

**ADOPTED REGULATION OF THE STATE LIBRARY,
ARCHIVES AND PUBLIC RECORDS ADMINISTRATOR**

LCB File No. R103-16

Effective November 2, 2016

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

AUTHORITY: §§1-3, NRS 378.170; §4, NRS 378.080, 378.255 and section 3 of Senate Bill No. 359, chapter 328, Statutes of Nevada 1983, at page 801.

A REGULATION relating to the Division of State Library, Archives and Public Records of the Department of Administration; requiring a state agency or local government to designate one or more employees to act as agency contacts with the State Publications Distribution Center of the Division under certain circumstances; establishing certain duties for an employee so designated; adopting by reference the *Handbook for State Agency Contacts*; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

It is the intent of the Legislature that all state and local government publications be distributed to designated depository libraries for use by all inhabitants of the State. (NRS 378.150) Existing law creates the State Publications Distribution Center within the Division of State Library, Archives and Public Records of the Department of Administration. (NRS 378.170) Under existing law, a state agency or local government that releases a publication is required to provide the Center with an electronic version of the publication or, if the publication is available only in paper form, to deposit a certain number of paper copies of the publication with the Center. (NRS 378.180) After the receipt of any such publication, the Center is required to distribute the publication to the designated depository libraries. (NRS 378.200) Existing law authorizes the State Library, Archives and Public Records Administrator to adopt regulations to carry out the purposes of the Center and requires the Administrator to prescribe the procedures for submitting an electronic version of a publication to the Center. (NRS 378.170)

Section 2 of this regulation requires each state agency or local government that is required to provide the Center with an electronic version of a publication or to deposit paper copies of a publication with the Center to designate one or more employees who have responsibilities relating to the production or distribution of publications by the state agency or local government to act as an agency contact with the Center. **Section 2** also requires each employee of a state agency or local government who is designated to act as an agency contact with the Center to: (1) act as a liaison between his or her employer and the Center; and (2) carry out the statutory duties imposed on the state agency or local government in accordance with the provisions of the *Handbook for State Agency Contacts*.

Section 3 of this regulation adopts by reference the *Handbook for State Agency Contacts*, published by the Center, which prescribes detailed procedures for submitting electronic versions of publications to the Center and for depositing paper copies of publications with the Center.

Section 4 of this regulation repeals certain duplicative or obsolete provisions relating to public records, archives, the office of the State Archivist and public libraries.

Section 1. Chapter 378 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A state agency or local government that is required, pursuant to NRS 378.180, to provide the Center with an electronic version of a publication or to deposit paper copies of a publication with the Center shall designate one or more employees who have responsibilities relating to the production or distribution of publications by the state agency or local government to act as an agency contact with the Center.*

2. An employee of a state agency or local government who is designated to act as an agency contact with the Center pursuant to subsection 1 shall:

(a) Act as a liaison between the state agency or local government that designated him or her and the Center with respect to publications produced or distributed by the state agency or local government; and

(b) Carry out the duties imposed on the state agency or local government pursuant to NRS 378.180 in accordance with the provisions of the Handbook for State Agency Contacts adopted by reference in section 3 of this regulation.

Sec. 3. 1. *The Administrator hereby adopts by reference the Handbook for State Agency Contacts, April 2016 edition, and any subsequent edition that is published by the Center and approved by the Administrator. The Administrator will review each new edition, which shall be deemed to be approved by the Administrator unless disapproved by the Administrator within 30 days after the date of publication. The most recent edition that has*

been approved by the Administrator may be obtained, at no cost, from the Division of State Library, Archives and Public Records of the Department of Administration, 100 North Stewart Street, Carson City, Nevada 89701, or at the Internet address [http://nsla.nv.gov/Library/GovPubs/State Publications Distribution Center/](http://nsla.nv.gov/Library/GovPubs/State_Publications_Distribution_Center/).

2. The Center shall make available on the Internet website of the Division the most recently published edition of the Handbook for State Agency Contacts that has been approved by the Administrator.

