

SENATE BILL NO. 424—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Finance

SUMMARY—Creates the Department of Tourism and Cultural Affairs. (BDR 18-1163)

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 state governmental administration; creating the Department of Tourism and Cultural Affairs; restructuring certain divisions of the existing Department of Cultural Affairs into the Department of Tourism and Cultural Affairs, and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Department of Cultural Affairs consists of several
2 divisions, boards, offices, councils and commissions. (NRS 378.008) This bill
3 creates the Department of Tourism and Cultural Affairs, which consists of the
4 Division of Tourism, the Division of Museums and History, the Nevada Arts
5 Council, the Commission on Tourism and the Commission for Cultural Affairs.
6 This bill also transfers the Board of the Nevada Arts Council, the Commission for
7 Cultural Affairs, the Division of Museums and History and the Board of Museums
8 and History from the Department of Cultural Affairs to the Department of Tourism
9 and Cultural Affairs. This bill provides for the appointment, responsibilities and
10 duties of the Director of the Department of Tourism and Cultural Affairs.

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

1 **Section 1.** Chapter 231 is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *As used in NRS 231.160 to 231.360, inclusive, and*
4 *sections 2, 3 and 4 of this act, unless the context otherwise*



* S B 4 2 4 *

1 *requires, the words and terms defined in sections 3 and 4 of this*
2 *act have the meanings ascribed to them in those sections.*

3 **Sec. 3.** *“Department” means the Department of Tourism and*
4 *Cultural Affairs.*

5 **Sec. 4.** *“Director” means the Director of the Department.*

6 **Sec. 5.** NRS 231.015 is hereby amended to read as follows:

7 231.015 1. The Interagency Committee for Coordinating
8 Tourism and Economic Development is hereby created. The
9 Committee consists of the Governor, who is its Chair, the
10 Lieutenant Governor, who is its Vice Chair, the Director of
11 the ~~{Commission on Tourism,}~~ *Department of Tourism and*
12 *Cultural Affairs*, the Executive Director of the Commission on
13 Economic Development and such other members as the Governor
14 may from time to time appoint. The appointed members of the
15 Committee serve at the pleasure of the Governor.

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

17 3. The Committee shall:

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

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

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

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

38 **Sec. 6.** NRS 231.160 is hereby amended to read as follows:

39 231.160 ~~{There is hereby created a Commission on Tourism,}~~
40 *The Department of Tourism and Cultural Affairs is hereby*
41 *created*, consisting of:

42 1. ~~{A}~~ *The* Division of Tourism; ~~{and~~

43 ~~—2.— A Division of Publications, including Nevada Magazine.}~~

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



1 **3. The Nevada Arts Council, created by NRS 233C.025;**
2 **4. The Commission on Tourism, created by NRS 231.170;**
3 **and**

4 **5. The Commission for Cultural Affairs, created by**
5 **NRS 233C.200.**

6 **Sec. 7.** NRS 231.200 is hereby amended to read as follows:

7 231.200 The Commission on Tourism:

8 1. Shall establish the policies and approve the programs and
9 budgets of the Division of Tourism ~~[and Division of Publications]~~
10 concerning:

11 (a) The promotion of tourism and travel in this State; and

12 (b) The publication of Nevada Magazine and other promotional
13 material.

14 2. May adopt regulations to administer and carry out the
15 policies and programs of ~~[those divisions.]~~ **the Division.**

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

22 **Sec. 8.** NRS 231.210 is hereby amended to read as follows:

23 231.210 The Director ~~[of the Commission on Tourism:]~~ :

24 1. Must be appointed by the Governor from a list of three
25 persons submitted to the Governor by the ***Chairs of the*** Commission
26 ~~[.]~~ ***on Tourism, Commission for Cultural Affairs and the Board of***
27 ***the Nevada Arts Council. The Chairs of the Commission on***
28 ***Tourism, Commission for Cultural Affairs and the Board of the***
29 ***Nevada Arts Council shall take part in the interviewing process.***

30 2. ~~[Is responsible to the Commission and serves at its pleasure.~~

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

34 **Sec. 9.** NRS 231.220 is hereby amended to read as follows:

35 231.220 The Director ~~[of the Commission on Tourism]~~ shall
36 direct and supervise all ~~[its]~~ administrative and technical activities
37 ~~[.]~~ ***of the Department,*** including coordinating its plans for tourism ,
38 ~~[and]~~ publications ~~[.]~~ ***and cultural affairs,*** scheduling its programs,
39 analyzing the effectiveness of those programs and associated
40 expenditures, and cooperating with other governmental agencies
41 which have programs related to travel , ~~[and]~~ tourism ~~[.]~~ ***and***
42 ***cultural affairs.*** In addition to other powers and duties, the Director:

43 1. Shall attend all meetings of the ~~[Commission]~~ ***Department***
44 and act as its Secretary, keeping minutes and audio recordings or
45 transcripts of its proceedings.



