Manager]~~ *Administrator* and the deputy ~~[manager]~~ *administrator* for compliance and code enforcement serve at the pleasure of the ~~[Board and the Governor.]~~ *Director of the Department.*

2. The ~~[Manager, with the approval of the Board,]~~ *Administrator* shall appoint:

(a) ~~A~~ *a* deputy ~~[manager]~~ *administrator* for professional services ~~[; and]~~ *;*

(b) ~~A deputy [manager for administrative, fiscal and constructional services.]~~ *administrator of the Buildings and Grounds Section.*

~~Each [The]~~ *Each* deputy ~~[manager]~~ *administrator* appointed pursuant to this subsection serves at the pleasure of the ~~[Manager.]~~ *Administrator.*

3. *The Administrator shall recommend and the Director shall appoint a deputy administrator for compliance and code enforcement. The deputy administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.*

4. The ~~[Manager]~~ *Administrator* may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

~~[4.]~~ 5. The ~~[Manager]~~ *Administrator* and each deputy ~~[manager]~~ *administrator* are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the ~~[Manager]~~ *Administrator* and each deputy ~~[manager]~~ *administrator* shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

~~[5.]~~ 6. The ~~[Manager]~~ *Administrator* and the deputy ~~[manager]~~ *administrator* for professional services must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

~~[6.—The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of the principles of administration and a working knowledge of the principles of engineering or architecture as determined by the Board.]~~

7. The deputy ~~[manager]~~ *administrator* for compliance and code enforcement must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the ~~[Board.]~~ *Administrator.*

8. The ~~[Manager]~~ *Administrator* shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the ~~[Board.]~~ *Division.*

(c) Represent the Board *and the Division* before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) ~~Make recommendations to the Board for the selection of~~ *Select* architects, engineers and contractors.

(f) ~~Make recommendations to the Board concerning the acceptance of~~ *Accept* completed projects.

(g) Submit in writing to the ~~Board,~~ *Director of the Department,* the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The deputy ~~manager~~ *administrator* for compliance and code enforcement shall serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government.

~~Sec. 62.~~ *Sec. 90.* NRS 341.105 is hereby amended to read as follows:

341.105 1. When acting in the capacity of building official pursuant to subsection 9 of NRS 341.100, the deputy ~~manager~~ *administrator* for compliance and code enforcement or his or her designated representative may issue an order to compel the cessation of work on all or any portion of a building or structure based on health or safety reasons or for violations of applicable building codes or other laws or regulations.

2. If a person receives an order issued pursuant to subsection 1, the person shall immediately cease work on the building or structure or portion thereof.

3. Any person who willfully refuses to comply with an order issued pursuant to subsection 1 or who willfully encourages another person to refuse to comply or assists another person in refusing to comply with such an order is guilty of a misdemeanor and shall be punished as provided in NRS 193.150. Any penalties collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

4. In addition to the criminal penalty set forth in subsection 3, the deputy ~~manager~~ *administrator* for compliance and code enforcement may impose an administrative penalty of not more than \$1,000 per day for each day that a person violates subsection 3.

5. If a person wishes to contest an order issued to the person pursuant to subsection 1, the person may bring an action in district court. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. An action brought pursuant to this subsection does not stay enforcement of the order unless the district court orders otherwise.

6. If a person refuses to comply with an order issued pursuant to subsection 1, the deputy ~~{manager}~~ **administrator** for compliance and code enforcement may bring an action in the name of the State of Nevada in district court to compel compliance and to collect any administrative penalties imposed pursuant to subsection 4. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. Any attorney's fees and costs awarded by the court in favor of the State and any penalties collected in the action must be deposited with the State Treasurer for credit to the State General Fund.

7. No right of action exists in favor of any person by reason of any action or failure to act on the part of the **Division, Director of the Department, Administrator**, Board ~~{}~~ or the deputy ~~{manager}~~ **administrator** for compliance and code enforcement or any officers, employees or agents of the ~~{Board}~~ **Division** in carrying out the provisions of this section.

8. As used in this section, "person" includes a government and a governmental subdivision, agency or instrumentality.

~~{Sec. 64.}~~ **Sec. 91.** NRS 341.110 is hereby amended to read as follows:

341.110 In general, the ~~{Board}~~ **Administrator** shall have such powers as may be necessary to enable ~~{it}~~ **him or her** to fulfill ~~{its}~~ **his or her** functions and to carry out the purposes of this chapter.

~~{Sec. 65.}~~ **Sec. 92.** NRS 341.119 is hereby amended to read as follows:

341.119 1. ~~{Upon}~~ **Except as otherwise provided in this subsection, upon** the request of the head of a state agency, the ~~{Board}~~ **Administrator** may delegate to that agency any of the authority granted the ~~{Board}~~ **Division** pursuant to NRS 341.141 to 341.148, inclusive. **The Administrator shall not delegate the powers described in subsection 2 of NRS 341.145.**

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the ~~{Board}~~ **Division** concerning a construction project or to approve the advance planning of a project.

~~{Sec. 66.}~~ **Sec. 93.** NRS 341.141 is hereby amended to read as follows:

341.141 1. The ~~{Board}~~ **Division** shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; and

(c) Buildings on property controlled by other state agencies if the ~~{Board}~~ **Administrator** has delegated ~~{its}~~ **his or her** authority in accordance with NRS 341.119.

➤ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

~~{Sec. 67.}~~ **Sec. 94.** NRS 341.145 is hereby amended to read as follows:

341.145 **1.** The Board:

~~1.1~~ (a) Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the ~~Board~~ *Administrator* shall apply for the rebate.

~~2.2~~ (b) Shall solicit bids for and let all contracts for new construction or major repairs.

~~3.3~~ (c) May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

~~4.4~~ (1) The bid is less than the appropriation made by the Legislature for that building project; and

~~5.5~~ (2) The bid does not exceed the relevant budget item for that building project as established by the ~~Board~~ *Administrator* by more than 10 percent.

~~6.6~~ (d) May reject any or all bids.

~~7.7~~ (e) After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

~~8.8~~ (f) Shall obtain prior approval from the Interim Finance Committee before authorizing any change in the scope of the design or construction of a project as that project was authorized by the Legislature, if the change increases or decreases the total square footage or cost of the project by 10 percent or more.