Sec. 4. NAC 378.005, 378.010, 378.020, 378.030, 378.040, 378.050, 378.060, 378.070 and 378.080 are hereby repealed.

TEXT OF REPEALED SECTIONS

378.005 “Historical value” defined. (NRS 239.125, 378.255, 378.280) For the purposes of this chapter and chapter 378 of NRS, “historical value” has the meaning ascribed to it in NAC 239.597.

378.010 State Archivist: Appointment. (NRS 378.255, 378.280) The State Library, Archives and Public Records Administrator will appoint a State Archivist, who will be in the classified service of the State.

378.020 State Archivist: Duties. (NRS 378.255, 378.280)

1. The State Archivist shall, subject to the control of the State Library, Archives and Public Records Administrator, carry out the archival record function of the Division of State Library,

Archives and Public Records of the Department of Administration and manage the material in the archives.

2. The State Archivist shall assist state agencies and local governments in developing systems for:

(a) The preservation of governmental records having historical value; and

(b) The retrieval of information not declared by law to be confidential from those records for the benefit of researchers and other members of the general public.

378.030 Division of State Library, Archives and Public Records: Duties. (NRS 378.255, 378.280)

1. The Division of State Library, Archives and Public Records of the Department of Administration shall provide the general public with the services of research and retrieval of information for materials which are deposited within the archives and referrals for materials which are deposited outside the archives.

2. The Division may preserve the private material of any public officer of this State or any of its political subdivisions if the material has been made available to the Division for that purpose.

378.040 Division of State Library, Archives and Public Records: Receipt of records. (NRS 378.255, 378.280) The State Library, Archives and Public Records Administrator will receive into the archives any record generated by the State or any of its political subdivisions if the record:

1. Has a sufficient administrative, fiscal, legal or other value or is necessary in conducting research;

2. Documents an agency's organization, function, policies, decisions, procedures, operations and essential transactions; or

3. Is necessary to protect the financial and legal rights of persons directly affected by an agency's activities.

378.050 Proposal for grant: Submission; contents. (§ 3 of ch. 328, Stats. 1983) A local governmental entity that desires a grant to build or expand a public library shall submit its proposal to the State Library, Archives and Public Records Administrator. The proposal must include:

1. A statement of the source of the local share of financing based on the formula specified in section 4 of chapter 328, Statutes of Nevada 1983.

2. Verification that sufficient local resources are available to meet the local share of the cost of the project.

3. An estimate of the total cost of the project.

4. Certified copies of all deeds or other evidences of title to real property for the project if the property has already been acquired.

5. A program for construction developed by a librarian.

6. A description of the project and proposals for its management.

7. Preliminary architectural plans if they have been drawn.

8. A description of the location of the project, including its relationship to existing facilities.

378.060 Evaluation of proposal. (§ 3 of ch. 328, Stats. 1983) The State Library, Archives and Public Records Administrator will evaluate each proposal to determine if the:

1. Proposed project corresponds to the needs of the community.

2. Proposed project conforms to the local master plan for the library and the statewide master plan.
3. Proposed facility is designed for ease of access and use by the public.
4. Applicant demonstrates that there is local support sufficient to maintain the programs for which the facility is intended.
5. Proposal includes using an experienced librarian to develop a program for construction of the project and to communicate with the architects and contractors throughout the period of construction.
6. Project will conform to all applicable local and state requirements for construction.
7. Cost per square foot corresponds to standard costs in that area for similar buildings.

378.070 Approval or disapproval of proposal. (§ 3 of ch. 328, Stats. 1983)

1. If the State Library, Archives and Public Records Administrator approves the proposal, it will be forwarded to the State Council on Libraries and Literacy for its recommendation.
2. If an application submitted by the State Library, Archives and Public Records Administrator is approved by the Interim Finance Committee, the State Library, Archives and Public Records Administrator will send the applicant a letter:
 - (a) Stating the intention of the State of Nevada to approve the project subject to the applicant's continuing ability to meet local, state and federal requirements.
 - (b) Specifying the sources of financing for the project including the share from general obligation bonds of the State of Nevada.
3. If a proposal is not approved by the State Library, Archives and Public Records Administrator, the applicant will be provided an opportunity to discuss the reasons for denial and, if possible, to amend the proposal so that it may be approved.

