

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 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; providing for the dissolution of the Department of Cultural Affairs and several of its constituent parts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill provides for: (1) the dissolution of the Department of Cultural Affairs,
2 with the exception of the Division of State Library and Archives, the State Council
3 on Libraries and Literacy and the State Historical Records Advisory Board, which
4 are reorganized under the Department of Administration; (2) elimination of the
5 Division of Museums and History, the Office of Historic Preservation, the Nevada
6 Arts Council and the Commission for Cultural Affairs; (3) elimination of the
7 Department of Personnel and its replacement by a new division of the Department
8 of Administration to be known as the Division of Human Resource Management;
9 (4) significant restriction of the powers and duties of the State Public Works Board,
10 such that the Board will only be empowered to make recommendations concerning
11 priority of construction, adopt regulations and preside over certain appeals; (5)
12 reclassification of the Buildings and Grounds Division of the Department of
13 Administration as a section instead of a division; (6) placement of both the State
14 Public Works Board and the Buildings and Grounds Division under a new division
15 of the Department of Administration to be known as the State Public Works
16 Division; (7) assumption of most of the powers and duties of the State Public
17 Works Board by the State Public Works Division; and (8) elimination of the
18 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 96**, 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.

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

Section 1. 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 ~~Cultural Affairs~~ **Administration**.

Sec. 2. 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



1 the process of addressing and proposing solutions to such a
2 problem;

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

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

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

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

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

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

30 (b) Any other interested persons with relevant knowledge.

31 **Sec. 3.** NRS 232.213 is hereby amended to read as follows:

32 232.213 1. The Department of Administration is hereby
33 created.

34 2. The Department consists of a Director and the following
35 divisions:

36 (a) Budget Division.

37 (b) Risk Management Division.

38 (c) Hearings Division, which consists of hearing officers,
39 compensation officers and appeals officers.

40 (d) ~~[Buildings and Grounds]~~ *State Public Works* Division.

41 (e) Purchasing Division.

42 (f) Administrative Services Division.

43 (g) Division of Internal Audits.

44 (h) *Division of Human Resource Management.*

45 (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. 4. NRS 232.215 is hereby amended to read as follows:
232.215 The Director:

1. Shall appoint a Chief 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. NRS 232.2165 is hereby amended to read as follows:
232.2165 ~~[1.]~~ The Chief 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. 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]~~ *State Public Works* Division;
3. Purchasing Division;
4. Division of Internal Audits; ~~[and]~~
5. *Division of Human Resource Management;*
6. *Division of Enterprise Information Technology Services;*
7. *Division of State Library and Archives; and*
8. 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. 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. 8. Chapter 233F of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. *“Chief Information Officer” means the Chief Information Officer of the Division.*

Sec. 10. *“Division” means the Division of Enterprise Information Technology Services of the Department.*

Sec. 11. 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 and 10 of this act* have the meanings ascribed to them in those sections.

Sec. 12. 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. NRS 233F.055 is hereby amended to read as follows:
233F.055 “Department” means the Department of ~~{Information Technology.}~~ *Administration.*

Sec. 14. 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. 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. NRS 233F.110 is hereby amended to read as follows:
233F.110 1. The ~~{Director}~~ *Chief Information Officer* 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



1 with the comprehensive system of equitable billing and charges
2 developed by the coordinator of communications.

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

7 3. The ~~[Director]~~ *Chief Information Officer* may revoke the
8 assignment of a microwave channel if an agency fails to pay for its
9 use and may reassign that channel to another agency.

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

15 5. A state agency shall not purchase equipment for microwave
16 stations without prior approval from the ~~[Director]~~ *Chief*
17 *Information Officer* unless:

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

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

22 6. The ~~[Department]~~ *Division* shall reimburse an agency for
23 buildings, facilities or equipment which is consolidated into the state
24 communications system.

25 **Sec. 17.** NRS 233F.115 is hereby amended to read as follows:

26 233F.115 The ~~[Director]~~ *Chief Information Officer* shall
27 designate at least one microwave channel of the state
28 communications system for use by the fire services.

29 **Sec. 18.** NRS 218E.405 is hereby amended to read as follows:

30 218E.405 1. Except as otherwise provided in subsection 2,
31 the Interim Finance Committee may exercise the powers conferred
32 upon it by law only when the Legislature is not in regular or special
33 session.

