
ASSEMBLY BILL NO. 270—ASSEMBLYMEN O’NEILL, DICKMAN,
WHEELER; AND ROBERTS

MARCH 15, 2021

JOINT SPONSORS: SENATORS DONDERO LOOP,
KIECKHEFER AND SETTELMAYER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the preservation of the Nevada State Prison and the Stewart Indian School. (BDR 18-646)

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

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

AN ACT relating to state property; revising provisions relating to the accounting of certain fees for the use of the buildings and grounds of the former Stewart Indian School; revising provisions related to the Silver State Industries Endowment Fund and the Endowment Fund for the Historic Preservation of the Nevada State Prison; authorizing the sale or consumption of beer and wine at certain events held within the historic structures, buildings and other property of the Nevada State Prison; making various other changes related to the Nevada State Prison; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law: (1) the Nevada Indian Commission is the coordinating
2 agency regarding activities at and uses of the buildings and grounds of the former
3 Stewart Indian School; and (2) gifts, grants of money, revenues generated or other
4 property which the Commission is authorized to accept must be accounted for in
5 the Nevada Indian Commission’s Gift Fund. (NRS 233A.092, 233A.097) Existing
6 law requires, with certain exceptions, that the proceeds of a fee for any
7 authorization to use state land must be paid into the State Treasury for credit to the
8 State General Fund. (NRS 322.160) **Sections 1, 2 and 5** of this bill require that
9 the proceeds of any fee charged for authorization to use the buildings or grounds of



10 the former Stewart Indian School be paid into the State Treasury for credit to the
11 Nevada Indian Commission's Gift Fund for the purpose of carrying out programs to
12 preserve and maintain the buildings and grounds of the former Stewart Indian
13 School.

14 Existing law: (1) creates the Silver State Industries Endowment Fund, which is
15 administered by the Silver State Industries Division of the Department of
16 Corrections; (2) prescribes the uses of the money in the Fund; (3) prohibits
17 spending or transferring any amount of the reserved principal of the Fund, which
18 must not exceed \$100,000; and (4) requires the State Treasurer, at the end of each
19 fiscal year, to transfer to the Endowment Fund for the Historic Preservation of the
20 Nevada State Prison a portion of the money remaining in the Silver State Industries
21 Endowment Fund. (NRS 209.194, 381.239) **Section 3** of this bill: (1) revises the
22 allocation of money in the Fund for the maintenance of the modern structures,
23 buildings and other property of the Prison and administrative costs; and (2)
24 eliminates the prohibition on spending or transferring the reserved principal of the
25 Fund.

26 Existing law makes it unlawful, with certain exceptions, to sell alcoholic
27 beverages within one-half mile of any institution under the jurisdiction of the
28 Department of Corrections. (NRS 212.180) **Section 4** of this bill authorizes the sale
29 or consumption of beer and wine at certain events held within the historic
30 structures, buildings and other property of the Nevada State Prison.

31 Existing law: (1) creates the Endowment Fund for the Historic Preservation of
32 the Nevada State Prison; (2) requires that the money in the Fund be used to operate,
33 maintain and preserve the historic structures, buildings and other property of the
34 Nevada State Prison; and (3) prohibits spending or transferring any amount of the
35 reserved principal of the Fund, which must not exceed \$100,000. (NRS 381.239)
36 **Section 6** of this bill eliminates the prohibition on spending or transferring the
37 reserved principal of the Fund.

38 Existing law authorizes the Department of Corrections and any other state
39 agency to which an assignment of the historic property of the Nevada State Prison
40 is made to grant a special use permit or enter into an agreement with a nonprofit
41 corporation, pursuant to which the corporation is authorized to conduct tours and
42 engage in other activities relating to that property. (NRS 381.241) **Section 7** of this
43 bill requires that any such permit or agreement provide that any income received by
44 the corporation from grants made to the corporation for certain purposes belong
45 solely to the corporation.