378.080 Inspections, reports and examinations. (§ 3 of ch. 328, Stats. 1983)

1. A local governmental entity which receives a grant shall:

(a) Make available for inspection during regular business hours all of its books, accounts and other records relating to the project; and

(b) Submit quarterly reports on the progress of the project.

2. The State Library, Archives and Public Records Administrator will conduct such examinations of the records as necessary to determine compliance with federal, state and local requirements.

**Informational Statement
LCB File No. R103-16**

1. A clear and concise explanation for the need for the adopted regulation.

The need for this regulation is to comply with Nevada Senate Bill 20 which passed in the 77th Legislative Session, 2013. NRS 378.170 requires the Administrator of the State Library, Archives and Public Records to adopt regulations prescribing the procedures for submitting an electronic version of a publication to the State Publications Distribution Center. Further, after a review of the existing regulations in NAC 378, the Administrator has determined that many of its regulations must be repealed to correct outdated terminology, procedures, and business practices.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to all county libraries in Nevada. These documents were made available on the Administration Regulation Notices website and the Nevada Public Notice website. These documents were also posted at the Nevada State Library, Archives and Public Records building and made available on their website at http://nsla.nv.gov/Library/GovPubs/Government_Publications_Home_Page/.

A workshop was held by the Nevada State Library, Archives and Public Records in the hearing rooms of the Nevada Legislative Building in Carson City and Grant Sawyer State Office Building in Las Vegas on July 12, 2016 to solicit comments on the proposed regulation. We did not have any written comments submitted and there was no members of the public attending the workshop. The day before the workshop I was notified by LCB Legal Counsel that they were going to write the LCB draft of the proposed regulation. We withdrew the hearing notice that was originally set for July 26, 2016. When we got the LCB draft back in August, the hearing was rescheduled for September 20, 2016. The hearing notice was posted at the same locations on August 19, 2016. The hearing was held on September 20, 2016 at the same locations as the workshop. Again there were no written comments submitted and there were no members of the public attending the hearing. LCB File No. R103-16 was adopted at the hearing.

3. The number persons who:

- (a) Attended Workshop: July 12, 2016: 5
- (b) Testified at Workshop: July 12, 2016: 0
- (c) Submitted to the agency written comments: 0
- (d) Attended Hearing: September 20, 2016: 5
- (e) Testified at Hearing: September 20, 2016: 0

4. A list of names and contact information of persons either submitting written comments or testimony.

There were no written comments submitted. There were no members of the public attending to provide testimony at either the workshop or hearing.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The State Library, Archives and Public Records is not a regulatory agency with oversight over industries or small businesses. The proposed regulation only applies to activity by state and local government officials and imposes no direct requirements on any private businesses. Therefore comments were not solicited from the small businesses.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

There were no written comments submitted and no members of the public attended the workshop or the hearing to provide comment. We were satisfied with the LCB draft of the regulation, so it was adopted without change.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

The State Library, Archives and Public Records is not a regulatory agency with oversight over industries or small businesses. There is no economic effect on the agencies. There is no economic effect on the public.

(b) Both immediate and long-term effects.

The State Library, Archives and Public Records is not a regulatory agency with oversight over industries or small businesses. There is no immediate or long-term economic effect on the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There are no estimated costs to the State Library, Archives and Public Records for enforcement of the proposed regulation. All impacts can be absorbed within existing staff and resources.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, identify the name of the regulating federal agency.

The proposed regulation is not required pursuant to any federal law; the proposed regulation does not overlap that of any other state, local, or federal government agency.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

No fees are included in this regulation.

Attachment 1: Minutes of Workshop, July 12, 2016

Attachment 2: Workshop sign-in sheets

Attachment 3: Minutes of Hearing, September 20, 2016

Attachment 4: Hearing sign-in sheets

(The attachments may be accessed with the copy of the regulation filed with the State Library, Archives and Public Records Administrator).