1 2. Shall report regularly to the ~~[Commission]~~ *commissions,*
2 *divisions and council of the Department* concerning the
3 administration of ~~[its]~~ *the* policies and programs ~~[-~~

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

5 ~~—4.— Shall appoint the Administrator of the Division of~~
6 ~~Publications.~~

7 ~~—5.—] of the Department.~~

8 3. May perform any other lawful acts which he or she
9 considers necessary to carry out the provisions of NRS 231.160 to
10 231.360, inclusive ~~[-]~~, *and sections 2, 3 and 4 of this act.*

11 **Sec. 10.** NRS 231.230 is hereby amended to read as follows:

12 231.230 1. The ~~[Commission on Tourism]~~ *Department*
13 through ~~[its]~~ *the* Director may:

14 (a) Employ such professional, technical, clerical and operational
15 employees as the operation of the ~~[Commission]~~ *Department* may
16 require; and

17 (b) Employ such experts, researchers and consultants and enter
18 into such contracts with any public or private entities as may be
19 necessary to carry out the provisions of NRS 231.160 to 231.360,
20 inclusive ~~[-]~~, *and sections 2, 3 and 4 of this act.*

21 2. The Director and all other nonclerical employees of the
22 ~~[Commission]~~ *Department* are in the unclassified service of the
23 State.

24 3. The clerical employees of the ~~[Commission]~~ *Department* are
25 in the classified service of the State.

26 **Sec. 11.** NRS 231.240 is hereby amended to read as follows:

27 231.240 1. The Director ~~[of the Commission on Tourism]~~
28 may charge reasonable fees for materials prepared for distribution.

29 2. All such fees must be deposited with the State Treasurer for
30 credit to the ~~[Commission.]~~ *Department.* The fees must first be
31 expended exclusively for materials and labor incident to preparing
32 and printing those materials for distribution. Any remaining fees
33 may be expended, in addition to any other money appropriated, for
34 the support of the ~~[Commission.]~~ *Department.*

35 **Sec. 12.** NRS 231.250 is hereby amended to read as follows:

36 231.250 The Fund for the Promotion of Tourism is hereby
37 created as a special revenue Fund. The money in the Fund is hereby
38 appropriated for the support of the ~~[Commission on Tourism.]~~
39 *Department.*

40 **Sec. 13.** NRS 231.260 is hereby amended to read as follows:

41 231.260 The ~~[Commission on Tourism.]~~ *Department,* through
42 ~~[its]~~ *the* Division of Tourism, shall:

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



- 1 2. Promote special events which are designed to increase
2 tourism.
- 3 3. Develop a State Plan to Promote Travel and Tourism in
4 Nevada.
- 5 4. Develop a comprehensive program of marketing and
6 advertising, for both domestic and international markets, which
7 publicizes travel and tourism in Nevada in order to attract more
8 visitors to this State or lengthen their stay.
- 9 5. Provide and administer grants of money or matching grants
10 to political subdivisions of the State, to fair and recreation boards,
11 and to local or regional organizations which promote travel and
12 tourism, to assist them in:
 - 13 (a) Developing local programs for marketing and advertising
14 which are consistent with the State Plan.
 - 15 (b) Promoting specific events and attractions in their
16 communities.
 - 17 (c) Evaluating the effectiveness of the local programs and
18 events.
- 19 ➤ Each recipient must provide an amount of money, at least equal
20 to the grant, for the same purpose, except, in a county whose
21 population is less than 50,000, the ~~[Commission]~~ *Division* may, if
22 convinced that the recipient is financially unable to do so, provide a
23 grant with less than equal matching money provided by the
24 recipient.
- 25 6. Coordinate and assist the programs of travel and tourism of
26 counties, cities, local and regional organizations for travel and
27 tourism, fair and recreation boards and transportation authorities in
28 the State. Local governmental agencies which promote travel and
29 tourism shall coordinate their promotional programs with those of
30 the ~~[Commission.]~~ *Division*.
- 31 7. Encourage cooperation between public agencies and private
32 persons who have an interest in promoting travel and tourism in
33 Nevada.
- 34 8. Compile or obtain by contract, keep current and disseminate
35 statistics and other marketing information on travel and tourism in
36 Nevada.
- 37 9. Prepare and publish ~~[, with the assistance of the Division of
38 Publications.]~~ brochures, travel guides, directories and other
39 materials which promote travel and tourism in Nevada.
- 40 ***10. Publish a magazine to be known as the Nevada Magazine.
41 The Nevada Magazine must contain materials which educate the
42 general public about this State and thereby foster awareness and
43 appreciation of Nevada's heritage, culture, historical monuments,
44 natural wonders and natural resources.***