46 Existing law requires the Board of Museums and History to create a trust fund
47 for the deposit of certain money that becomes available from grants, donations and
48 gifts to be used for further study and development of the historic property of the
49 Nevada State Prison. (NRS 381.243) **Section 9** of this bill eliminates the
50 requirement to create the trust fund. **Section 8** of this bill requires that any money
51 remaining in the trust fund on July 1, 2021, must be deposited in the Endowment
52 Fund for the Historic Preservation of the Nevada State Prison.

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

1 **Section 1.** Chapter 233A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 *The proceeds of any fee charged for authorization to use the*
4 *buildings or grounds of the former Stewart Indian School must be*
5 *paid into the State Treasury for credit to the Nevada Indian*



1 *Commission's Gift Fund created by NRS 233A.097 and used by*
2 *the Nevada Indian Commission to carry out programs to preserve*
3 *and maintain the buildings and grounds of the former Stewart*
4 *Indian School.*

5 **Sec. 2.** NRS 233A.097 is hereby amended to read as follows:

6 233A.097 1. Except for gifts or grants specifically accounted
7 for in another fund, all gifts or grants of money, revenues generated
8 or other property which the Commission is authorized to accept
9 must be accounted for in the Nevada Indian Commission's Gift
10 Fund, which is hereby created as a special revenue fund. The Fund
11 is a continuing fund without reversion. The Commission may
12 establish such accounts in the Fund as are necessary to account
13 properly for gifts, grants and revenues received **H** *and fees*
14 *deposited pursuant to section 1 of this act.* All such money received
15 by the Commission must be deposited in the State Treasury for
16 credit to the Fund. The money in the Fund must be paid out on
17 claims as other claims against the State are paid. Unless otherwise
18 specifically provided by statute, claims against the Fund must be
19 approved by the Executive Director of the Commission or his or her
20 designee.

21 2. Gifts of property other than money may be sold or
22 exchanged when this is deemed by the Commission to be in the best
23 interest of the Commission. The sale price must not be less than 90
24 percent of the value determined by a qualified appraiser appointed
25 by the Commission. All money received from the sale must be
26 deposited in the State Treasury to the credit of the appropriate gift
27 account in the Nevada Indian Commission's Gift Fund. The money
28 may be spent only for the purposes of the Commission. The
29 property may not be sold or exchanged if to do so would violate the
30 terms of the gift.

31 **Sec. 3.** NRS 209.194 is hereby amended to read as follows:

32 209.194 1. The Silver State Industries Endowment Fund is
33 hereby created as a trust fund in the State Treasury.

34 2. The State Treasurer shall deposit in the Fund:

35 (a) Any money received from any commercial or correctional
36 activities relating to the use of the modern structures, buildings and
37 other property of the Nevada State Prison; and

38 (b) Any gifts, grants or donations of money the State Treasurer
39 receives from any person who wishes to contribute to the Fund.

40 ➔ The money described in paragraphs (a) and (b) must be
41 accounted for separately.

42 3. The interest and income earned on the money in the Fund
43 must be credited to the Fund.

44 4. The Fund must be administered by the Silver State
45 Industries Division of the Department.



1 5. Except as otherwise provided in subsection 6, the money in
2 the Fund must only be used for the purposes set forth in this
3 subsection. ~~The money which represents the reserved principal of~~
4 ~~the Fund, in an amount not to exceed \$100,000, must not be spent~~
5 ~~and, except as otherwise provided in subsection 6, only the money~~
6 ~~which represents the principal in excess of \$100,000 and the interest~~
7 ~~earned on the principal may be used to carry out the provisions of~~
8 ~~this section.]~~ The Silver State Industries Division may use:

9 (a) In addition to any interest earned on the principal of the
10 Fund, not more than ~~50~~ 75 percent of the money received during a
11 fiscal year from any commercial or correctional activities relating to
12 the use of the modern structures, buildings and other property of the
13 Nevada State Prison for the maintenance of the modern structures,
14 buildings and other property of the Nevada State Prison; and

15 (b) Not more than ~~10~~ 5 percent of the ~~interest earned on the~~
16 ~~principal of the Fund] money received during a fiscal year from~~
17 ~~any commercial or correctional activities relating to the use of the~~
18 ~~modern structures, buildings and other property of the Nevada~~
19 ~~State Prison~~ to pay administrative costs.

