

ASSEMBLY BILL NO. 258—ASSEMBLYWOMAN BILBRAY-AXELROD

MARCH 12, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing consolidated library districts. (BDR 33-167)

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

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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 libraries; revising provisions governing the duties of the trustees of consolidated library districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the trustees of a county library district in a county whose
2 population is 700,000 or more (currently Clark County) and the governing body of
3 any city within that county may consolidate the city into the county library district
4 to establish and maintain a public library. (NRS 379.0221) If such a consolidated
5 library district is established, the board of county commissioners and the governing
6 body of the city are each required to appoint five competent persons who are
7 residents of the new consolidated library district to serve as trustees. The trustees
8 may appoint an executive director for the consolidated library district who serves at
9 the pleasure of the trustees. (NRS 379.0222) Existing law also prescribes certain
10 powers and duties of the trustees of any consolidated, county, district, town or other
11 public library, including, in the case of a consolidated library district, the duty to
12 appoint an executive director. **Section 1** of this bill clarifies existing law by
13 requiring the trustees of a consolidated library district to appoint an executive
14 director, consistent with the statutorily prescribed duties of the trustees of a
15 consolidated library district. (NRS 379.025) In the case of a consolidated library
16 district that serves a population of more than 1,000,000 (currently the Las Vegas-
17 Clark County Library District), **section 2** of this bill requires the trustees to: (1)
18 establish the educational qualifications of the executive director, which may
19 include, without limitation, holding a master’s degree in library and information
20 science; and (2) appoint, evaluate the performance of and, if necessary, dismiss an
21 internal auditor.



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

1 **Section 1.** NRS 379.0222 is hereby amended to read as
2 follows:

3 379.0222 1. After the consolidation of a city into a county
4 library district, the board of county commissioners and the
5 governing body of the city shall each appoint five competent
6 persons who are residents of the new consolidated library district to
7 serve as trustees.

8 2. The terms of office of the trustees appointed pursuant to
9 subsection 1 are as follows:

10 (a) Three persons appointed by each governing body must be
11 appointed for terms of 4 years.

12 (b) Two persons so appointed must be appointed for terms of 2
13 years.

14 ➤ Thereafter the offices of trustees must be filled for terms of 4
15 years in the order in which the terms expire. No person may be
16 appointed to hold office for more than two consecutive terms.

17 3. A vacancy in the office of trustee which occurs because of
18 the expiration of the term must be filled by appointment for a term
19 of 4 years. A vacancy which occurs other than by expiration of the
20 term must be filled by appointment for the unexpired term.

21 4. The trustees are entitled to receive a salary of \$40 per
22 meeting, but not more than \$80 per month, in addition to the travel
23 and subsistence allowances in the same amounts as are provided for
24 employees of the consolidated library district.

25 5. The board of county commissioners or governing body of the
26 city, as the case may be, may remove any trustee appointed by it:

27 (a) For cause, as described in NRS 283.440; or

28 (b) Who fails, without good cause, to attend three successive
29 meetings of the trustees.

30 6. The trustees ~~may~~ **shall** appoint an executive director for
31 the consolidated library district who serves at the pleasure of the
32 trustees.

33 **Sec. 2.** NRS 379.025 is hereby amended to read as follows:

34 379.025 1. Except as otherwise provided in subsection 2, the
35 trustees of any consolidated, county, district, town or other public
36 library, and their successors, shall:

37 (a) Establish, supervise and maintain a library.

38 (b) Appoint, evaluate the performance of and, if necessary,
39 dismiss a librarian or, in the case of a consolidated library district,
40 an executive director.

41 (c) ***In the case of a consolidated library district that serves a***
42 ***population of more than 1,000,000:***



1 ***(1) Establish the educational qualifications of the executive***
2 ***director, which may include, without limitation, holding a***
3 ***master's degree in library and information science.***

4 ***(2) Appoint, evaluate the performance of and, if necessary,***
5 ***dismiss an internal auditor.***

6 **(d)** Hold and possess the property and effects of the library in
7 trust for the public.