1 **Sec. 14.** NRS 231.270 is hereby amended to read as follows:

2 231.270 In addition to its other duties, the ~~[Commission on~~
3 ~~Tourism through its]~~ Division of Tourism may:

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

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

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

16 **Sec. 15.** NRS 231.300 is hereby amended to read as follows:

17 231.300 In performing ~~[their]~~ *his or her* duties, the Director ~~[of~~
18 ~~the Commission on Tourism and the Administrator of the Division~~
19 ~~of Publications]~~ shall not interfere with the functions of any other
20 state agencies, but those agencies shall, from time to time, on
21 reasonable request, furnish the Director ~~[and Administrator]~~ with
22 data and other information from their records bearing on the
23 objectives of the ~~[Commission and its divisions.]~~ *Department*. The
24 Director ~~[and Administrator]~~ shall avail ~~[themselves]~~ *himself or*
25 *herself* of records and assistance of such other state agencies as
26 might make a contribution to the work of the ~~[Commission.]~~
27 *Department*.

28 **Sec. 16.** NRS 231.320 is hereby amended to read as follows:

29 231.320 ~~["Committee"]~~ *"Commission"* means the ~~[Committee~~
30 ~~for the Development of Projects Relating to Tourism created by~~
31 ~~NRS 231.350.]~~ *Commission on Tourism created pursuant to*
32 *NRS 231.170*.

33 **Sec. 17.** NRS 231.340 is hereby amended to read as follows:

34 231.340 "Grant Program" means the Grant Program
35 administered by the ~~[Committee for the Development of Projects~~
36 ~~Relating to Tourism.]~~ *Commission*.

37 **Sec. 18.** NRS 231.360 is hereby amended to read as follows:

38 231.360 1. The ~~[Committee]~~ *Commission* may provide
39 grants of money to counties, cities, and local and regional
40 organizations in this State for the development of projects relating to
41 tourism to the extent that:

42 (a) Money in the Fund for the Promotion of Tourism created by
43 NRS 231.250 is made available for that purpose. ~~[Not more than~~
44 ~~\$200,000]~~ *The amount* of revenue from taxes on the gross receipts
45 from the rental of transient lodging ~~[may be]~~ made available for that



1 purpose in any biennium ~~[]~~ *must be determined through the*
2 *budget process and approved by the Legislature.*

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

5 2. Except as otherwise provided in this subsection, the State
6 Controller shall, upon the request of the ~~[Committee.]~~ *Commission,*
7 transfer to the State General Fund all money made available for the
8 use of the ~~[Committee]~~ *Commission* pursuant to subsection 1. All
9 such money must be accounted for separately in the State General
10 Fund. The State Controller shall not transfer any revenue from taxes
11 on the gross receipts from the rental of transient lodging from the
12 Fund for the Promotion of Tourism to the State General Fund unless
13 the transfer is approved by the Interim Finance Committee.

14 3. The ~~[Committee]~~ *Commission* shall administer the account
15 created pursuant to subsection 2 and may make grants only from
16 that account. Any interest earned on the money in the account must
17 be credited to the account quarterly. The money in the account does
18 not revert to the State General Fund at the end of any fiscal year and
19 must be carried forward to the next fiscal year.

20 4. The ~~[Committee]~~ *Commission* shall:

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

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

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

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

29 5. Except as otherwise provided in subsection 6, as a condition
30 of eligibility for a grant from the ~~[Committee]~~ *Commission* pursuant
31 to this section, an applicant must provide an amount of money, at
32 least equal to the amount of the grant, for the same purpose.

33 6. If an applicant for a grant is from a county whose population
34 is less than 100,000 and the ~~[Committee]~~ *Commission* determines
35 that the applicant is financially unable to provide the matching
36 money otherwise required by subsection 5, the ~~[Committee]~~
37 *Commission* may provide a grant with less than equal matching
38 money provided by the applicant.

39 **Sec. 19.** NRS 233C.017 is hereby amended to read as follows:

40 233C.017 "Department" means the Department of *Tourism*
41 *and* Cultural Affairs.

42 **Sec. 20.** NRS 223.121 is hereby amended to read as follows:

43 223.121 1. The Director may, upon the election of each new
44 Governor, enter into a contract with an artist for the purpose of



1 procuring a portrait of that Governor for display in the Capitol
2 Building.