34 2. During a regular or special session, the Interim Finance
35 Committee may also perform the duties imposed on it by subsection
36 5 of NRS 284.115, NRS 284.1729, subsection 2 of NRS 321.335,
37 NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050,
38 subsection 1 of NRS 323.100, subsection 3 of NRS 341.090, NRS
39 341.142, *paragraph (f) of* subsection ~~[6]~~ *1* of NRS 341.145, NRS
40 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288,
41 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762,
42 NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. In
43 performing those duties, the Senate Standing Committee on Finance
44 and the Assembly Standing Committee on Ways and Means may
45 meet separately and transmit the results of their respective votes to



1 the Chair of the Interim Finance Committee to determine the action
2 of the Interim Finance Committee as a whole.

3 3. The Chair of the Interim Finance Committee may appoint a
4 subcommittee consisting of six members of the Committee to
5 review and make recommendations to the Committee on matters of
6 the State Public Works ~~[Board]~~ **Division** that require prior approval
7 of the Interim Finance Committee pursuant to subsection 3 of NRS
8 341.090, NRS 341.142 and subsection 6 of NRS 341.145. If the
9 Chair appoints such a subcommittee:

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

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

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

18 **Sec. 19.** NRS 235.012 is hereby amended to read as follows:

19 235.012 1. The Director, after consulting with the Director of
20 the Commission on Tourism ~~[-, the Administrator of the Division of~~
21 ~~Museums and History of the Department of Cultural Affairs]~~ and
22 the Administrator of the Division of Minerals of the Commission on
23 Mineral Resources, may contract with a mint to produce medallions
24 made of gold, silver, platinum or nonprecious metals and bars made
25 of gold, silver or platinum.

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

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

29 (b) Advertise and market the product properly, including the
30 promotion of museums and tourism in this State; and

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

32 3. The Director shall award the contract to the lowest
33 responsible bidder, except that if in his or her judgment no
34 satisfactory bid has been received, the Director may reject all bids.

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

38 **Sec. 20.** NRS 239.005 is hereby amended to read as follows:

39 239.005 As used in this chapter, unless the context otherwise
40 requires:

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



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

3. "Division" means the Division of State Library and Archives of the Department of ~~{Cultural Affairs;}~~ *Administration.*

4. "Governmental entity" means:

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

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

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

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

Sec. 21. NRS 239.073 is hereby amended to read as follows:

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

2. The Committee consists of:

(a) The Secretary of State;

(b) The Attorney General;

(c) The Director of the Department of Administration;

(d) The State Library and Archives Administrator;

(e) The ~~{Director;}~~ *Chief Information Officer of the Division of Enterprise Information Technology Services* of the Department of ~~{Information Technology;}~~ *Administration;* and

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

➡ All members of the Committee, except the representative of the general public, are ex officio members of the Committee.

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

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

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

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



1 **Sec. 22.** Chapter 242 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 23 and 24 of this act.

3 **Sec. 23.** *“Chief Information Officer” means the Chief*
4 *Information Officer of the Division.*

5 **Sec. 24.** *“Division” means the Division of Enterprise*
6 *Information Technology Services of the Department.*

7 **Sec. 25.** NRS 242.011 is hereby amended to read as follows:

8 242.011 As used in this chapter, unless the context otherwise
9 requires, the words and terms defined in NRS 242.015 to 242.068,
10 inclusive, *and sections 23 and 24 of this act* have the meanings
11 ascribed to them in those sections.

12 **Sec. 26.** NRS 242.031 is hereby amended to read as follows:

13 242.031 “Department” means the Department of ~~Information~~
14 ~~Technology.] Administration.~~

15 **Sec. 27.** NRS 242.071 is hereby amended to read as follows:

16 242.071 1. The Legislature hereby determines and declares
17 that the creation of the *Division of Enterprise Information*
18 *Technology Services of the* Department of ~~Information~~
19 ~~Technology.] Administration~~ is necessary for the coordinated,
20 orderly and economical processing of information in State
21 Government, to ensure economical use of information systems and
22 to prevent the unnecessary proliferation of equipment and personnel
23 among the various state agencies.

24 2. The purposes of the ~~Department.] Division~~ are:

25 (a) To perform information services for state agencies.

26 (b) To provide technical advice but not administrative control of
27 the information systems within the state agencies, county agencies
28 and governing bodies and agencies of incorporated cities and towns.

29 **Sec. 28.** NRS 242.080 is hereby amended to read as follows:

30 242.080 1. The *Division of Enterprise Information*
31 *Technology Services of the* Department ~~{of—Information~~
32 ~~Technology}]~~ is hereby created.

33 2. The ~~Department.] Division~~ consists of the ~~Director.] Chief~~
34 *Information Officer* and the:

35 (a) ~~Programming—Division.] Enterprise Application Services~~
36 *Unit.*

37 (b) Communication and Computing ~~Division.] Unit.~~

38 (c) Office of Information Security.