~~9.9~~ (g) Except for changes that require prior approval pursuant to ~~subsection 6.1~~ *paragraph (f)* may authorize change orders, before or during construction:

~~10.10~~ (1) In any amount, where the change represents a reduction in the total awarded contract price.

~~11.11~~ (2) Except as otherwise provided in ~~paragraph (e)~~ *subparagraph (3)*, not to exceed in the aggregate 15 percent of the total awarded contract price, where the change represents an increase in that price.

~~12.12~~ (3) In any amount, where the total awarded contract price is less than \$50,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

~~13.13~~ (4) In any amount, where additional money was authorized or appropriated by the Legislature and issuing a new contract would not be in the best interests of the State.

~~14.14~~ (h) Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the ~~Board~~ *Administrator* a change order that has been authorized by the design professional. As used in this ~~subsection~~ *paragraph*, "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

~~15.15~~ (i) Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract, ~~for to codes adopted by the Board~~, and to file the notice of completion ~~and certificate of occupancy~~ for the building or structure.

*2. The deputy administrator for compliance and code enforcement, when acting as building official pursuant to subsection 9 of NRS 341.100, has the final authority in:*

*(a) Requiring necessary alterations to conform to any building codes adopted by the Board; and*

*(b) Issuing a certificate of occupancy for a building or structure.*

~~Sec. 68.~~ *Sec. 95.* NRS 341.146 is hereby amended to read as follows:

341.146 1. The ~~Board~~ *Division* shall establish funds for projects of capital construction necessary to account for the program of capital construction approved

1 by the Legislature. These funds must be used to account for all revenues,  
2 appropriations and expenditures restricted to constructing buildings and other  
3 projects which come under the supervision of the ~~{Board}~~ *Division*.

4 2. If a state department, board, commission or agency provides to the ~~{Board}~~  
5 *Division* money that has not been appropriated by the Legislature for a capital  
6 improvement project, any interest earned on that money accrues to the benefit of  
7 the project. Upon a determination by the ~~{Board}~~ *Administrator* that the project is  
8 completed, the ~~{Board}~~ *Division* shall return any principal and interest remaining on  
9 that money to the department, board, commission or agency that had provided the  
10 money to the ~~{Board}~~ *Division*.

11 3. Except as otherwise provided in subsection 4, if the money actually  
12 received by the ~~{Board}~~ *Division* for a capital improvement project includes money  
13 from more than one source, the money must be expended in the following order:

14 (a) Money received for the project from the Federal Government;  
15 (b) Money generated by the state department, board, commission or agency for  
16 whom the project is being performed;

17 (c) Money that was approved for the same or a different project during a  
18 previous biennium that has been reallocated during the current biennium for the  
19 project;

20 (d) Except as otherwise provided in paragraphs (e), (f) and (g), money received  
21 for the project from any other source;

22 (e) Money from the issuance of general obligation bonds;

23 (f) Money from the State Highway Fund; and

24 (g) Money from the State General Fund.

25 4. The provisions of subsection 3 do not apply if the receipt of any money  
26 from the Federal Government for the project is conditioned upon a different order  
27 of expenditure.

28 ~~{Sec. 69.}~~ *Sec. 96.* NRS 341.153 is hereby amended to read as follows:

29 341.153 1. The Legislature hereby finds as facts:

30 (a) That the *planning, maintenance and* construction of public buildings is a  
31 specialized field requiring for its successful accomplishment a high degree of skill  
32 and experience not ordinarily acquired by public officers and employees whose  
33 primary duty lies in some other field.

34 (b) That this *planning, maintenance and* construction involves the  
35 expenditure of large amounts of public money which, whatever their particular  
36 constitutional, statutory or governmental source, involve a public trust.

37 (c) That the application by state agencies of conflicting standards of  
38 performance results in wasteful delays and increased costs in the performance of  
39 public works.

40 2. The Legislature therefore declares it to be the policy of this State that all  
41 *planning, maintenance and* construction of buildings upon property of the State or  
42 held in trust for any division of the State Government be supervised by, and final  
43 authority for its completion and acceptance vested in, the ~~{Board}~~ *Division* as  
44 provided in NRS 341.141 to 341.148, inclusive.

45 ~~{Sec. 70.}~~ *Sec. 97.* NRS 341.155 is hereby amended to read as follows:

46 341.155 With the concurrence of the ~~{Board}~~ *Administrator*, the Board of  
47 Regents of the University of Nevada and any other state department, board or  
48 commission may enter into agreements with persons, associations or corporations  
49 to provide consulting services to determine and plan the construction work that may  
50 be necessary to meet the needs of the programs of those agencies. These contracts  
51 must be for a term not exceeding 5 years and must provide for payment of a fee for  
52 those services not to exceed one-half of 1 percent of the total value of:

1        1. In the case of the Nevada System of Higher Education, building  
2 construction contracts relating to the construction of a branch or facility within the  
3 Nevada System of Higher Education; and

4        2. In the case of another state department, board or commission, all  
5 construction contracts relating to construction for that agency,  
6        ➤ during the term and in the area covered by the contract.

7        ~~[Sec. 71.]~~ **Sec. 98.** NRS 341.161 is hereby amended to read as follows:

8        341.161 1. The ~~[Board]~~ **Administrator** may let to a contractor licensed  
9 under chapter 624 of NRS a contract for services which assist the ~~[Board]~~ **Division**  
10 in the design and construction of a project of capital improvement.

11        2. The Board shall adopt regulations establishing procedures for:

12        (a) The determination of the qualifications of contractors to bid for contracts  
13 for services described in subsection 1.

14        (b) The bidding and awarding of such contracts, subject to the provisions of  
15 subsection 3.

16        (c) The awarding of construction contracts based on a final cost of the project  
17 which the contractor guarantees will not be exceeded.

18        (d) The scheduling and controlling of projects.

19        3. Bids on contracts for services which assist the ~~[Board]~~ **Division** in the  
20 design and construction of a project of capital improvement must state separately  
21 the contractor's cost for:

22        (a) Assisting the ~~[Board]~~ **Division** in the design and construction of the project.