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

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

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

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

19 6. As used in this section, "Director" means the Director of the
20 Department of *Tourism and Cultural Affairs*.

21 **Sec. 21.** NRS 235.012 is hereby amended to read as follows:

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

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

- 32 (a) Provide a product of the highest quality;
33 (b) Advertise and market the product properly, including the
34 promotion of museums and tourism in this State; and
35 (c) Comply with the requirements of the contract.

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

39 4. All bids for the contract must be solicited in the manner
40 prescribed in NRS 333.310 and comply with the provisions of
41 NRS 333.330.

42 **Sec. 22.** NRS 235.014 is hereby amended to read as follows:

43 235.014 1. The ore used to produce a medallion or bar must
44 be mined in Nevada, if the ore is available. If it is not available, ore
45 newly mined in the United States may be used. Each medallion or



1 bar made of gold, silver or platinum must be 0.999 fine. Additional
2 series of medallions made of gold, silver or platinum at degrees of
3 fineness of 0.900 or greater may be approved by the Director with
4 the concurrence of the Interim Finance Committee. The degree of
5 fineness of the materials used must be clearly indicated on each
6 medallion.

7 2. Medallions may be minted in weights of 1 ounce, 0.5 ounce,
8 0.25 ounce and 0.1 ounce.

9 3. Bars may be minted in weights of 1 ounce, 5 ounces, 10
10 ounces and 100 ounces.

11 4. Each medallion must bear on its obverse The Great Seal of
12 the State of Nevada and on its reverse a design selected by the
13 Director, in consultation with the Director of the ~~Commission on~~
14 *Department of Tourism* ~~and~~ *Cultural Affairs*, the Administrator
15 of the Division of Museums and History of the Department of
16 *Tourism and Cultural Affairs* and the Administrator of the Division
17 of Minerals of the Commission on Mineral Resources.

18 **Sec. 23.** NRS 353.3465 is hereby amended to read as follows:

19 353.3465 1. If the Director of the Department of Cultural
20 Affairs *or the Director of the Department of Tourism and Cultural*
21 *Affairs* determines that current claims exceed the amount of money
22 available because revenue from fees or assessments has not been
23 collected or because of a delay in other expected receipts, he or she
24 may request from the Director of the Department of Administration
25 a temporary advance from the State General Fund for the payment
26 of authorized expenses.

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

33 3. An advance from the State General Fund:

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

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

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

42 **Sec. 24.** NRS 378.008 is hereby amended to read as follows:

43 378.008 1. There is hereby created the Department of
44 Cultural Affairs in which is vested the administration of the



1 provisions of ~~[this title and chapter 233C of NRS.]~~ *chapters 378 to*
2 *380A, inclusive, and 383 and 384 of NRS.*

3 2. The Department consists of a Director and the following:

4 (a) The Division of State Library and Archives;

5 (b) ~~[[The Division of Museums and History;~~

6 ~~-(c) The Office of Historic Preservation;~~

7 ~~[[d) The Board of the Nevada Arts Council;~~

8 ~~-(e) The Nevada Arts Council;~~

9 ~~-(f) The Board of Museums and History;~~

10 ~~-(g)]~~ (c) The State Council on Libraries and Literacy; *and*

11 ~~[[h)]~~ (d) The State Historical Records Advisory Board. ~~[-; and~~

12 ~~-(i) The Commission for Cultural Affairs.]~~

13 **Sec. 25.** NRS 381.001 is hereby amended to read as follows:

14 381.001 As used in this chapter, unless the context otherwise
15 requires:

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

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

18 3. "Department" means the Department of *Tourism and*
19 *Cultural Affairs.*

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

21 5. "Division" means the Division of Museums and History of
22 the Department.

23 6. "Institution" means an institution of the Division established
24 pursuant to NRS 381.004.

25 7. "Museum director" means the executive director of an
26 institution of the Division appointed by the Administrator pursuant
27 to NRS 381.0062.

28 **Sec. 26.** NRS 381.002 is hereby amended to read as follows:

29 381.002 1. The Board of Museums and History, consisting of
30 eleven members appointed by the Governor, is hereby created.

31 2. The Governor shall appoint to the Board:

32 (a) Six representatives of the general public who are
33 knowledgeable about museums.

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

38 (1) One member who is qualified in history;

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

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

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

42 (5) One member who is qualified as an architect.

43 3. The Board shall elect a Chair and a Vice Chair from among
44 its members at its first meeting of every even-numbered year. The



1 terms of the Chair and Vice Chair are 2 years or until their
2 successors are elected.

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

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

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

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

13 ~~5.]~~ With respect to the functions of the Division, the Board
14 shall develop, review and make policy for investments, budgets,
15 expenditures and general control of the Division's private and
16 endowed dedicated trust funds pursuant to NRS 381.003 to
17 381.0037, inclusive.

