

SENATE BILL NO. 20—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE OFFICE OF HISTORIC PRESERVATION)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources

SUMMARY—Changes the name of the Commission for Cultural Affairs and moves the Commission to another department of the State Government. (BDR 33-319)

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 the Commission for Cultural Affairs; changing the name of the Commission to the Commission for Cultural Centers and Historic Preservation; moving the Commission from the Department of Tourism and Cultural Affairs to the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes the Commission for Cultural Affairs as an advisory
2 board of the Department of Tourism and Cultural Affairs. (NRS 233C.200-
3 233C.230) **Sections 2-8** of this bill: (1) reestablish the Commission as an advisory
4 board of the State Department of Conservation and Natural Resources; and (2)
5 change the name of the Commission from the Commission for Cultural Affairs to
6 the Commission for Cultural Centers and Historic Preservation. **Sections 9-15 and**
7 **20** of this bill remove the Commission from the purview of the Department of
8 Tourism and Cultural Affairs and repeal the sections of existing law which
9 establish the Commission within that Department. **Sections 16-19** of this bill
10 include various transitory provisions clarifying that the Commission for Cultural
11 Centers and Historic Preservation is the successor entity to the Commission for
12 Cultural Affairs.



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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *The Commission for Cultural Centers and Historic Preservation is hereby created. The Commission is advisory to the Department and consists of:*

(a) The Chair of the Board of Trustees of Nevada Humanities or a member of the Board of Trustees of Nevada Humanities designated by the Chair;

(b) The Chair of the Board of the Nevada Arts Council of the Department of Tourism and Cultural Affairs or a member of the Board of the Nevada Arts Council designated by the Chair;

(c) The Chair of the Advisory Board or a member of the Advisory Board designated by the Chair;

(d) A member of the Advisory Board appointed by the Governor;

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

(f) The Chair of the State Council on Libraries and Literacy or a member of the State Council on Libraries and Literacy designated by the Chair.

2. The Commission shall:

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

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

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

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

4. The members of the Commission are not entitled to be paid a salary, but are entitled, while engaged in the business of the Commission, to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Commission may use the money derived from interest earned on the money in the Fund for the Preservation and



Promotion of Cultural Resources created by section 6 of this act to pay for:

(a) Any administrative services required by the Commission; and

(b) The per diem allowances and travel expenses of members of the Commission authorized pursuant to subsection 4.

Sec. 3. 1. The Commission shall maintain, and revise at least once every 2 years, a 10-year plan to:

(a) Preserve and promote Nevada's cultural resources; and

(b) Develop a network of cultural centers and activities in this State.

2. The plan must include:

(a) A description of the means by which a statewide network of cultural centers and activities is to be developed;

(b) A program for awarding financial assistance to pay the actual expenses of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities; and

(c) A detailed list of the initial projects to be undertaken.

3. The plan must be submitted to:

(a) The Governor;

(b) The Legislative Commission; and

(c) The State Board of Examiners.

Sec. 4. The Commission may, in establishing the program for awarding financial assistance described in paragraph (b) of subsection 2 of section 3 of this act:

1. Award financial assistance to governmental entities and nonprofit corporations formed for educational or charitable purposes, including, without limitation, the preservation or promotion of cultural resources.

2. Establish the conditions an applicant must satisfy to receive an award of financial assistance. Financial assistance may only be awarded for the actual expense of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities.

3. Specify the criteria by which proposed projects will be judged. The criteria must include, but is not limited to, a consideration of the degree to which a proposed project:

(a) May become a recurring event without the necessity of future state financial support;

(b) Will be accessible to the community;

(c) Will promote tourism in the State;

(d) Will promote or preserve some historic or prehistoric feature of Nevada;

(e) Will have multiple uses for many types of cultural organizations;



(f) Will supplement training in the classroom in the arts and humanities; and

(g) Incorporates the various disciplines directly associated with cultural resources.

4. Give priority to projects of statewide historical, prehistorical or cultural significance which demonstrate an ability to raise and sustain required amounts of financial support from sources other than the State of Nevada, including donations of goods and services. The ability of a project to raise and sustain support must be weighed against the relative means and abilities of the applicants.