23        (b) Obtaining all bids for subcontracts.

24        (c) Administering the construction contract.

25        4. A person who furnishes services under a contract awarded pursuant to  
26 subsection 1 is a contractor subject to all provisions pertaining to a contractor in  
27 title 28 of NRS.

28        ~~[Sec. 72.]~~ **Sec. 99.** NRS 341.166 is hereby amended to read as follows:

29        341.166 1. The ~~[Board]~~ **Administrator** may enter into a contract for services  
30 with a contractor licensed pursuant to chapter 624 of NRS to assist the ~~[Board]~~  
31 **Division:**

32        (a) In the development of designs, plans, specifications and estimates of costs  
33 for a proposed construction project.

34        (b) In the review of designs, plans, specifications and estimates of costs for a  
35 proposed construction project to ensure that the designs, plans, specifications and  
36 estimates of costs are complete and that the project is feasible to construct.

37        2. The ~~[Board]~~ **Division** is not required to advertise for bids for a contract for  
38 services pursuant to subsection 1, but may solicit bids from not fewer than three  
39 licensed contractors and may award the contract to the lowest responsible and  
40 responsive bidder.

41        3. The Board shall adopt regulations establishing procedures for:

42        (a) The determination of the qualifications of contractors to bid for the  
43 contracts for services described in subsection 1.

44        (b) The bidding and awarding of such contracts.

45        4. If a proposed construction project for which a contractor is awarded a  
46 contract for services by the ~~[Board]~~ **Division** pursuant to subsection 1 is advertised  
47 pursuant to NRS 338.1385, that contractor may submit a bid for the contract for the  
48 proposed construction project if the contractor is qualified pursuant to NRS  
49 338.1375.

50        ~~[Sec. 73.]~~ **Sec. 100.** NRS 341.211 is hereby amended to read as follows:

51        341.211 The ~~[Board]~~ **Division** shall:

52        1. Cooperate with other departments and agencies of the State in their  
53 planning efforts.

2. Advise and cooperate with municipal, county and other local planning commissions within the State to promote coordination between the State and the local plans and developments.

3. Cooperate with the Nevada Arts Council ~~and~~ of the ~~Buildings and Grounds Division of the~~ Department of ~~Administration~~ Tourism and Cultural Affairs to plan ~~plan~~ the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

**Sec. 101. 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;

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

(h) A renewable energy generation project.

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 State Department of ~~Cultural Affairs~~ Conservation and Natural Resources.

**Sec. 102. 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 State Department of ~~Cultural Affairs~~ Conservation and Natural Resources 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. 103. NRS 353.335 is hereby amended to read as follows:**

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

- (a) The need for the facility or service to be provided or improved;
- (b) Any present or future commitment required of the State;
- (c) The extent of the program proposed; and
- (d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding \$10,000 each in value; and

(b) Governmental grants not exceeding \$100,000 each in value,

➤ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

- (a) The Nevada System of Higher Education;
- (b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2

of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395; or

(c) Artifacts donated to the Department of *Tourism and* Cultural Affairs.

**Sec. 104. NRS 353.3465 is hereby amended to read as follows:**

353.3465 1. If the Director of the Department of *Tourism and* Cultural Affairs determines that current claims exceed the amount of money available because revenue from fees or assessments has not been collected or because of a delay in other expected receipts, he or she may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his or her approval of a request made pursuant to subsection 1. The State Controller shall draw his or her warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) May be approved by the Director of the Department of Administration.

(b) Is limited to 25 percent of the revenue expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund pursuant to subsection 3 must be repaid by August 31 following the end of the immediately preceding fiscal year.

**Sec. 105. 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 *State* Department of ~~Cultural Affairs~~ *Conservation and Natural Resources*. The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land. The use of land to lease surface water rights appurtenant to the property to a political subdivision of this State for a municipal use shall be deemed to be an open-space use of the land, if the land was agricultural real property at the time the lease was granted.

**Sec. 106. 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 artificially created 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 State Department of ~~Cultural Affairs~~ Conservation and Natural Resources; and

(e) The development of recreational sites.

~~Sec. 74.~~ **Sec. 107.** Chapter 378 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~75~~ 108, 109 and ~~76~~ 110 of this act.

**Sec. 108. 1. The Department of Administration's Communications Fund is hereby created as an internal service fund. The Fund is a continuing fund, and its money may not revert to the State General Fund at any time.**

**2. Claims against the Fund which are approved by the State Library and Archives Administrator must be paid as other claims against the State are paid.**

**3. Claims must be made in accordance with budget and quarterly work allotments and subject to postaudit examination and approval.**

~~Sec. 75.~~ **Sec. 109. 1. All revenue resulting from:**

(a) *Postage sold to state officers, departments and agencies; and*

(b) *Charges for proportionate costs of mail service operation,*

*must be deposited in the State Treasury for credit to the Communications Fund created by NRS 331.103.*

**2. *The formula for spreading costs of operation must be adjusted from time to time to preserve the Fund at not less than its initial level.***

~~Sec. 76.~~ **Sec. 110. 1. The Division shall establish and conduct a Central Mailing Room for all state officers, departments and agencies located at Carson City, Nevada.**

**2. Any state officer, department or agency may use the Central Mailing Room facilities if the state officer, department or agency pays the cost of such use as determined by the Division.**

**3. The staff of the Central Mailing Room shall deliver incoming mail and pick up and process outgoing mail, except outgoing parcel post from the Legal Division of the Legislative Counsel Bureau, other than interoffice mail, of all state officers, departments and agencies using the Central Mailing Room facilities.**

~~Sec. 77.~~ **Sec. 111.** NRS 378.005 is hereby amended to read as follows:

378.005 As used in this chapter:

1. "Department" means the Department of ~~Cultural Affairs~~ Administration.

2. "Director" means the Director of the Department.

3. "Division" means the Division of State Library and Archives of the Department.

~~Sec. 78.~~ **Sec. 112.** NRS 378.0083 is hereby amended to read as follows:

378.0083 The creation of the Division in the Department does not affect any bequest, devise, endowment, trust, allotment or other gift made to ~~a division or institution of the Department~~ the Division and those gifts inure to the benefit of the ~~division or institution~~ Division and remain subject to any conditions or restraints placed on the gifts.