8 ~~**(d)**~~ **(e)** In the case of a county library, submit annual budgets
9 to the board of county commissioners, containing detailed estimates
10 of the amount of money necessary for the operation and
11 management of the library for the next succeeding year.

12 ~~**(e)**~~ **(f)** In the case of a consolidated, district or town library,
13 prepare annual budgets in accordance with NRS 354.470 to
14 354.626, inclusive.

15 ~~**(f)**~~ **(g)** In the case of a consolidated library district:

16 (1) Administer any separate account established pursuant to
17 NRS 354.603.

18 (2) Annually submit a budget to the board of county
19 commissioners and governing body of the city for joint review and
20 recommendation, which must contain detailed priorities and
21 estimates of the amount of money necessary for the operation
22 and management of the consolidated library district for the next
23 succeeding year. Unless a majority of the members of the board of
24 county commissioners and a majority of the members of the
25 governing body of the city reject the budget within 21 days after it is
26 submitted to them, the trustees shall cause copies of the final budget
27 to be submitted to the board of county commissioners for
28 attachment to the copy of the final budget for the county which is
29 filed pursuant to NRS 354.59801, and to the governing body of the
30 city for attachment to the copy of the final budget for the city which
31 is filed pursuant to NRS 354.59801. If the budget is so rejected, the
32 trustees shall resubmit a revised budget for joint review pursuant to
33 this subparagraph.

34 (3) Submit quarterly reports to the board of county
35 commissioners and governing body of the city concerning the
36 budget and the programs of the library, and provide any additional
37 information requested by either governing body as soon as is
38 reasonably practicable after receiving the request.

39 ~~**(g)**~~ **(h)** In the case of a district library, administer any separate
40 account established pursuant to NRS 354.603.

41 ~~**(h)**~~ **(i)** Establish bylaws and regulations for the management
42 of the library and their own management.

43 ~~**(i)**~~ **(j)** Manage all the property, real and personal, of the
44 library.



1 ~~(k)~~ (k) Acquire and hold real and personal property, by gift,
2 purchase or bequest, for the library.

3 ~~(l)~~ (l) Administer any trust declared or created for the library.

4 ~~(m)~~ (m) Maintain or defend any action in reference to the
5 property or affairs of the library.

6 2. The trustees may:

7 (a) Make purchases and secure rooms.

8 (b) Authorize the merger or, subject to the limitations in NRS
9 379.0221, the consolidation of a town or city library with a county
10 library district.

11 (c) Invest the money in the appropriate library fund in
12 accordance with the provisions of chapter 355 of NRS.

13 (d) Enter into a lease or lease-purchase agreement respecting
14 real or personal property.

15 (e) Convey property to a person where the purpose of the
16 conveyance is the entering into of an agreement contemplated by
17 paragraph (d).

18 (f) Do all acts necessary for the orderly and efficient
19 management and control of the library.

20 3. If a lease or lease-purchase agreement entered into pursuant
21 to paragraph (d) of subsection 2 involves the construction,
22 alteration, repair or remodeling of an improvement:

23 (a) Any person or entity that executes one or more contracts or
24 agreements for the actual construction, alteration, repair or
25 remodeling of the improvement shall include in such a contract
26 or agreement the contractual provisions and stipulations that are
27 required to be included in a contract for a public work pursuant to
28 the provisions of NRS 338.013 to 338.090, inclusive.

29 (b) The trustees, the owner of the improvement or proposed
30 improvement, any contractor who is awarded a contract or entered
31 into an agreement to perform the construction, alteration, repair or
32 remodeling of the improvement and any subcontractor on the project
33 shall comply with the provisions of NRS 338.013 to 338.090,
34 inclusive, in the same manner as if the trustees had undertaken the
35 project or had awarded the contract.

36 4. The trustees shall, as a primary goal of the consolidated
37 library district, provide the library facilities, resources and trained
38 staff to meet the informational needs of all residents of the district.

39 **Sec. 3.** This act becomes effective on July 1, 2021.