Sec. 5. 1. The Commission shall determine annually the total amount of financial assistance it will grant from the proceeds of bonds issued pursuant to this section in that calendar year pursuant to sections 2 to 6, inclusive, of this act. The Commission shall notify the State Board of Examiners and the State Board of Finance of that amount.

2. After receiving the notice given pursuant to subsection 1, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the amount necessary to generate the amount to be granted the Commission from the proceeds of the bonds issued pursuant to this section and to pay the expenses related to the issuance of the bonds. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold. In no case may the total face amount of the bonds issued pursuant to this section exceed \$3,000,000 per year. No public debt is created, within the meaning of Section 3 of Article 9 of the Nevada Constitution, until the issuance of the bonds.

3. The proceeds from the sale of the bonds authorized by this section, after deducting the expenses relating to the issuance of the bonds, must be deposited with the State Treasurer and credited to the Fund for the Preservation and Promotion of Cultural Resources created by section 6 of this act.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.

Sec. 6. 1. There is hereby created in the State Treasury the Fund for the Preservation and Promotion of Cultural Resources. The Commission is responsible for the administration of the Fund. All money received and held by the State Treasurer for that purpose must be deposited in the Fund. The Commission shall account separately for money received from the proceeds of bonds issued pursuant to section 5 of this act.



2. *Except as otherwise provided in subsection 5 of section 2 of this act, the Commission may expend money in the Fund only for projects identified in the Commission's plan to promote and preserve the State's cultural resources pursuant to sections 2 to 6, inclusive, of this act. In addition to the amount of financial assistance granted from the proceeds of bonds issued pursuant to section 5 of this act, the Commission may grant as financial assistance not more than \$750,000 each calendar year of the interest earned on the deposit or investment of the money in the Fund.*

3. *The money in the Fund must be invested as the money in other state funds is invested. All interest on the deposit or investment of the money in the Fund must be credited to the Fund.*

4. *Claims against the Fund must be paid as other claims against the State are paid.*

Sec. 7. NRS 383.011 is hereby amended to read as follows:

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

1. "Administrator" means the Administrator of the Office.

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

3. *"Commission" means the Commission for Cultural Centers and Historic Preservation created by section 2 of this act.*

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

~~[4.]~~ 5. *"Department" means the State Department of Conservation and Natural Resources.*

6. "Director" means the Director of the ~~[State]~~ Department . ~~[of Conservation and Natural Resources.]~~

~~—5.]~~ 7. "Office" means the Office of Historic Preservation of the ~~[State]~~ Department . ~~[of Conservation and Natural Resources.]~~

Sec. 8. NRS 383.021 is hereby amended to read as follows:

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

2. The Office shall:

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

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

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

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



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

Sec. 9. NRS 231.167 is hereby amended to read as follows:

231.167 The Department of Tourism and Cultural Affairs is hereby created, consisting of:

1. The Division of Tourism;

2. The Division of Museums and History, created by NRS 381.004;

3. The Board of Museums and History, created by NRS 381.002;

4. The Nevada Arts Council, created by NRS 233C.025;

5. The Nevada Indian Commission, created by NRS 233A.020;

6. The Board of the Nevada Arts Council, created by NRS 233C.030; **and**

7. The Commission on Tourism. ~~}; and~~

~~8. The Commission for Cultural Affairs, created by NRS 233C.200.;~~

Sec. 10. NRS 231.170 is hereby amended to read as follows:

231.170 1. The Commission on Tourism is composed of:

(a) Eleven voting members as follows:

(1) The Lieutenant Governor, who is its Chair;

(2) Eight members, appointed by the Governor, who are informed on and have experience in travel and tourism, including the business of gaming; and

(3) The chief administrative officers of the county fair and recreation boards or, if there is no county fair and recreation board in the county, the chair of the board of county commissioners, of the two counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year.