~~Sec. 79.~~ **Sec. 113.** NRS 378.070 is hereby amended to read as follows:

378.070 The State Library and Archives Administrator may designate the hours that the State Library and Archives must be open for the use of the public. ~~It but they must be open for at least 5 days in each week and for at least 8 hours in each day with the exception of legal holidays.~~

~~Sec. 80.~~ **Sec. 114.** 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 ~~Cultural Affairs~~ Administration.

1 This person is the State Historical Records Coordinator for the purposes of 36  
2 C.F.R. § 1206.36 and shall serve as Chair of the Board.

3 (b) A person in charge of a state-funded historical agency who has  
4 responsibilities related to archives or records, or to both archives and records.

5 (c) Seven other members, at least three of whom must have experience in the  
6 administration of historical records or archives. These members must represent as  
7 broadly as possible the various public and private archive and research institutions  
8 and organizations in the State.

9 2. After the initial terms, the Chair serves for 4 years and each other  
10 appointed member serves for 3 years. Members of the Board may be reappointed.

11 ~~Sec. 81.~~ **Sec. 115.** NRS 379.0083 is hereby amended to read as follows:  
12 379.0083 The State Library and Archives Administrator may adopt  
13 regulations establishing fees:

14 1. Of not more than \$5 for the issuance and renewal of a certificate. The fee  
15 for issuing a duplicate certificate must be the same as for issuing the original. The  
16 money received from such fees must be paid into the State General Fund.

17 2. To cover the amount charged by the Federal Bureau of Investigation for  
18 processing the fingerprints of an applicant. The money received from such fees  
19 must be deposited with the State Treasurer for credit to the appropriate account of  
20 the Division of State Library and Archives of the Department of ~~Cultural Affairs;~~  
21 **Administration.**

22 ~~Sec. 82.~~ **Sec. 116.** NRS 380A.031 is hereby amended to read as follows:  
23 380A.031 1. The State Council on Libraries and Literacy is hereby created.  
24 The Council is advisory to the Division of State Library and Archives of the  
25 Department of ~~Cultural Affairs;~~ **Administration.**

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

32 ~~Sec. 83.~~ **Sec. 117.** NRS 380A.041 is hereby amended to read as follows:  
33 380A.041 1. The Governor shall appoint to the Council:

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

47 2. The director of the following state agencies or their designees shall serve as  
48 ex officio members of the Council:

- 49 (a) The Department of ~~Cultural Affairs;~~ **Administration;**  
50 (b) The Department of Education;  
51 (c) The Department of Employment, Training and Rehabilitation;  
52 (d) The Department of Health and Human Services;  
53 (e) The Commission on Economic Development; and

(f) The Department of Corrections.

3. Officers of State Government whose agencies provide funding for literacy services may be designated by the Governor or the Chair 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 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. 118. 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.

2. "Board" means the Board of Museums and History.

3. "Department" means the Department of Tourism and Cultural Affairs.

4. "Director" means the Director of the Department.

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 NRS 381.0062.

**Sec. 119. NRS 381.002 is hereby amended to read as follows:**

381.002 1. The Board of Museums and History, consisting of eleven members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) ~~Five~~ Five representatives of the general public who are knowledgeable about museums.

(b) ~~Five~~ Six members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

(1) One member who is qualified in history;

(2) One member who is qualified in prehistoric archeology;

(3) One member who is qualified in historic archeology;

(4) One member who is qualified in architectural history; ~~and~~

(5) One member who is qualified as an architect ~~and~~ ; and

(6) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in subparagraphs (1) to (5), inclusive.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

(a) Matters relating to the State Historic Preservation Plan;

(b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and

(c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general control

of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

**Sec. 120. NRS 381.003 is hereby amended to read as follows:**

381.003 The Board may establish ~~shops~~ stores 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 or the purposes of this chapter.

**Sec. 121. NRS 381.0037 is hereby amended to read as follows:**

381.0037 The Board may establish:

1. A petty cash account for the Division and each institution in an amount not to exceed \$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~~ store for the sale of gifts and souvenirs has been established pursuant to NRS 381.003, in an amount not to exceed \$1,500.

**Sec. 122. NRS 381.005 is hereby amended to read as follows:**

381.005 1. The Administrator is appointed by the Director. The Director shall consult with the Board before making the appointment.

2. To be qualified for appointment, the Administrator must have a degree in history or science and experience in public administration.

3. ~~The~~ **Except as otherwise provided pursuant to subsection 4 of NRS 231.230, the** Administrator is in the unclassified service of the State.

4. The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his or her duties.

**Sec. 123. NRS 381.0063 is hereby amended to read as follows:**

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005, ~~for 378.0089,~~ authorize or require each museum director to perform such duties set forth in subsections 2 and 3 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, **document, interpret,** 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 history, archeology, anthropology, paleontology, 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 or her 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, documentation, interpretation, 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 Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;  
(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. 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.

5. 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. 124. NRS 381.197 is hereby amended to read as follows:**

381.197 Except for action taken under an agreement with the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.430, and except as otherwise provided in this section, a person shall not investigate, explore or excavate an historic or prehistoric site on federal or state lands or remove any object therefrom unless the person is the holder of a valid and current permit issued pursuant to the provisions of NRS 381.195 to 381.227, inclusive. Conduct that would otherwise constitute a violation of this section is not a violation of this section if it is also a violation of NRS 383.435.

**Sec. 125. NRS 381.245 is hereby amended to read as follows:**

381.245 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 ~~of~~ of Administration.

**Sec. 126. 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. "Cultural resources" means any objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance.

4. "Director" means the Director of the State Department of ~~Cultural Affairs.~~ Conservation and Natural Resources.

5. "Office" means the Office of Historic Preservation of the State Department of ~~Cultural Affairs.~~ Conservation and Natural Resources.

**Sec. 126.5. NRS 383.021 is hereby amended to read as follows:**

383.021 1. The Office of Historic Preservation is hereby created.

2. The Office shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.

(b) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.

(c) Designate repositories for the materials that comprise the inventory.

(d) Provide staff assistance to the Commission for Cultural Affairs of the Department of Tourism and Cultural Affairs.