20 6. At the end of each fiscal year, the State Treasurer shall
21 transfer from the Silver State Industries Endowment Fund to the
22 Endowment Fund for the Historic Preservation of the Nevada State
23 Prison created by NRS 381.239 ~~50~~ 25 percent of all the money
24 received during the fiscal year from any commercial or correctional
25 activities relating to the use of the modern structures, buildings and
26 other property of the Nevada State Prison and deposited into and
27 remaining in the Silver State Industries Endowment Fund. The State
28 Treasurer shall not transfer ~~the reserved principal of the Silver State~~
29 ~~Industries Endowment Fund or] any interest earned on the principal.~~

30 7. As used in this section, "modern structures, buildings and
31 other property of the Nevada State Prison" means the structures,
32 buildings and other property described in paragraph (a) of
33 subsection 1 of NRS 321.004.

34 **Sec. 4.** NRS 212.180 is hereby amended to read as follows:

35 212.180 ~~##~~

36 1. *Except as otherwise provided in subsection 2, it* is unlawful
37 for any person, unless the person was licensed to sell alcoholic
38 beverages at that address before July 1, 1983, to sell by wholesale or
39 retail any alcoholic beverage within one-half mile of any institution
40 under the jurisdiction of the Department of Corrections which is
41 designed to house 125 or more offenders within a secure perimeter,
42 and no license may be granted authorizing the sale of any alcoholic
43 beverage within one-half mile of such an institution.

44 2. *The provisions of subsection 1 do not prohibit the sale or*
45 *consumption of beer and wine at any event held pursuant to a*



1 *special use permit or agreement with the Nevada State Prison*
2 *Preservation Society, or any successor or similar nonprofit*
3 *corporation, within the historic structures, buildings and other*
4 *property of the Nevada State Prison so long as the beer and wine*
5 *is served in temporary containers and beer or wine is not stored at*
6 *the historic structures, buildings and other property of the Nevada*
7 *State Prison.*

8 3. *As used in this section:*

9 (a) *“Beer” has the meaning ascribed to it in NRS 369.010.*

10 (b) *“Historic structures, buildings and other property of the*
11 *Nevada State Prison” means the structures, buildings and other*
12 *property described in paragraph (b) of subsection 1 of*
13 *NRS 321.004.*

14 (c) *“Wine” has the meaning ascribed to in NRS 369.140.*

15 **Sec. 5.** NRS 322.160 is hereby amended to read as follows:

16 322.160 The proceeds of any fee charged pursuant to NRS
17 322.100 to 322.130, inclusive, must be accounted for by the State
18 Land Registrar and:

19 1. If the fee is for any authorization to use land granted to the
20 State by the Federal Government for educational purposes, the
21 proceeds must be paid into the State Treasury for credit to the State
22 Permanent School Fund.

23 2. If the fee is for any authorization to use any other state land,
24 except as otherwise provided in this subsection ~~§~~ *or section 1 of*
25 *this act*, the proceeds must be paid into the State Treasury for credit
26 to the State General Fund. If the proceeds of the fees charged
27 pursuant to NRS 322.120 to use any other state land exceed \$65,000
28 in any fiscal year, the amount which is in excess of \$65,000 must be
29 accounted for separately and used by the State Land Registrar to
30 carry out programs to preserve, protect, restore and enhance the
31 natural environment of the Lake Tahoe Basin.

32 **Sec. 6.** NRS 381.239 is hereby amended to read as follows:

33 381.239 1. The Endowment Fund for the Historic
34 Preservation of the Nevada State Prison is hereby created as a trust
35 fund in the State Treasury.

36 2. The State Treasurer shall deposit in the Fund:

37 (a) Any money received from any commercial or tourist
38 enterprises relating to the use of the historic structures, buildings
39 and other property of the Nevada State Prison as a historical,
40 cultural, educational and scientific resource, except for any
41 administrative expenses of a nonprofit corporation retained by the
42 corporation pursuant to NRS 381.241.