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

42 **Sec. 29.** NRS 242.090 is hereby amended to read as follows:

43 242.090 1. The ~~Governor.] Director of the Department~~ shall
44 appoint the ~~Director.] Chief Information Officer~~ in the unclassified
45 service of the State. In selecting the ~~Director.] Chief Information~~



1 *Officer*, the ~~{Governor}~~ *Director of the Department* shall consider
2 recommendations of the *Division of Human Resource*
3 *Management of the* Department ~~{of Personnel}~~ relating to minimum
4 qualifications.

5 2. The ~~{Director:}~~ *Chief Information Officer:*

6 (a) Serves at the pleasure of , ~~{the Governor}~~ and is responsible
7 to , the ~~{Governor:}~~ *Director of the Department.*

8 (b) Shall not engage in any other gainful employment or
9 occupation.

10 **Sec. 30.** NRS 242.101 is hereby amended to read as follows:

11 242.101 1. The ~~{Director}~~ *Chief Information Officer* shall:

12 (a) Appoint the ~~{chiefs}~~ *heads* of the ~~{divisions}~~ *units and*
13 *offices of the Division* in the unclassified service of the State;

14 (b) Administer the provisions of this chapter and other
15 provisions of law relating to the duties of the ~~{Department:}~~
16 *Division;* and

17 (c) Carry out other duties and exercise other powers specified by
18 law.

19 2. The ~~{Director}~~ *Chief Information Officer* may form
20 committees to establish standards and determine criteria for
21 evaluation of policies relating to informational services.

22 **Sec. 31.** NRS 242.105 is hereby amended to read as follows:

23 242.105 1. Except as otherwise provided in subsection 3,
24 records and portions of records that are assembled, maintained,
25 overseen or prepared by the ~~{Department}~~ *Division* to mitigate,
26 prevent or respond to acts of terrorism, the public disclosure of
27 which would, in the determination of the ~~{Director:}~~ *Chief*
28 *Information Officer*, create a substantial likelihood of threatening
29 the safety of the general public are confidential and not subject to
30 inspection by the general public to the extent that such records and
31 portions of records consist of or include:

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

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

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

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

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

43 (b) Assessments and plans that relate specifically and uniquely
44 to the vulnerability of an information system or to the measures
45 which will be taken to respond to such vulnerability, including,



1 without limitation, any compiled underlying data necessary to
2 prepare such assessments and plans.

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

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

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

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

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

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

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

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

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

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

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

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

42 **Sec. 32.** NRS 281.641 is hereby amended to read as follows:

43 281.641 1. If any reprisal or retaliatory action is taken against
44 a state officer or employee who discloses information concerning
45 improper governmental action within 2 years after the information is



disclosed, the state officer or employee may file a written appeal with a hearing officer of the ~~Department of~~ Personnel *Commission* for a determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

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

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

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

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

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

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

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

Sec. 33. NRS 284.015 is hereby amended to read as follows:

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

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

2. "Commission" means the Personnel Commission.

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

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

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

4. "Division" means the Division of Human Resource Management of the 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



1 part by any public money, whether the money is received from the
2 Government of the United States or any branch or agency thereof, or
3 from private or any other sources.

4 **Sec. 34.** NRS 284.025 is hereby amended to read as follows:

5 284.025 1. The ~~{Department of Personnel}~~ *Division of*
6 *Human Resource Management of the Department of*
7 *Administration* is hereby created.

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

10 **Sec. 35.** NRS 284.030 is hereby amended to read as follows:

11 284.030 1. There is hereby created in the ~~{Department}~~
12 *Division* a personnel commission composed of five members
13 appointed by the Governor.

14 2. The Governor shall appoint:

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

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

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

22 **Sec. 36.** NRS 284.172 is hereby amended to read as follows:

23 284.172 1. The ~~{Director}~~ *Administrator* shall prepare,
24 maintain and revise as necessary a list of all positions in the
25 classified service that consist primarily of performing data
26 processing.

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

37 **Sec. 37.** NRS 284.320 is hereby amended to read as follows:

38 284.320 1. In case of a vacancy in a position where peculiar
39 and exceptional qualifications of a scientific, professional or expert
40 character are required, and upon satisfactory evidence that for
41 specific reasons competition in that case is impracticable, and that
42 the position can best be filled by the selection of some designated
43 person of high and recognized attainments in the required qualities,
44 the ~~{director}~~ *Administrator* may suspend the requirements of
45 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. 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. 39. NRS 331.010 is hereby amended to read as follows:

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

1. ***“Administrator” means the Administrator of the Division.***

2. ***“Buildings and Grounds ~~[Division]~~ Section” means the Buildings and Grounds Section of the Division . ~~[of the Department of Administration]~~***

~~2. ***“Chief” means the Chief of the Buildings and Grounds Division.***~~

3. ***“Department” means the Department of Administration.***

4. ***“Director” means the Director of the Department . ~~[of Administration]~~***