3. The Comstock Historic District Commission is within the Office.

**Sec. 127. 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 State Department of ~~Cultural Affairs~~ Conservation and Natural Resources.

(d) Two members who are persons licensed as general engineering contractors or general building contractors pursuant to chapter 624 of NRS or persons who hold a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(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 Chair and another as Vice Chair, 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. 84.~~ **Sec. 128. NRS 407.057 is hereby amended to read as follows:**

407.057 1. The Division shall maintain its headquarters office at Carson City, Nevada.

2. The Division may maintain such district or branch offices throughout the State as the Administrator may deem necessary to the efficient operation of the Division and the various sections thereof. The Administrator may, subject to the approval of the Director, enter into such leases or other agreements as may be necessary to the establishment of such district or branch offices. Such leases or agreements must be executed in cooperation with the Buildings and Grounds ~~Division~~ Section of the State Public Works Division of the Department of Administration and in accordance with the provisions of NRS 331.110.

**Sec. 129. NRS 408.210 is hereby amended to read as follows:**

408.210 1. The Director of the Department of Transportation may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Commission on Economic Development or the Director of the ~~Commission on~~ Department of Tourism ~~and Cultural Affairs~~.

2. The Director of the Department of Transportation may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of \$100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

~~[Sec. 85.]~~ **Sec. 130.** 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 the office of the Adjutant General. The Adjutant General may deposit with the Division of State Library and Archives of the Department of ~~[Cultural Affairs]~~ **Administration** for safekeeping records of the office that are used for historical purposes rather than the administrative purposes assigned to the 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

1 necessary to the proper administration, operation and training of it or to carry out  
2 the provisions of this chapter.

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

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

7 ~~[Sec. 86.]~~ **Sec. 131.** NRS 463.028 is hereby amended to read as follows:

8 463.028 1. The Commission shall keep its main office at Carson City,  
9 Nevada, in conjunction with the Board in rooms provided by the Buildings and  
10 Grounds *Section of the State Public Works* Division of the Department of  
11 Administration.

12 2. The Commission may, in its discretion, maintain a branch office in Las  
13 Vegas, Nevada, or at any other place in this state, in space to be provided by the  
14 Buildings and Grounds *Section of the State Public Works* Division ~~[ ]~~ *of the*  
15 *Department of Administration.*

16 ~~[Sec. 87.]~~ **Sec. 132.** NRS 463.100 is hereby amended to read as follows:

17 463.100 1. The Board shall keep its main office at Carson City, Nevada, in  
18 conjunction with the Commission in rooms provided by the Buildings and Grounds  
19 *Section of the State Public Works* Division of the Department of Administration.

20 2. The Board may, in its discretion, maintain a branch office in Las Vegas,  
21 Nevada, or at any other place in this State as the Chair of the Board deems  
22 necessary for the efficient operation of the Board ~~[The Chair of the Board may~~  
23 ~~enter into such leases or other agreements as may be necessary to establish a branch~~  
24 ~~office.]~~ *in space provided by the Buildings and Grounds Section.*

25 ~~[Sec. 89.]~~ **Sec. 133.** NRS 480.160 is hereby amended to read as follows:

26 480.160 1. The Department shall keep its main office at Carson City,  
27 Nevada, in rooms provided by the Buildings and Grounds *Section of the State*  
28 *Public Works* Division of the Department of Administration.

29 2. The Department may maintain such branch offices throughout the State as  
30 the Director deems necessary for the efficient operation of the Department and  
31 the various divisions thereof ~~[The Director may enter into such leases or other~~  
32 ~~agreements as may be necessary to establish such branch offices.]~~ *in space*  
33 *provided by the Buildings and Grounds Section.*

34 ~~[Sec. 90.]~~ **Sec. 134.** NRS 481.055 is hereby amended to read as follows:

35 481.055 1. The Department shall keep its main office at Carson City,  
36 Nevada, in rooms provided by the Buildings and Grounds *Section of the State*  
37 *Public Works* Division of the Department of Administration.

38 2. The Department may maintain such branch offices throughout the State as  
39 the Director may deem necessary to the efficient operation of the Department and  
40 the various divisions thereof ~~[The Director is authorized, on behalf of the~~  
41 ~~Department, to enter into such leases or other agreements as may be necessary to~~  
42 ~~the establishment of such branch offices.]~~ *in space provided by the Buildings and*  
43 *Grounds Section.*

44 **Sec. 135.** NRS 482.367004 is hereby amended to read as follows:

45 482.367004 1. There is hereby created the Commission on Special License  
46 Plates consisting of five Legislators and three nonvoting members as follows:

47 (a) Five Legislators appointed by the Legislative Commission:

48 (1) One of whom is the Legislator who served as the Chair of the  
49 Assembly Standing Committee on Transportation during the most recent legislative  
50 session. That Legislator may designate an alternate to serve in place of the  
51 Legislator when absent. The alternate must be another Legislator who also served  
52 on the Assembly Standing Committee on Transportation during the most recent  
53 legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of Tourism and Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➤ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785.

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

**Sec. 136. NRS 482.37903 is hereby amended to read as follows:**

482.37903 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Board of Museums and History of the Department of Tourism and Cultural Affairs, shall design, prepare and issue license plates which commemorate the 100th anniversary of the founding of the City of Las Vegas, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the commemorative

license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of the commemorative license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees to the City Treasurer of the City of Las Vegas to be used to pay for projects relating to the commemoration of the history of the City of Las Vegas, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings or structures.

6. If, during a registration year, the holder of the commemorative license plates disposes of the vehicle to which the commemorative license plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the ~~transfer and registration fees are paid as set forth in this chapter, or~~ holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

~~[Sec. 91.]~~ **Sec. 137.** NRS 482.3792 is hereby amended to read as follows:

482.3792 1. Except as otherwise provided in this subsection, the Department ~~of Motor Vehicles~~ shall , in cooperation with the Nevada Arts Council ~~of the Department of Tourism and Cultural Affairs,~~ design, prepare and issue license plates for the support of the education of children in the arts, using any colors and designs which the Department ~~of Motor Vehicles~~ deems appropriate. The Department ~~of Motor Vehicles~~ shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department ~~of Motor Vehicles~~ may issue license plates for the support of the education of children in the arts for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the education of children in the arts if that person pays the fee for the personalized prestige license plates in addition to the fees for the license plates for the support of the education of children in the arts pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the education of children in the arts is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of the education of children in the arts must pay for the initial issuance of the plates an additional fee of \$15 and for each renewal of the plates an additional fee of \$10 to finance programs which promote the education of children in the arts.