43 (b) At the end of each fiscal year, the money required by
44 subsection 6 of NRS 209.194 to be transferred from the Silver State
45 Industries Endowment Fund created by that section . ~~§~~ *other than*



~~1 the money which represents the reserved principal of the Silver
2 State Industries Endowment Fund.]~~

3 (c) Any other gifts, grants or donations of money the State
4 Treasurer receives from any person who wishes to contribute to the
5 Fund.

6 3. The interest and income earned on the money in the Fund
7 must be credited to the Fund.

8 4. The Fund must be administered by the agency to which the
9 historic structures, buildings and other property of the Nevada State
10 Prison are assigned for administration pursuant to NRS 321.004, in
11 consultation with the Board and the Nevada State Prison
12 Preservation Society or its successor.

13 5. The money in the Fund must only be used for the purposes
14 of the operation, maintenance and preservation of the historic
15 structures, buildings and other property of the Nevada State Prison
16 as a historical, cultural, educational and scientific resource. ~~[The
17 money which represents the reserved principal of the Fund, in an
18 amount not to exceed \$100,000, must not be spent, and only the
19 money which represents the principal in excess of \$100,000 and
20 the interest earned on the principal may be used to carry out the
21 provisions of this section.]~~ The agency that administers the Fund
22 may use not more than 10 percent of the interest earned on the
23 principal of the Fund to pay administrative costs.

24 **Sec. 7.** NRS 381.241 is hereby amended to read as follows:

25 381.241 1. The Department of Corrections and, as soon as
26 practicable after the date of the assignment, any other state agency
27 that receives an assignment from the State Land Registrar of the
28 historic structures, buildings and other property of the Nevada State
29 Prison pursuant to NRS 321.004 may grant a special use permit to
30 or enter into an agreement with the Nevada State Prison
31 Preservation Society, or any successor or similar nonprofit
32 corporation, authorizing the corporation to conduct tours and engage
33 in other commercial and tourist activities relating to the historic
34 structures, buildings and other property of the Nevada State Prison.

35 2. Any permit or agreement granted or entered into pursuant to
36 this section must:

37 (a) Be for a term of 2 years;

38 (b) Be renewable as provided in the permit or agreement;

39 (c) Authorize the corporation to charge and collect reasonable
40 fees or solicit and collect donations for its activities;

41 (d) Require the corporation to pay the income from such fees ,
42 ~~[and donations.]~~ less the reasonable administrative expenses
43 incurred by the corporation, to the State Treasurer for deposit in the
44 Endowment Fund for the Historic Preservation of the Nevada State
45 Prison created by NRS 381.239; and



1 (e) Provide that any income received by the corporation from
2 membership fees, the sale of merchandise of the corporation, *grants*
3 or donations made to the corporation for purposes other than entry
4 into or tours of the historic structures, buildings and other property
5 at the Nevada State Prison belong solely to the corporation.

6 **Sec. 8.** Any money remaining in the trust fund established
7 pursuant to NRS 381.243 on July 1, 2021, must be deposited in the
8 Endowment Fund for the Historic Preservation of the Nevada State
9 Prison created by NRS 381.239.

10 **Sec. 9.** NRS 381.243 is hereby repealed.

11 **Sec. 10.** This act becomes effective on July 1, 2021.

TEXT OF REPEALED SECTION

**NRS 381.243 Trust fund for donations, sponsorships, gifts
or grants: Establishment; uses; administration.**

1. The Board shall establish a dedicated trust fund for the deposit of any money that becomes available from any public or private donation, sponsorship, gift or grant, other than:

- (a) A grant of federal money; or
- (b) Any money described in NRS 381.239.

2. The money in the trust fund established pursuant to this section must be used only for the further study and development of the historic structures, buildings and other property of the Nevada State Prison.

3. The trust fund established pursuant to this section must be administered by the Board in the manner provided by NRS 381.002 to 381.0037, inclusive, for the Division of Museums and History Dedicated Trust Fund established pursuant to NRS 381.0031, except that the trust fund established pursuant to this section must be administered in consultation with the agency to which the administration of the historic structures, buildings and other property of the Nevada State Prison is assigned pursuant to NRS 321.004 and the Nevada State Prison Preservation Society or its successor.