5. ***“Division” means the State Public Works Division of the Department.***

Sec. 40. NRS 331.020 is hereby amended to read as follows:

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

Sec. 41. NRS 331.060 is hereby amended to read as follows:

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

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

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

Sec. 42. NRS 331.085 is hereby amended to read as follows:

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

Sec. 43. NRS 331.100 is hereby amended to read as follows:

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



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

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

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

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

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

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

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

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

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

38 10. To ~~cooperate with the Nevada Arts Council and the State~~
39 ~~Public Works Board to~~ plan the potential purchase and placement
40 of works of art inside or on the grounds surrounding a state
41 building.

42 **Sec. 44.** NRS 331.102 is hereby amended to read as follows:

43 331.102 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. 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 provisions of subsection 1 ~~do not~~ apply to **all** 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 Department of Public Safety;**

(c) **The Department of Motor Vehicles; and**

(d) **The State Gaming Control Board.**



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

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

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

8 ➔ If an owner chooses not to comply with the program pursuant
9 to paragraph (a), a state or local agency shall not, after May 28,
10 2009, enter into a contract for occupancy of a building owned by
11 the owner, except that the Administrator may authorize a state or
12 local agency to enter into a contract for the occupancy of a
13 building owned by an owner who does not comply with the
14 program if the Administrator determines that it is impracticable
15 for the owner to comply with the program.

16 4. As used in this section, "program" means the program
17 established pursuant to section 93 of this act.

18 **Sec. 46.** NRS 331.140 is hereby amended to read as follows:

19 331.140 1. The ~~Chief~~ Administrator shall take proper care
20 to prevent any unlawful activity on or damage to any state property
21 under the supervision and control of the ~~Chief,~~ Administrator, and
22 to protect the safety of any persons on that property.

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

31 **Sec. 47.** NRS 331.160 is hereby amended to read as follows:

32 331.160 1. The Marlette Lake Water System, composed of
33 the water rights, easements, pipelines, flumes and other fixtures and
34 appurtenances used in connection with the collection, transmission
35 and storage of water in Carson City and Washoe and Storey
36 Counties, Nevada, acquired by the State of Nevada pursuant to law,
37 is hereby created.

38 2. The purposes of the Marlette Lake Water System are:

39 (a) To provide adequate supplies of water to the areas served.

40 (b) To maintain distribution lines, flumes, dams, culverts,
41 bridges and all other appurtenances of the system in a condition
42 calculated to assure dependable supplies of water.

43 (c) To sell water under equitable and fiscally sound contractual
44 arrangements. Any such contractual arrangements must not include



1 the value of the land comprising the watershed as an element in
2 determining the cost of water sold.

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

6 4. The Director of the Department of Administration may
7 assign the supervision and administration of the functions of the
8 Marlette Lake Water System to one of the divisions of the
9 Department , *a city or a county*, or may establish a separate division
10 to carry out the purposes of this section and NRS 331.170 and
11 331.180. Subject to the limit of money provided by legislative
12 appropriation or revenues whose expenditure is authorized by law,
13 the chief of that division , *or the city or county, as applicable*, shall
14 employ necessary staff to carry out the provisions of this section and
15 NRS 331.170 and 331.180.

16 5. The Director of the Department of Administration shall:

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

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

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

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

35 7. The Legislature finds and declares that the issuance of state
36 securities and the incurrence of indebtedness pursuant to subsection
37 6 is necessary for the protection and preservation of the natural
38 resources of this State and for the purpose of obtaining the benefits
39 thereof, and constitutes an exercise of the authority conferred by the
40 second paragraph of Section 3 of Article 9 of the Constitution of the
41 State of Nevada.

42 **Sec. 48.** NRS 338.010 is hereby amended to read as follows:

43 338.010 As used in this chapter:

44 1. "Authorized representative" means a person designated by a
45 public body to be responsible for the development, solicitation,



1 award or administration of contracts for public works pursuant to
2 this chapter.

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

6 3. "Contractor" means:

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

10 (b) A design-build team.

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

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

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

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

22 (b) For a public work that consists of:

23 (1) A building and its site, at least one person who holds a
24 certificate of registration to practice architecture pursuant to chapter
25 623 of NRS.

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

31 7. "Design professional" means:

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

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

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

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

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

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



1 **9.** “Eligible bidder” means a person who is:

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

6 (b) Determined by a public body or its authorized representative
7 which awarded a contract for a public work pursuant to NRS
8 338.1375 to 338.139, inclusive, to be qualified to bid on that
9 contract pursuant to NRS 338.1379 or 338.1382.