18 ~~[6.]~~ 5. In all other matters pertaining to the ~~[Office of Historic~~
19 ~~Preservation and the]~~ Division of Museums and History, the Board
20 serves in an advisory capacity.

21 ~~[7.]~~ 6. The Board may adopt such regulations as it deems
22 necessary to carry out its powers and duties.

23 **Sec. 27.** NRS 381.003 is hereby amended to read as follows:

24 381.003 The Board may establish ~~[shops]~~ *stores* for the sale of
25 gifts and souvenirs, such as publications, books, postcards, color
26 slides and such other related material as, in the judgment of the
27 Board, is appropriately connected with the operation of the
28 institutions or the purposes of this chapter.

29 **Sec. 28.** NRS 381.0037 is hereby amended to read as follows:

30 381.0037 The Board may establish:

31 1. A petty cash account for the Division and each institution in
32 an amount not to exceed \$500 for each account. Reimbursement of
33 the account must be made from appropriated money paid out on
34 claims as other claims against the State are paid.

35 2. A change account for each institution for which a ~~[shop]~~
36 *store* for the sale of gifts and souvenirs has been established
37 pursuant to NRS 381.003, in an amount not to exceed \$1,500.

38 **Sec. 29.** NRS 381.005 is hereby amended to read as follows:

39 381.005 1. The Administrator is appointed by the Director.
40 The Director shall consult with the Board before making the
41 appointment.

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



1 3. The Administrator is in the ~~unclassified~~ *classified* service
2 of the State.

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

6 **Sec. 30.** NRS 381.0063 is hereby amended to read as follows:

7 381.0063 1. The Administrator shall, in accordance with any
8 directive received from the Director pursuant to NRS 232.005 , ~~for~~
9 ~~378.0089,~~ authorize or require each museum director to perform
10 such duties set forth in subsections 2 and 3 as are necessary for the
11 operation of the institution administered by the museum director,
12 after giving consideration to:

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

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

17 (c) Requirements for accreditation; and

18 (d) Such other factors as are relevant to the needs of the
19 institution and the Division.

20 2. The Administrator may authorize or require a museum
21 director to:

22 (a) Oversee duties related to the auditing and approval of all
23 bills, claims and accounts of the institution administered by the
24 museum director.

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

28 (1) Samples of the useful and fine arts, sciences and
29 industries, relics, memorabilia, products, works, records, rare and
30 valuable articles and objects, including, without limitation,
31 drawings, etchings, lithographs, photographs, paintings, statuary,
32 sculpture, fabrics, furniture, implements, machines, geological and
33 mineral specimens, precious, semiprecious and commercial
34 minerals, metals, earths, gems and stones.

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

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

40 (d) Establish such programs in archeology, anthropology,
41 paleontology, mineralogy, ethnology, ornithology and such other
42 scientific programs as in the judgment of the Board and
43 Administrator may be proper and necessary to carry out the objects
44 and purposes appropriate to the institution administered by the
45 museum director.



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

4 (f) House and preserve, care for and display or exhibit property
5 received by an institution. This paragraph does not prevent the
6 permanent or temporary retention, placement, housing or exhibition
7 of a portion of the property in other places or locations in or outside
8 of the State at the sole discretion of the Board.

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

12 (h) Receive, accept and obtain by exchange in the name of the
13 State of Nevada all property loaned to the institution administered
14 by the museum director for preservation, care, display or exhibit, or
15 decline and reject the property in his or her discretion, and
16 undertake to be responsible for all property loaned to the institution
17 or make just payment of any reasonable costs or rentals therefor.

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

21 (j) Govern, manage and control the exhibit and display of all
22 property and things of the institution administered by the museum
23 director at other exhibits, expositions, world's fairs and places of
24 public or private exhibition. Any property of the State of Nevada
25 that may be placed on display or on exhibition at any world's fair or
26 exposition must be taken into custody by the Administrator at the
27 conclusion of the world's fair or exposition and placed and kept in
28 the institution, subject to being removed and again exhibited at the
29 discretion of the Administrator or a person designated by the
30 Administrator.

31 (k) Negotiate and consult with and agree with other institutions,
32 departments, officers and persons or corporations of and in the State
33 of Nevada and elsewhere respecting quarters for and the
34 preservation, care, transportation, storage, custody, display and
35 exhibit of articles and things controlled by the institutions and
36 respecting the terms and cost, the manner, time, place and extent,
37 and the return thereof.

38 (l) Trade, exchange and transfer exhibits and duplicates when
39 the Administrator deems it proper. Such transactions shall not be
40 deemed sales.