(b) The following ex officio, nonvoting members:

(1) ~~{The Chair of the Commission for Cultural Affairs;~~

~~(2)} The Chair of the Board of Museums and History;~~

~~{(3)} (2) The Chair of the Nevada Indian Commission; and~~

~~{(4)} (3) The Chair of the Board of the Nevada Arts Council.~~

~~{A person may serve as an ex officio, nonvoting member pursuant to subparagraph (1) and subparagraph (2) or (4) concurrently.}~~

2. A change in any member of the Commission who serves pursuant to subparagraph (3) of paragraph (a) of subsection 1 that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on



1 January 1 of the calendar year immediately following the fiscal year
2 in which the proceeds were paid to the Department of Taxation.

3 3. Of the members appointed by the Governor pursuant to
4 subparagraph (2) of paragraph (a) of subsection 1:

5 (a) At least one member must be a resident of a county whose
6 population is 700,000 or more.

7 (b) At least one member must be a resident of a county whose
8 population is 100,000 or more but less than 700,000.

9 (c) At least two members must be residents of counties whose
10 population is less than 100,000.

11 (d) Four members must be residents of any county in this State.

12 **Sec. 11.** NRS 231.210 is hereby amended to read as follows:

13 231.210 The Director:

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

17 (a) Voting members of the Commission on Tourism;

18 (b) ~~Chair of the Commission for Cultural Affairs;~~

19 ~~—(c) Chair of the Board of Museums and History;~~

20 ~~(d) (c) Chair of the Nevada Indian Commission; and~~

21 ~~(e) (d) Chair of the Board of the Nevada Arts Council.~~

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

25 **Sec. 12.** NRS 232.070 is hereby amended to read as follows:

26 232.070 1. As executive head of the Department, the Director
27 is responsible for the administration, through the divisions and other
28 units of the Department, of all provisions of law relating to the
29 functions of the Department, except functions assigned by law to the
30 State Environmental Commission, the State Conservation
31 Commission, *the Commission for Cultural Centers and Historic*
32 *Preservation* or the Sagebrush Ecosystem Council.

33 2. Except as otherwise provided in subsection 4, the Director
34 shall:

35 (a) Establish departmental goals, objectives and priorities.

36 (b) Approve divisional goals, objectives and priorities.

37 (c) Approve divisional and departmental budgets, legislative
38 proposals, contracts, agreements and applications for federal
39 assistance.

40 (d) Coordinate divisional programs within the Department and
41 coordinate departmental and divisional programs with other
42 departments and with other levels of government.

43 (e) Appoint the executive head of each division within the
44 Department.



(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, *the Commission for Cultural Centers and Historic Preservation* or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 13. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:



- 1 (a) The Division of Water Resources.
- 2 (b) The Division of State Lands.
- 3 (c) The Division of Forestry.
- 4 (d) The Division of State Parks.
- 5 (e) The Division of Environmental Protection.
- 6 (f) The Office of Historic Preservation.
- 7 (g) Such other divisions as the Director may from time to time
- 8 establish.

9 2. The State Environmental Commission, the State
10 Conservation Commission, *the Commission for Cultural Centers*
11 *and Historic Preservation*, the Conservation Districts Program, the
12 Nevada Natural Heritage Program, the Sagebrush Ecosystem
13 Council and the Board to Review Claims are within the Department.

14 **Sec. 14.** NRS 233C.090 is hereby amended to read as follows:

15 233C.090 1. The Board shall:

16 (a) Stimulate throughout the State the presentation of the
17 performing literary, visual and folk arts and encourage artistic
18 expression essential for the well-being of the arts, and make, before
19 September 1 of each even-numbered year, a report covering the
20 biennium ending June 30 of that year to the Governor and the
21 Legislature on its progress in this regard.

22 (b) Serve as an advocate of the arts and promote such policies
23 and viewpoints as in the opinion of the Board would benefit the arts
24 throughout this State.

25 (c) Work with organizations that are concerned with the arts and
26 whose activities are statewide in scope to develop and provide to the
27 Division recommendations for:

28 (1) Strategic plans;

29 (2) The mission of and goals for the Division; and

30 (3) Cultural policies and priorities for the State of Nevada.