10 ~~9-1~~ **10.** “General contractor” means a person who is licensed to
11 conduct business in one, or both, of the following branches of the
12 contracting business:

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

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

17 ~~10-1~~ **11.** “Governing body” means the board, council,
18 commission or other body in which the general legislative and fiscal
19 powers of a local government are vested.

20 ~~11-1~~ **12.** “Local government” means every political
21 subdivision or other entity which has the right to levy or receive
22 money from ad valorem or other taxes or any mandatory
23 assessments, and includes, without limitation, counties, cities,
24 towns, boards, school districts and other districts organized pursuant
25 to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of
26 NRS, NRS 450.550 to 450.750, inclusive, and any agency or
27 department of a county or city which prepares a budget separate
28 from that of the parent political subdivision. The term includes a
29 person who has been designated by the governing body of a local
30 government to serve as its authorized representative.

31 ~~12-1~~ **13.** “Offense” means failing to:

32 (a) Pay the prevailing wage required pursuant to this chapter;

33 (b) Pay the contributions for unemployment compensation
34 required pursuant to chapter 612 of NRS;

35 (c) Provide and secure compensation for employees required
36 pursuant to chapters 616A to 617, inclusive, of NRS; or

37 (d) Comply with subsection 4 or 5 of NRS 338.070.

38 ~~13-1~~ **14.** “Prime contractor” means a contractor who:

39 (a) Contracts to construct an entire project;

40 (b) Coordinates all work performed on the entire project;

41 (c) Uses his or her own workforce to perform all or a part of the
42 public work; and

43 (d) Contracts for the services of any subcontractor or
44 independent contractor or is responsible for payment to any
45 contracted subcontractors or independent contractors.



1 ➡ The term includes, without limitation, a general contractor or a
2 specialty contractor who is authorized to bid on a project pursuant to
3 NRS 338.139 or 338.148.

4 ~~14.1~~ 15. "Public body" means the State, county, city, town,
5 school district or any public agency of this State or its political
6 subdivisions sponsoring or financing a public work.

7 ~~15.1~~ 16. "Public work" means any project for the new
8 construction, repair or reconstruction of:

9 (a) A project financed in whole or in part from public money
10 for:

11 (1) Public buildings;

12 (2) Jails and prisons;

13 (3) Public roads;

14 (4) Public highways;

15 (5) Public streets and alleys;

16 (6) Public utilities;

17 (7) Publicly owned water mains and sewers;

18 (8) Public parks and playgrounds;

19 (9) Public convention facilities which are financed at least in
20 part with public money; and

21 (10) All other publicly owned works and property.

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

25 ~~16.1~~ 17. "Specialty contractor" means a person who is licensed
26 to conduct business as described in subsection 4 of NRS 624.215.

27 ~~17.1~~ 18. "Stand-alone underground utility project" means an
28 underground utility project that is not integrated into a larger
29 project, including, without limitation:

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

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

35 ➡ that is not located at the site of a public work for the design and
36 construction of which a public body is authorized to contract with a
37 design-build team pursuant to subsection 2 of NRS 338.1711.

38 ~~18.1~~ 19. "Subcontract" means a written contract entered into
39 between:

40 (a) A contractor and a subcontractor or supplier; or

41 (b) A subcontractor and another subcontractor or supplier,

42 ➡ for the provision of labor, materials, equipment or supplies for a
43 construction project.

44 ~~19.1~~ 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. 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. 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 NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the ~~{State Public Works Board}~~ *Division* or the local government, the *State Public Works* Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

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

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

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

(a) Administer oaths;

(b) Take testimony;

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

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

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to



1 subsection 4, the Board or governing body may petition the district
2 court to order the witness to appear or testify or produce the
3 requested books, papers or documents.

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

7 **Sec. 51.** NRS 338.13845 is hereby amended to read as
8 follows:

9 338.13845 1. If the ~~{State Public Works Board}~~ *Division*
10 determines that a business has made a material misrepresentation or
11 otherwise committed a fraudulent act in applying for the preference
12 described in NRS 338.13844, the business is thereafter permanently
13 prohibited from:

14 (a) Applying for or receiving the preference described in NRS
15 338.13844; and

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

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

23 3. As used in this section, ~~{“Manager”}~~ *“Administrator”* has
24 the meaning ascribed to it in ~~[NRS 341.015.]~~ *section 55 of this act.*

25 **Sec. 52.** NRS 338.13847 is hereby amended to read as
26 follows:

27 338.13847 The State Public Works Board may adopt such
28 regulations as it determines to be necessary or advisable to carry out
29 the provisions of NRS 338.1384 to 338.13847, inclusive. The
30 regulations may include, without limitation, provisions setting forth:

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

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

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

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



Sec. 53. 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 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;



* S B 4 2 7 *

- (4) Solar energy;
- (5) Waterpower; and
- (6) Wind.