41 (m) Establish the qualifications for life, honorary, annual,
42 sustaining and such other memberships as are established by the
43 Board pursuant to NRS 381.0045.



1 (n) Adopt rules for the internal operations of the institution
2 administered by the museum director, including, without limitation,
3 the operation of equipment of the institution.

4 3. The Administrator shall require a museum director to serve
5 as, or to designate an employee to serve as, ex officio State
6 Paleontologist. The State Paleontologist shall, within the limits of
7 available time, money and staff:

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

10 (b) Compile a database of fossil resources within this State;

11 (c) Coordinate and promote paleontological research activities
12 within this State, including, without limitation, regulating and
13 issuing permits to engage in such activities;

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

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

20 4. The enumeration of the powers and duties that may be
21 assigned to a museum director pursuant to this section is not
22 exclusive of other general objects and purposes appropriate to a
23 public museum.

24 5. The provisions of this section do not prohibit the
25 Administrator from making such administrative and organizational
26 changes as are necessary for the efficient operation of the Division
27 and its institutions and to ensure that an institution properly carries
28 out the duties and responsibilities assigned to that institution.

29 **Sec. 31.** NRS 381.0064 is hereby amended to read as follows:

30 381.0064 1. The Fund for the Support of the Division of
31 Museums and History of the Department of *Tourism and* Cultural
32 Affairs is hereby created as a special revenue fund in the State
33 Treasury. The interest and income earned on the money in the Fund,
34 in an amount not exceeding \$300,000 per year, after deducting any
35 applicable charges, must be credited to the Fund. Any interest and
36 income earned in excess of \$300,000 per year must be credited to
37 the State General Fund.

38 2. The State Treasurer shall, subject to the limitation in
39 subsection 1, pay to the Administrator at the end of each quarter an
40 amount equal to any interest and income credited to the Fund during
41 that quarter. The Administrator may use the money to pay the
42 expenses related to the operations of the Division.

43 3. The State Board of Examiners may, upon making a
44 determination that any portion of the principal of the money in the
45 Fund is necessary to meet existing or future obligations of the State,



1 recommend to the Interim Finance Committee that the amount so
2 needed be transferred from the Fund to the State General Fund.
3 Upon approval of the Interim Finance Committee, the money may
4 be so transferred.

5 4. The Administrator shall submit an itemized statement of the
6 income and expenditures of the Division each year to the
7 Legislature, if it is in session or, if the Legislature is not in session,
8 to the Interim Finance Committee.

9 **Sec. 32.** NRS 381.197 is hereby amended to read as follows:

10 381.197 Except for action taken under an agreement with the
11 Office of Historic Preservation of the Department *of Cultural*
12 *Affairs* pursuant to NRS 383.430, and except as otherwise provided
13 in this section, a person shall not investigate, explore or excavate an
14 historic or prehistoric site on federal or state lands or remove any
15 object therefrom unless the person is the holder of a valid and
16 current permit issued pursuant to the provisions of NRS 381.195 to
17 381.227, inclusive. Conduct that would otherwise constitute a
18 violation of this section is not a violation of this section if it is also a
19 violation of NRS 383.435.

20 **Sec. 33.** NRS 381.245 is hereby amended to read as follows:

21 381.245 The Nevada Historical Society shall preserve as is
22 deemed appropriate all old and obsolete property and obsolete and
23 noncurrent public records presented to it by the State Library and
24 Archives Administrator from the archives and records of the
25 Division of State Library and Archives of the Department ~~[]~~ *of*
26 *Cultural Affairs*.

27 **Sec. 34.** NRS 383.011 is hereby amended to read as follows:

28 383.011 As used in this chapter, unless the context otherwise
29 requires:

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

31 2. ~~["Advisory Board" means the Board of Museums and~~
32 ~~History.~~

33 ~~—3.]~~ "Cultural resources" means any objects, sites or information
34 of historic, prehistoric, archeological, architectural or
35 paleontological significance.

36 ~~[4.]~~ 3. "Director" means the Director of the Department of
37 Cultural Affairs.

38 ~~[5.]~~ 4. "Office" means the Office of Historic Preservation of
39 the Department of Cultural Affairs.

40 **Sec. 35.** NRS 408.210 is hereby amended to read as follows:

41 408.210 1. The Director *of the Department of*
42 *Transportation* may restrict the use of, or close, any highway
43 whenever the Director considers the closing or restriction of use
44 necessary:

45 (a) For the protection of the public.