31 (d) Hold public hearings to receive public comment and to
32 discuss issues relevant to the carrying out of the powers and duties
33 of the Board.

34 (e) Assist the Division in the performance of acts necessary to
35 carry out the provisions of NRS 233C.096.

36 (f) In connection with the functions of the Division, approve
37 grant applications and grant allocations within the limits of
38 legislative appropriations.

39 (g) In all other matters pertaining to the Division, serve in an
40 advisory capacity to the Department and to the Division.

41 2. The Chair of the Board shall serve as, or shall appoint
42 another member of the Board to serve as, a member of the
43 Commission ~~for~~ *for Cultural Centers and Historic Preservation* as
44 required pursuant to paragraph (b) of subsection 1 of ~~NRS~~
45 ~~233C.200.~~ *section 2 of this act.*



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

Sec. 15. NRS 235.160 is hereby amended to read as follows:

235.160 1. The Nevada State Parks and Cultural Resources Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund any money the State Treasurer receives from any person who wishes to contribute to the Fund.

3. The Fund must be administered by a committee consisting of:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(b) The Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources; and

(c) Three members appointed by the Governor.

4. The Fund must only be used for the purposes of the enhancement of state parks and the preservation of the cultural resources of this State. Any interest earned on money in the Fund must be credited to the Fund. The money which represents the principal of the Fund must not be spent, and only the interest earned on the principal may be used to carry out the provisions of this section.

5. As used in this section, "cultural resources" has the meaning ascribed to it in subsection ~~3~~ 4 of NRS 383.011.

Sec. 16. 1. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

2. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 17. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency or officer of the State whose name is changed by this act for the name which the agency or officer previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency or officer of



1 the State whose name is changed by this act for the name which the
2 agency or officer previously used.

3 **Sec. 18.** 1. If the name of a fund or account is changed
4 pursuant to the provisions of this act, the State Controller shall
5 change the designation of the name of the fund or account without
6 making any transfer of the money in the fund or account. The assets
7 and liabilities of such a fund or account are unaffected by the
8 change of the name.

9 2. The assets and liabilities of any fund or account transferred
10 from the Commission for Cultural Affairs to the Commission for
11 Cultural Centers and Historic Preservation are unaffected by the
12 transfer.

13 **Sec. 19.** 1. Notwithstanding any other provision of law to the
14 contrary, the Commission for Cultural Centers and Historic
15 Preservation shall be deemed to be the successor entity of the
16 Commission for Cultural Affairs created by section 1 of chapter
17 455, Statutes of Nevada 1991, at page 1346.

18 2. The amendatory provisions of this act do not affect the
19 current term of appointment of any person who, on June 30, 2015, is
20 a member of the Commission for Cultural Affairs. The persons
21 serving as members of the Commission for Cultural Affairs on
22 June 30, 2015, are the members of the Commission for Cultural
23 Centers and Historic Preservation on July 1, 2015.

24 3. The member serving as Chair of the Commission for
25 Cultural Affairs on June 30, 2015, is the Chair of the Commission
26 for Cultural Centers and Historic Preservation on July 1, 2015, and
27 shall continue in that position for the remainder of the 2-year term to
28 which he or she was elected by the members of the Commission for
29 Cultural Affairs.

30 4. The current 10-year plan established by the Commission for
31 Cultural Affairs, and in effect on June 30, 2015, shall be deemed to
32 be the plan required to be maintained by the Commission for
33 Cultural Centers and Historic Preservation pursuant to section 3 of
34 this act. The plan must, within 2 years after the date of the plan's
35 most recent revision by the Commission for Cultural Affairs, be
36 revised by the Commission for Cultural Centers and Historic
37 Preservation in accordance with the provisions of section 3 of this
38 act.

39 **Sec. 20.** NRS 233C.015, 233C.200, 233C.210, 233C.220,
40 233C.225 and 233C.230 are hereby repealed.

41 **Sec. 21.** This act becomes effective on July 1, 2015.



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LEADLINES OF REPEALED SECTIONS

233C.015 “Commission” defined.

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.