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

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

Sec. 54. Chapter 341 of NRS is hereby amended by adding thereto the provisions set forth as sections 55 to 58, inclusive, of this act.

Sec. 55. *"Administrator" means the Administrator of the Division.*

Sec. 56. *"Department" means the Department of Administration.*

Sec. 57. *"Division" means the State Public Works Division of the Department.*

Sec. 58. 1. *There is hereby created the State Public Works Division of the Department of Administration.*

2. *The Division consists of:*

- (a) The Administrator;*
- (b) The Buildings and Grounds Section; and*
- (c) The State Public Works Board.*

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

Sec. 59. NRS 341.010 is hereby amended to read as follows:

341.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 341.013 and ~~[341.015]~~ *sections 55, 56 and 57 of this act* have the meanings ascribed to them in those sections.

Sec. 60. NRS 341.020 is hereby amended to read as follows:

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

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

(a) The Governor shall appoint:

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

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

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



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

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

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

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

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

Sec. 61. NRS 341.070 is hereby amended to read as follows:

341.070 The Board shall:

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. 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.—~~

~~→ Each]~~ *The* 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*



1 *subsection has the final authority in the interpretation and*
2 *enforcement of any applicable building codes.*

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

6 ~~[4.]~~ 5. The ~~[Manager]~~ *Administrator* and each deputy
7 ~~[manager]~~ *administrator* are in the unclassified service of the State.
8 Except as otherwise provided in NRS 284.143, the ~~[Manager]~~
9 *Administrator* and each deputy ~~[manager]~~ *administrator* shall
10 devote his or her entire time and attention to the business of the
11 office and shall not pursue any other business or occupation or hold
12 any other office of profit.

13 ~~[5.]~~ 6. The ~~[Manager]~~ *Administrator* and the deputy ~~[manager]~~
14 *administrator* for professional services must each be a licensed
15 professional engineer pursuant to the provisions of chapter 625 of
16 NRS or an architect registered pursuant to the provisions of chapter
17 623 of NRS.

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

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

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

29 (a) Serve as the Secretary of the Board.

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

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

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

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

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

39 (g) Submit in writing to the ~~[Board.]~~ *Director of the*
40 *Department,* the Governor and the Interim Finance Committee a
41 monthly report regarding all public works projects which are a part
42 of the approved capital improvement program. For each such
43 project, the monthly report must include, without limitation, a
44 detailed description of the progress of the project which highlights
45 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. 63. 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. 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. 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. 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. 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.

~~2-1~~ (b) Shall solicit bids for and let all contracts for new construction or major repairs.

~~3-1~~ (c) May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

~~4-1~~ (1) The bid is less than the appropriation made by the Legislature for that building project; and

~~5-1~~ (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.

~~6-1~~ (d) May reject any or all bids.

~~7-1~~ (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.

~~8-1~~ (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.

~~9-1~~ (g) Except for changes that require prior approval pursuant to ~~subsection 6-1~~ paragraph (f) may authorize change orders, before or during construction:



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

~~[(b)]~~ (2) Except as otherwise provided in ~~[paragraph (c),]~~ *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.

~~[(c)]~~ (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.

~~[(d)]~~ (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.

~~[8-]~~ (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.

~~[9-]~~ (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. 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 by the Legislature. These funds must be used to account for all revenues, appropriations and expenditures restricted to constructing buildings and other projects which come under the supervision of the ~~[Board]~~ *Division*.

2. If a state department, board, commission or agency provides to the ~~[Board]~~ *Division* money that has not been appropriated by the Legislature for a capital improvement project, any interest earned on that money accrues to the benefit of the project. Upon a determination by the ~~[Board]~~ *Administrator* that the project is completed, the ~~[Board]~~ *Division* shall return any principal and



1 interest remaining on that money to the department, board,
2 commission or agency that had provided the money to the ~~[Board]~~
3 *Division*.

4 3. Except as otherwise provided in subsection 4, if the money
5 actually received by the ~~[Board]~~ *Division* for a capital improvement
6 project includes money from more than one source, the money must
7 be expended in the following order:

8 (a) Money received for the project from the Federal
9 Government;

10 (b) Money generated by the state department, board,
11 commission or agency for whom the project is being performed;

12 (c) Money that was approved for the same or a different project
13 during a previous biennium that has been reallocated during the
14 current biennium for the project;

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

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

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

19 (g) Money from the State General Fund.

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

23 **Sec. 69.** NRS 341.153 is hereby amended to read as follows:

24 341.153 1. The Legislature hereby finds as facts:

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

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

34 (c) That the application by state agencies of conflicting
35 standards of performance results in wasteful delays and increased
36 costs in the performance of public works.