5. ~~The~~ ~~Except as otherwise provided in NRS 482.38279, the~~ Department of *Motor Vehicles* shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of the Education of Children in the Arts created pursuant to NRS 233C.094, State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to VSA arts of Nevada or its successor for its programs and activities in support of the education of children in the arts.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder ~~may retain~~ *shall:*

(a) ~~Retain~~ the plates and ~~—(a) Affix~~ *affix* them to another vehicle which meets the requirements of this section if the ~~transfer and registration fees are paid as set out in this chapter; or~~ *holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or*

(b) Within 30 days after removing the plates from the vehicle, return them to the Department ~~of Motor Vehicles.~~

~~Sec. 92.]~~ *Sec. 138.* NRS 561.235 is hereby amended to read as follows:  
561.235 1. The Department shall maintain a principal office and may maintain district or branch offices throughout the State if they are necessary for the efficient operation of the Department.

2. The Director shall select the location of those offices and may enter into such leases or other agreements as may be necessary to establish them. The leases or agreements must be executed in cooperation with the Buildings and Grounds ~~Division~~ *Section of the State Public Works Division* of the Department of Administration and in accordance with the provisions of NRS 331.110.

~~Sec. 93.]~~ *Sec. 139.* Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Office of Energy shall establish a program to track the use of energy in buildings owned by the State and in other buildings which are occupied by a state agency.*

*2. The program established pursuant to this section must:*

(a) *Record utility bills for each building for each month and preserve those records indefinitely;*

(b) *Allow for the comparison of utility bills for a building from month to month and year to year;*

(c) *Allow for the comparison of utility bills between buildings, including comparisons between similar buildings or types of buildings;*

(d) *Allow for adjustments to the information based upon variations in weather conditions, the length of the billing period and other changes in relevant conditions;*

(e) *Facilitate identification of errors in utility bills and meter readings;*

(f) *Allow for the projection of costs for energy for a building; and*

(g) Identify energy and cost savings associated with efforts to conserve energy.

3. The Office of Energy may apply for any available grants and accept any gifts, grants or donations to assist in establishing and carrying out the program.

4. In accordance with, and out of any money received pursuant to, the American Recovery and Reinvestment Act of 2009, Public Law 111-5, the Interim Finance Committee may determine an amount of money to be used by the Office of Energy to fulfill the requirements of subsection 1.

5. To the extent that there is not sufficient money available for the support of the program, each state agency that occupies a building in which the use of energy is tracked pursuant to the program shall reimburse the Office of Energy for the agency's proportionate share of the unfunded portion of the cost of the program. The reimbursement must be based upon the energy consumption of the respective state agencies that occupy buildings in which the use of energy is tracked.

~~[Sec. 94.] Sec. 140. NRS 233C.010, 233C.011, 233C.013, 233C.015, 233C.017, 233C.019, 233C.020, 233C.025, 233C.030, 233C.040, 233C.050, 233C.060, 233C.070, 233C.090, 233C.091, 233C.092, 233C.094, 233C.095, 233C.096, 233C.097.] 231.280, 231.350, 233C.100, 233C.110, 233C.200, 233C.210, 233C.220, 233C.225, 233C.230, 233F.058, 242.041, 331.040, 331.095, 331.103, 331.104, 331.105, 341.015, 341.149, 353.2465, 378.008, 378.0086, 378.0089, 381.001, 381.002, 381.003, 381.0031, 381.0033, 381.0035, 381.0036, 381.0037, 381.004, 381.0045, 381.005, 381.006, 381.0061, 381.0062, 381.0063, 381.0064, 381.0075, 381.008, 381.009, 381.195, 381.197, 381.199, 381.201, 381.203, 381.205, 381.207, 381.209, 381.211, 381.213, 381.215, 381.217, 381.219, 381.221, 381.223, 381.225, 381.227, 381.245, 381.255, 383.011, 383.021, 383.031, 383.041, 383.075, 383.081, 383.085, 383.091, 383.101, 383.111, 383.121, 383.125, 383.150, 383.160, 383.170, 383.180, 383.190, 383.400, 383.405, 383.410, 383.415, 383.420, 383.425, 383.430, 383.435 and 383.440]~~ are hereby repealed.

~~[Sec. 95.] Sec. 141. 1. Any balance remaining in the Account for License Plates for the Support of the Education of Children in the Arts created by NRS 233C.094 that has not been committed for expenditure before July 1, 2011, must be remitted to VSA arts of Nevada or its successor.~~

~~2. Any balance remaining in the Nevada Cultural Fund created by NRS 233C.095 that has not been committed for expenditure before July 1, 2011, must be reverted to the State General Fund.~~

~~3. Any balance remaining in the Account for Local Cultural Activities created by NRS 233C.100 that has not been committed for expenditure before July 1, 2011, must be reverted to the State General Fund.~~

~~4. The proceeds of any bonds issued pursuant to NRS 233C.225 that have not been committed for expenditure before July 1, 2011, must be transferred to the State General Fund.~~

~~5. Any balance remaining in the Fund for the Preservation and Promotion of Cultural Resources created by NRS 233C.230 that has not been committed for expenditure before July 1, 2011, must be reverted to the State General Fund.~~

~~6. Any balance remaining in the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031 that has not been committed for expenditure before July 1, 2011, must be reverted to the State General Fund.~~

~~7. Any balance remaining in the Fund for the Support of the Division of Museums and History of the Department of Cultural Affairs created by NRS 381.0064 that has not been committed for expenditure before July 1, 2011, must be reverted to the State General Fund.~~

1        Sec. 141.5. For Fiscal Years 2011-2012 and 2012-2013, the Administrator  
2 of the Division of Tourism of the Department of Tourism and Cultural Affairs,  
3 appointed pursuant to section 8.5 of this act, is entitled to receive an  
4 approximate annual salary of not more than \$95,453.