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

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

9 2. The Director *of the Department of Transportation* may:

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

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

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

35 4. If the Director determines that the interests of the
36 Department are not compromised by a proposed or existing
37 encroachment, the Director may issue a license to the owner or the
38 owner's agent permitting an encroachment on the highway. Such a
39 license is revocable and must provide for relocation or removal of
40 the encroachment in the following manner. Upon notice from the
41 Director to the owner of the encroachment or the owner's agent, the
42 owner or agent may propose a time within which he or she will
43 relocate or remove the encroachment as required. If the Director and
44 the owner or the owner's agent agree upon such a time, the Director
45 shall not himself remove the encroachment unless the owner or the



1 owner's agent has failed to do so within the time agreed. If the
2 Director and the owner or the owner's agent do not agree upon such
3 a time, the Director may remove the encroachment at any time later
4 than 30 days after the service of the original notice upon the owner
5 or the owner's agent. Service of notice may be made in the manner
6 provided by subsection 3. Removal of the encroachment by the
7 Director gives the Department the right of action provided by
8 subsection 3, but the penalty must be computed from the expiration
9 of the agreed period or 30-day period, as the case may be.

10 **Sec. 36.** NRS 482.367004 is hereby amended to read as
11 follows:

12 482.367004 1. There is hereby created the Commission on
13 Special License Plates consisting of five Legislators and three
14 nonvoting members as follows:

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

16 (1) One of whom is the Legislator who served as the Chair of
17 the Assembly Standing Committee on Transportation during the
18 most recent legislative session. That Legislator may designate an
19 alternate to serve in place of the Legislator when absent. The
20 alternate must be another Legislator who also served on the
21 Assembly Standing Committee on Transportation during the most
22 recent legislative session.

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

30 (b) Three nonvoting members consisting of:

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

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

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

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

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

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



1 5. The Commission shall approve or disapprove:

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

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

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

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

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

21 7. The Commission shall:

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

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

33 **Sec. 37.** NRS 482.37903 is hereby amended to read as
34 follows:

35 482.37903 1. Except as otherwise provided in this
36 subsection, the Department, in cooperation with the Board of
37 Museums and History of the Department of *Tourism and* Cultural
38 Affairs, shall design, prepare and issue license plates which
39 commemorate the 100th anniversary of the founding of the City of
40 Las Vegas, using any colors and designs that the Department deems
41 appropriate. The Department shall not design, prepare or issue the
42 commemorative license plates unless it receives at least 250
43 applications for the issuance of those plates.

44 2. If the Department receives at least 250 applications for the
45 issuance of the commemorative license plates, the Department shall



1 issue those plates for a passenger car or light commercial vehicle
2 upon application by a person who is entitled to license plates
3 pursuant to NRS 482.265 and who otherwise complies with the
4 requirements for registration and licensing pursuant to this chapter.
5 A person may request that personalized prestige license plates
6 issued pursuant to NRS 482.3667 be combined with the
7 commemorative license plates if that person pays the fees for
8 the personalized prestige license plates in addition to the fees for the
9 commemorative license plates pursuant to subsections 3 and 4.

10 3. The fee for the commemorative license plates is \$35, in
11 addition to all other applicable registration and license fees and
12 governmental services taxes. The license plates are renewable upon
13 the payment of \$10.

14 4. In addition to all other applicable registration and license
15 fees and governmental services taxes and the fee prescribed in
16 subsection 3, a person who requests a set of the commemorative
17 license plates must pay for the initial issuance of the plates an
18 additional fee of \$25 and for each renewal of the plates an additional
19 fee of \$20, to be distributed pursuant to subsection 5.

20 5. The Department shall deposit the fees collected pursuant to
21 subsection 4 with the State Treasurer for credit to the State General
22 Fund. The State Treasurer shall, on a quarterly basis, distribute the
23 fees to the City Treasurer of the City of Las Vegas to be used to pay
24 for projects relating to the commemoration of the history of the City
25 of Las Vegas, including, without limitation, historical markers, tours
26 of historic sites and improvements to or restoration of historic
27 buildings or structures.

28 6. If, during a registration year, the holder of the
29 commemorative license plates disposes of the vehicle to which the
30 commemorative license plates are affixed, the holder shall:

31 (a) Retain the commemorative license plates and affix them to
32 another vehicle that meets the requirements of this section if the
33 transfer and registration fees are paid as set forth in this chapter; or

34 (b) Within 30 days after removing the commemorative license
35 plates from the vehicle, return them to the Department.

36 **Sec. 38.** NRS 231.280 and 231.350 are hereby repealed.

37 **Sec. 39.** 1. If the name of a fund or account is changed
38 pursuant to the provisions of this act, the State Controller shall
39 change the designation of the name of the fund or account without
40 making any transfer of the money in the fund or account. The assets
41 and liabilities of a such a fund or account are unaffected by the
42 change of the name.