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

43 **Sec. 70.** NRS 341.155 is hereby amended to read as follows:

44 341.155 With the concurrence of the ~~[Board]~~ *Administrator*,
45 the Board of Regents of the University of Nevada and any other



1 state department, board or commission may enter into agreements
2 with persons, associations or corporations to provide consulting
3 services to determine and plan the construction work that may be
4 necessary to meet the needs of the programs of those agencies.
5 These contracts must be for a term not exceeding 5 years and must
6 provide for payment of a fee for those services not to exceed one-
7 half of 1 percent of the total value of:

8 1. In the case of the Nevada System of Higher Education,
9 building construction contracts relating to the construction of a
10 branch or facility within the Nevada System of Higher Education;
11 and

12 2. In the case of another state department, board or
13 commission, all construction contracts relating to construction for
14 that agency,

15 ➔ during the term and in the area covered by the contract.

16 **Sec. 71.** NRS 341.161 is hereby amended to read as follows:

17 341.161 1. The ~~{Board}~~ **Administrator** may let to a contractor
18 licensed under chapter 624 of NRS a contract for services which
19 assist the ~~{Board}~~ **Division** in the design and construction of a
20 project of capital improvement.

21 2. The Board shall adopt regulations establishing procedures
22 for:

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

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

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

29 (d) The scheduling and controlling of projects.

30 3. Bids on contracts for services which assist the ~~{Board}~~
31 **Division** in the design and construction of a project of capital
32 improvement must state separately the contractor's cost for:

33 (a) Assisting the ~~{Board}~~ **Division** in the design and construction
34 of the project.

35 (b) Obtaining all bids for subcontracts.

36 (c) Administering the construction contract.

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

40 **Sec. 72.** NRS 341.166 is hereby amended to read as follows:

41 341.166 1. The ~~{Board}~~ **Administrator** may enter into a
42 contract for services with a contractor licensed pursuant to chapter
43 624 of NRS to assist the ~~{Board:}~~ **Division:**

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



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

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

3. The Board shall adopt regulations establishing procedures for:

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

(b) The bidding and awarding of such contracts.

4. If a proposed construction project for which a contractor is awarded a contract for services by the ~~{Board}~~ *Division* pursuant to subsection 1 is advertised pursuant to NRS 338.1385, that contractor may submit a bid for the contract for the proposed construction project if the contractor is qualified pursuant to NRS 338.1375.

Sec. 73. NRS 341.211 is hereby amended to read as follows:

341.211 The ~~{Board}~~ *Division* shall:

1. Cooperate with other departments and agencies of the State in their 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 the Buildings and Grounds Division of the Department of Administration to plan}~~ *Plan* the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 74. Chapter 378 of NRS is hereby amended by adding thereto the provisions set forth as sections 75 and 76 of this act.

Sec. 75. 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. 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. 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. 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. 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 . ~~[, 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. 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.* This person is the State Historical Records Coordinator for the purposes of 36 C.F.R. § 1206.36 and shall serve as Chair of the Board.

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

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



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

Sec. 81. NRS 379.0083 is hereby amended to read as follows:

379.0083 The State Library and Archives Administrator may adopt regulations establishing fees:

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

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

Sec. 82. NRS 380A.031 is hereby amended to read as follows:

380A.031 1. The State Council on Libraries and Literacy is hereby created. The Council is advisory to the Division of State Library and Archives of the Department of ~~Cultural Affairs.~~ *Administration.*

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

Sec. 83. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The Governor shall appoint to the Council:

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



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

- (a) The Department of ~~Cultural Affairs;~~ *Administration;*
- (b) The Department of Education;
- (c) The Department of Employment, Training and Rehabilitation;
- (d) The Department of Health and Human Services;
- (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. 84. 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. 85. 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



1 Department of ~~[Cultural Affairs]~~ *Administration* for safekeeping
2 records of the office that are used for historical purposes rather than
3 the administrative purposes assigned to the office by law.

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

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

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

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

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

19 **Sec. 86.** NRS 463.028 is hereby amended to read as follows:

20 463.028 1. The Commission shall keep its main office at
21 Carson City, Nevada, in conjunction with the Board in rooms
22 provided by the Buildings and Grounds *Section of the State Public*
23 *Works* Division of the Department of Administration.

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

29 **Sec. 87.** NRS 463.100 is hereby amended to read as follows:

30 463.100 1. The Board shall keep its main office at Carson
31 City, Nevada, in conjunction with the Commission in rooms
32 provided by the Buildings and Grounds *Section of the State Public*
33 *Works* Division of the Department of Administration.