5        Sec. 142. There is hereby appropriated from the State General Fund to  
6 the Department of Cultural Affairs the sum of \$150,806 for the purpose of  
7 offsetting lower than projected admission revenue related to reductions from  
8 the State General Fund made by section 6 of chapter 10, Statutes of Nevada  
9 2010, 26th Special Session, at page 68. Money appropriated pursuant to this  
10 section is in addition to, and must not be used to replace or supplant, any  
11 money that was appropriated by section 19 of chapter 388, Statutes of Nevada  
12 2009, at page 2108.

13        Sec. 143. There is hereby appropriated from the State General Fund to  
14 the Department of Cultural Affairs the sum of \$36,848 for the purpose of the  
15 retirements of employees of the Division of Museums and History of the  
16 Department. Money appropriated pursuant to this section is in addition to,  
17 and must not be used to replace or supplant, any money that was appropriated  
18 by section 19 of chapter 388, Statutes of Nevada 2009, at page 2108.

19        Sec. 143.5. Notwithstanding any other provision of law to the contrary, a  
20 person who has been appointed to or is otherwise incumbent in one of the  
21 following positions as of October 1, 2011, is in the classified service of the State  
22 and must remain in the classified service of the State until he or she vacates the  
23 relevant position:

24        1. The heads of the units and offices of the Division of Enterprise  
25 Information Technology Services of the Department of Administration.

26        2. The Administrator of the Nevada Arts Council of the Department of  
27 Tourism and Cultural Affairs.

28        3. The Administrator of the Division of Museums and History of the  
29 Department of Tourism and Cultural Affairs.

30        4. The Administrator of the Office of Historic Preservation of the State  
31 Department of Conservation and Natural Resources.

32        Sec. 144. 1. Any administrative regulations adopted by an officer or an  
33 agency whose name has been changed or whose responsibilities have been  
34 transferred pursuant to the provisions of this act to another officer or agency  
35 remain in force until amended by the officer or agency to which the  
36 responsibility for the adoption of the regulations has been transferred.

37        2. Any contracts or other agreements entered into by an officer or agency  
38 whose name has been changed or whose responsibilities have been transferred  
39 pursuant to the provisions of this act to another officer or agency are binding  
40 upon the officer or agency to which the responsibility for the administration of  
41 the provisions of the contract or other agreement has been transferred. Such  
42 contracts and other agreements may be enforced by the officer or agency to  
43 which the responsibility for the enforcement of the provisions of the contract  
44 or other agreement has been transferred.

45        3. Any action taken by an officer or agency whose name has been  
46 changed or whose responsibilities have been transferred pursuant to the  
47 provisions of this act to another officer or agency remains in effect as if taken  
48 by the officer or agency to which the responsibility for the enforcement of such  
49 actions has been transferred.

50        Sec. 145. 1. If the name of a fund or account is changed pursuant to the  
51 provisions of this act, the State Controller shall change the designation of the  
52 name of the fund or account without making any transfer of the money in the

fund or account. The assets and liabilities of a such a fund or account are unaffected by the change of the name.

2. The assets and liabilities of any fund or account transferred from the Department of Cultural Affairs to the Department of Tourism and Cultural Affairs are unaffected by the transfer.

Sec. 146. The amendatory provisions of this act do not affect the current term of appointment of any person who, on October 1, 2011, is a member of the Commission on Tourism, the Board of the Nevada Arts Council of the Department of Cultural Affairs, the Commission for Cultural Affairs of the Department of Cultural Affairs, the Board of Museums and History of the Department of Cultural Affairs or the Division of Museums and History of the Department of Cultural Affairs.

~~[Sec. 96.]~~ Sec. 147. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change or remove, as applicable, any references to an officer, agency or other entity:

(a) Whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

(b) Whose responsibilities are eliminated pursuant to the provisions of this act.

2. In preparing supplements to the Nevada Administrative Code, appropriately change or remove, as applicable, any references to an officer, agency or other entity:

(a) Whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

(b) Whose responsibilities are eliminated pursuant to the provisions of this act.

~~[Sec. 97.]~~ Sec. 148. 1. This section and sections 143 and 144 of this act become effective [on July] upon passage and approval.

2. Sections 8.5 and 142.5 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections, including, without limitation, recruitment, selecting appointees, making appointments, and moving offices and equipment; and

(b) On July 1, 2011, for all other purposes.

3. Sections 1 to 8, inclusive, 9 to 142, inclusive, and 144.5 to 148, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections, including, without limitation, recruitment, selecting appointees, making appointments, and moving offices and equipment; and

(b) On October 1, 2011, for all other purposes.

## LEADLINES OF REPEALED SECTIONS

~~[ 233C.010 Definitions.~~

~~233C.011 "Administrator" defined.~~

~~233C.013 "Board" defined.~~

~~233C.015 "Commission" defined.~~

~~233C.017 "Department" defined.~~

~~233C.019 "Division" defined.~~  
~~233C.020 Legislative declaration.~~  
~~233C.025 Creation; cooperation with state agencies.~~  
~~233C.030 Board: Creation; number of members.~~  
~~233C.040 Board members: Appointment; qualifications; term; removal.~~  
~~233C.050 Board members: Salary; per diem allowance and travel expenses.~~  
~~233C.060 Board meetings: Frequency; quorum; one vote per member.~~  
~~233C.070 Board officers; terms.~~  
~~233C.090 Board: Duties; regulations.~~  
~~233C.091 Administrator: Selection; qualifications; duties and powers.~~  
~~233C.092 Periodic examination of and report on physical condition of works of art acquired for inclusion in public works.~~  
~~233C.094 Creation; use of money in Account.~~  
~~233C.095 Creation; purpose; investment; acceptance of gifts, grants and donations for deposit in Fund; transfer of money from Fund to meet obligations of State.~~  
~~233C.096 Administration and expenditure of money in Fund.~~  
~~233C.097 Regulations; report to Legislature.}~~

**231.280 Powers and duties.**

**231.350 Committee: Creation; composition; vacancies; removal; compensation of members; meetings; administrative support.**