43 2. The amendatory provisions of this act do not affect the
44 Account for Local Cultural Activities created pursuant to
45 NRS 233C.100.



1 3. The assets and liabilities of any fund or account transferred
2 from the Department of Cultural Affairs to the Department of
3 Tourism and Cultural Affairs are unaffected by the transfer.

4 **Sec. 40.** The amendatory provisions of this act do not affect
5 the current term of appointment of any person who, on
6 October 1, 2011, is a member of the Commission on Tourism, the
7 Board of the Nevada Arts Council of the Department of Cultural
8 Affairs, the Commission for Cultural Affairs of the Department of
9 Cultural Affairs, the Board of Museums and History of the
10 Department of Cultural Affairs or the Division of Museums and
11 History of the Department of Cultural Affairs.

12 **Sec. 41.** 1. Any administrative regulations adopted by an
13 officer, agency or other entity whose name has been changed or
14 whose responsibilities have been transferred pursuant to the
15 provisions of this act to another officer, agency or other entity
16 remain in force until amended by the officer, agency or other entity
17 to which the responsibility for the adoption of regulations has been
18 transferred.

19 2. Any contracts or other agreements entered into by an officer,
20 agency or other entity whose name has been changed or whose
21 responsibilities have been transferred pursuant to the provisions of
22 this act to another officer, agency or other entity are binding upon
23 the officer, agency or other entity to which the responsibility for the
24 administration of the provisions of the contract or other agreement
25 has been transferred. Such contracts and other agreements may be
26 enforced by the officer, agency or other entity to which the
27 responsibility for the enforcement of the provisions of the contract
28 or other agreement has been transferred.

29 3. Any action taken by an officer, agency or other entity whose
30 name has been changed or whose responsibilities have been
31 transferred pursuant the provisions of the act to another officer,
32 agency or other entity remains in effect as if taken by the officer,
33 agency or other entity to which the responsibility for the
34 enforcement of such actions has been transferred.

35 **Sec. 42.** The Legislative Counsel shall:

36 1. In preparing the reprint and supplements to the Nevada
37 Revised Statutes, appropriately change any references to an officer,
38 agency or other entity whose name is changed or whose
39 responsibilities have been transferred pursuant to the provisions of
40 this act to refer to the appropriate officer, agency or other entity.

41 2. In preparing supplements to the Nevada Administrative
42 Code, appropriately change any references to an officer, agency or
43 other entity whose name is changed or whose responsibilities are
44 transferred pursuant to the provisions of this act to refer to the
45 appropriate officer, agency or other entity.



TEXT OF REPEALED SECTIONS

231.280 Powers and duties. The Commission on Tourism through its Division of Publications:

1. Shall prepare and publish a magazine to be known as Nevada Magazine. The magazine must contain materials which educate the general public about this state and thereby foster awareness and appreciation of Nevada's heritage, culture, historical monuments, natural wonders and natural resources.

2. Shall produce and assist in the distribution of printed promotional materials that are created to carry out the Commission's policies and programs. These services must be performed on a contractual basis.

3. May produce printed materials on tourism and economic development for other state and local governmental agencies on a contractual basis. The money received from producing these materials must be deposited with the State Treasurer for credit to a special account in the Fund for the Promotion of Tourism to be used to pay the Division's expenses.

231.350 Committee: Creation; composition; vacancies; removal; compensation of members; meetings; administrative support.

1. The Committee for the Development of Projects Relating to Tourism is hereby created within the Commission on Tourism. The Committee consists of:

(a) The Lieutenant Governor, who is an ex officio member of the Committee and shall serve as the Chair of the Committee;

(b) Three members of the Commission on Economic Development, appointed by the Lieutenant Governor; and

(c) Three members of the Commission on Tourism, appointed by the Lieutenant Governor.

2. If an appointed member of the Committee ceases to be a member of the Commission on Economic Development or the Commission on Tourism, the appointed member becomes ineligible for membership on the Committee and the Lieutenant Governor shall appoint a replacement from the Commission on Economic Development or the Commission on Tourism, respectively.

3. The Lieutenant Governor may remove an appointed member from the Committee if the member neglects his or her duty or commits malfeasance in office.



4. The appointed members of the Committee who are members of the Commission on Economic Development or the Commission on Tourism, respectively, may be paid the per diem allowance and travel expenses provided for state officers and employees generally by their respective commissions, as the budgets of those commissions allow.

5. The Committee shall meet at the call of the Lieutenant Governor.

6. The Commission on Tourism and the Commission on Economic Development shall jointly provide administrative support for the Committee.