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

40 **Sec. 88.** NRS 477.035 is hereby amended to read as follows:

41 477.035 1. The ~~[State Fire Marshal]~~ *Division* shall:

42 (a) Inspect or cause to be inspected annually, all state buildings
43 and order such fire-extinguishing and safety appliances as the ~~[State~~
44 ~~Fire Marshal]~~ *Division* deems necessary for the protection of the
45 property against fire.



(b) Order the removal of combustibles and rubbish from the property, or order such changes in the entrances or exits of the buildings as will promote the safety of the occupants, or order the provision of such fire escapes as the ~~[State Fire Marshal]~~ *Division* may deem necessary.

(c) Provide inspection forms and maintain records of inspections of state-owned or state-occupied buildings.

2. If the agency in charge of any state property fails to comply with the order of the ~~[State Fire Marshal for any structural change]~~ *Division* within 30 days after the receipt of such order, the ~~[State Fire Marshal shall report such failure to the State Public Works Board. The State Public Works Board]~~ *Division* shall thereupon take necessary steps to correct the situation as ordered.

3. The ~~[State Fire Marshal]~~ *Division* may contract with local authorities for the inspection of state-owned or state-occupied buildings.

4. As used in this section, "Division" means the State Public Works Division of the Department of Administration.

Sec. 89. NRS 480.160 is hereby amended to read as follows:

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

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

Sec. 90. NRS 481.055 is hereby amended to read as follows:

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

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

Sec. 91. NRS 482.3792 is hereby amended to read as follows:

482.3792 1. Except as otherwise provided in this subsection, the Department shall ~~[, in cooperation with the Nevada Arts Council,]~~ design, prepare and issue license plates for the support of



1 the education of children in the arts, using any colors and designs
2 which the Department deems appropriate. The Department shall not
3 design, prepare or issue the license plates unless it receives at least
4 250 applications for the issuance of those plates.

5 2. The Department may issue license plates for the support of
6 the education of children in the arts for a passenger car or light
7 commercial vehicle upon application by a person who is entitled to
8 license plates pursuant to NRS 482.265 and who otherwise complies
9 with the requirements for registration and licensing pursuant to this
10 chapter. A person may request that personalized prestige license
11 plates issued pursuant to NRS 482.3667 be combined with license
12 plates for the support of the education of children in the arts if that
13 person pays the fee for the personalized prestige license plates in
14 addition to the fees for the license plates for the support of the
15 education of children in the arts pursuant to subsections 3 and 4.

16 3. The fee for license plates for the support of the education of
17 children in the arts is \$35, in addition to all other applicable
18 registration and license fees and governmental services taxes. The
19 license plates are renewable upon the payment of \$10.

20 4. In addition to all fees for the license, registration and
21 governmental services taxes, a person who requests a set of license
22 plates for the support of the education of children in the arts must
23 pay for the initial issuance of the plates an additional fee of \$15 and
24 for each renewal of the plates an additional fee of \$10 to finance
25 programs which promote the education of children in the arts.

26 5. ~~[The]~~ *Except as otherwise provided in NRS 482.38279, the*
27 *Department shall deposit the fees collected pursuant to subsection 4*
28 *with the State Treasurer for credit to the* ~~[Account for License Plates~~
29 ~~for the Support of the Education of Children in the Arts created~~
30 ~~pursuant to NRS 233C.094.]~~ *State General Fund. The State*
31 *Treasurer shall, on a quarterly basis, distribute the fees deposited*
32 *pursuant to this subsection to VSA arts of Nevada or its successor*
33 *for its programs and activities in support of the education of*
34 *children in the arts.*

35 6. If, during a registration year, the holder of license plates
36 issued pursuant to the provisions of this section disposes of the
37 vehicle to which the plates are affixed, the holder ~~[may retain]~~ *shall:*

38 (a) *Retain* the plates and ~~[~~
39 ~~—(a) Affix]~~ *affix* them to another vehicle which meets the
40 requirements of this section if the ~~[transfer and registration fees are~~
41 ~~paid as set out in this chapter; or]~~ *holder pays the fee for the*
42 *transfer of the registration and any registration fee or*
43 *governmental services tax due pursuant to NRS 482.399; or*

44 (b) Within 30 days after removing the plates from the vehicle,
45 return them to the Department.



Sec. 92. 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. 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. 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, 233C.100, 233C.110, 233C.200, 233C.210, 233C.220, 233C.225, 233C.230, 233F.058, 242.041, 331.040, 331.095, 331.104, 331.105, 341.015, 341.149, 353.3465, 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. 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.

Sec. 96. 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. This act becomes effective on July 1, 2011.

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.



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- 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.
- 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.
- 331.104 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.
- 353.3465 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.**