**233C.100 Creation; administration.**

~~{ 233C.110 Expenditure of money; employment of performers or technicians.~~  
~~233C.200 Creation; members; meetings; quorum; compensation and reimbursement; administrative services.~~  
~~233C.210 Plan for preservation and promotion of Nevada's cultural resources.~~  
~~233C.220 Program for Awarding Financial Assistance.~~  
~~233C.225 Determination of annual amount of financial assistance to be granted by Commission; notice to State Board of Examiners and State Board of Finance; issuance of bonds.~~  
~~233C.230 Fund for Preservation and Promotion of Cultural Resources.}~~

**233F.058 "Director" defined.**

**242.041 "Director" defined.**

**331.040 Qualifications of Chief.**

**331.095 Program to track use of energy in buildings owned by State or occupied by state agency.**

**331.103 Department of Administration's Communications Fund: Creation; claims.**

**331.104 Department of Administration's Communications Fund: Revenue.**

**331.105 Central Mailing Room: Establishment; maintenance.**

**341.015 "Manager" defined.**

**341.149 Funding required for operation and maintenance of capital improvement.**

~~{ 253.3465 Temporary advance from State General Fund for authorized expenses of Department of Cultural Affairs.}~~

**378.008 Creation; composition.**

**378.0086 Director: Appointment and qualifications.**

**378.0089 Director: Powers and duties.**

~~{ 381.001 Definitions.~~

~~381.002 Creation; qualifications of members; Chair and Vice Chair; powers and duties; regulations.~~

~~381.003 Establishment of shops for sale of gifts and souvenirs.~~  
~~381.0031 Private money; Dedicated Trust Fund.~~  
~~381.0033 Budgeting, expenditure and accounting of money in Dedicated Trust Fund.~~  
~~381.0035 Private money exempt from statutory requirements governing expenditure of public money; independent contractors.~~  
~~381.0036 Legislative appropriations.~~  
~~381.0037 Petty cash accounts; change accounts.~~  
~~381.004 Creation; composition; general duties of institutions.~~  
~~381.0045 Establishment of categories of and fees for membership in institutions; fees for admission and train rides; policies and charges for use of property.~~  
~~381.005 Administrator: Appointment; qualifications; classification; employment of staff.~~  
~~381.006 Administrator: Powers and duties.~~  
~~381.0061 Administrator: Adoption of regulations.~~  
~~381.0062 Museum directors: Appointment and establishment of powers and duties by Administrator; classification; duty to exercise and carry out assigned powers and duties.~~  
~~381.0063 Museum directors: Powers and duties.~~  
~~381.0064 Fund for Support of Division of Museums and History: Creation; use of interest and income; transfer of money to State General Fund; annual submission of itemized statement.~~  
~~381.0075 Acceptance of gifts.~~  
~~381.008 Sale of duplicates, surplus and inappropriate items; use of proceeds.~~  
~~381.009 Acquisition of abandoned property held by institution.~~  
~~381.195 Definitions.~~  
~~381.197 Permit required to investigate, explore or excavate historic or prehistoric site; applicability of penalties.~~  
~~381.199 Applicant for permit required to secure state and federal permits.~~  
~~381.201 Museum Director may designate state agency as agent to issue permits; agency may adopt regulations.~~  
~~381.203 Qualifications of applicant for permit; contents of application; regulations.~~  
~~381.205 Notice to certain officers when permit granted.~~  
~~381.207 Percentage of articles, implements and materials found or discovered by certain holders of permits to be given to state institutions and political subdivisions.~~  
~~381.209 Permit: Limitations and conditions.~~  
~~381.211 Permit: Renewal.~~  
~~381.213 Permit: Conditions for voiding.~~  
~~381.215 Report of holder of permit to Museum Director.~~  
~~381.217 Collections of petrified wood authorized; limitations.~~  
~~381.219 Collection of certain minerals and artifacts and photography not prohibited.~~  
~~381.221 Enforcement by Division of State Parks, sheriffs and other peace officers.~~  
~~381.223 Seizure and forfeiture of object of antiquity taken without permit.~~  
~~381.225 Acts of vandalism unlawful; penalty.~~  
~~381.227 Penalty.~~  
~~381.245 Preservation of old and obsolete property and public records from Division of State Library and Archives.~~  
~~381.255 State publications to be donated for deposit in Society's collections.~~

~~383.011 Definitions;~~  
~~383.021 Creation of Office of Historic Preservation; duties; inclusion of~~  
~~Comstock Historic District Commission within Office;~~  
~~383.031 Administrator: Qualifications;~~  
~~383.041 Administrator: Duties; employment of personnel;~~  
~~383.075 Administrator: Establishment of stewardship program; selection and~~  
~~training of volunteers; powers of program; acceptance of gifts and grants;~~  
~~383.081 Preparation and contents of plan for statewide historic preservation;~~  
~~federal financial assistance;~~  
~~383.085 State Register of Historic Places;~~  
~~383.091 Program for historical markers;~~  
~~383.101 Grants, gifts and donations; payment for services rendered;~~  
~~383.111 Contracts: Historic preservation and archeological activities;~~  
~~expenses for overhead;~~  
~~383.121 Intergovernmental cooperation required;~~  
~~383.125 Programs by certain nonprofit organizations to raise money to~~  
~~benefit historic places; prohibitions; regulations;~~  
~~383.150 Definitions;~~  
~~383.160 Duties of Office of Historic Preservation;~~  
~~383.170 Procedure upon discovery of Indian burial site; permissible~~  
~~excavation;~~  
~~383.180 Prohibited acts; penalties; exceptions;~~  
~~383.190 Civil remedy;~~  
~~383.400 Definitions;~~  
~~383.405 "Historic site" defined;~~  
~~383.410 "Political subdivision" defined;~~  
~~383.415 "Prehistoric site" defined;~~  
~~383.420 "State agency" defined;~~  
~~383.425 "State land" defined;~~  
~~383.430 Office of Historic Preservation authorized to enter into agreement~~  
~~with state agency or political subdivision regarding acquisition of land from Federal~~  
~~Government; requirements of agreement; submission of information to Office~~  
~~required for changes to use of land or new project on land;~~  
~~383.435 Prohibited acts; penalties; exceptions; civil remedy;~~  
~~383.440 Regulations.}~~