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FIRST REPRINT

A.B. 270

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

MARCH 15, 2021

JOINT SPONSORS: SENATORS DONDERO LOOP,
KIECKHEFER AND SETTELMEYER

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 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; (2) the Commission designates the buildings and grounds of
- 4 the former Stewart Indian School to be managed by the Museum Director for the
- 5 purpose of establishing and maintaining the Stewart Indian School Cultural Center
- 6 and Museum; and (3) gifts, grants of money, revenues generated or other property
- 7 which the Commission is authorized to accept must be accounted for in the Nevada
- 8 Indian Commission’s Gift Fund. (NRS 233A.092, 233A.097, 233A.300) **Section**
- 9 **2.5** of this bill requires the Museum Director of the Stewart Indian School Cultural
- 10 Center and Museum to enter into an agreement with the State Land Registrar or any
- 11 other state agency that receives an assignment of the buildings and grounds of the



12 former Stewart Indian School to: (1) designate which buildings and grounds of the
13 former Stewart Indian School under the management of the Museum Director are
14 appropriate for special events; and (2) authorize the Museum Director to grant
15 special use permits to hold special events at or on the designated buildings and
16 grounds.

17 **Sections 2 and 2.5** of this bill require that any money received for special
18 events held at or on the buildings or grounds of the former Stewart Indian School
19 be paid into the State Treasury for credit to the Nevada Indian Commission's Gift
20 Fund for the purpose of carrying out programs to preserve and maintain the
21 buildings and grounds of the former Stewart Indian School.

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

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

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

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

54 Existing law requires the Board of Museums and History to create a trust fund
55 for the deposit of certain money that becomes available from grants, donations and
56 gifts to be used for further study and development of the historic property of the
57 Nevada State Prison. (NRS 381.243) **Section 9** of this bill eliminates the
58 requirement to create the trust fund. **Section 8** of this bill requires that any money
59 remaining in the trust fund on July 1, 2021, must be deposited in the Endowment
60 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.** (Deleted by amendment.)

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

3 233A.097 1. Except for gifts or grants specifically accounted
4 for in another fund, all gifts or grants of money, revenues generated
5 or other property which the Commission is authorized to accept
6 must be accounted for in the Nevada Indian Commission's Gift
7 Fund, which is hereby created as a special revenue fund. The Fund
8 is a continuing fund without reversion. The Commission may
9 establish such accounts in the Fund as are necessary to account
10 properly for gifts, grants and revenues received ~~and~~ **and money**
11 **received pursuant to NRS 233A.300.** All such money received by
12 the Commission must be deposited in the State Treasury for credit to
13 the Fund. The money in the Fund must be paid out on claims as
14 other claims against the State are paid. Unless otherwise specifically
15 provided by statute, claims against the Fund must be approved by
16 the Executive Director of the Commission or his or her designee.

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

27 **Sec. 2.5.** NRS 233A.300 is hereby amended to read as
28 follows:

29 233A.300 1. The buildings and grounds of the former
30 Stewart Indian School that are designated by the Commission are
31 under the management of the Museum Director for the purpose of
32 establishing and maintaining the Stewart Indian School Cultural
33 Center and Museum.

34 2. ***The Museum Director shall enter into an agreement with***
35 ***the State Land Registrar or any other state agency that receives an***
36 ***assignment from the State Land Registrar of the buildings and***
37 ***grounds of the former Stewart Indian School. The agreement***
38 ***must, without limitation:***

39 (a) ***Designate which buildings and grounds of the former***
40 ***Stewart Indian School under the management of the Museum***
41 ***Director pursuant to subsection 1 are appropriate for holding***
42 ***special events; and***



1 *(b) Authorize the Museum Director to grant special use*
2 *permits to hold special events at or on the buildings and grounds*
3 *of the former Stewart Indian School designated pursuant to*
4 *paragraph (a).*

5 *3. Any money received for any special events held at or on the*
6 *buildings and grounds of the former Stewart Indian School in*
7 *accordance with the agreement entered into pursuant to*
8 *subsection 2 must be:*

9 *(a) Paid into the State Treasury for credit to the Nevada*
10 *Indian Commission's Gift Fund created by NRS 233A.097; and*

11 *(b) Used by the Commission to carry out programs to preserve*
12 *and maintain the operations and cultural integrity of the former*
13 *Stewart Indian School.*

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

15 209.194 1. The Silver State Industries Endowment Fund is
16 hereby created as a trust fund in the State Treasury.

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

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

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

23 ↪ The money described in paragraphs (a) and (b) must be
24 accounted for separately.

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

27 4. The Fund must be administered by the Silver State
28 Industries Division of the Department.

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

37 (a) In addition to any interest earned on the principal of the
38 Fund, not more than ~~[50]~~ 75 percent of the money received during a
39 fiscal year from any commercial or correctional activities relating to
40 the use of the modern structures, buildings and other property of the
41 Nevada State Prison for the maintenance of the modern structures,
42 buildings and other property of the Nevada State Prison; and

43 (b) Not more than ~~[10]~~ 5 percent of the ~~[interest earned on the~~
44 ~~principal of the Fund]~~ money received during a fiscal year from
45 any commercial or correctional activities relating to the use of the



1 *modern structures, buildings and other property of the Nevada*
2 *State Prison* to pay administrative costs.

3 6. At the end of each fiscal year, the State Treasurer shall
4 transfer from the Silver State Industries Endowment Fund to the
5 Endowment Fund for the Historic Preservation of the Nevada State
6 Prison created by NRS 381.239 ~~[50]~~ 25 percent of all the money
7 received during the fiscal year from any commercial or correctional
8 activities relating to the use of the modern structures, buildings and
9 other property of the Nevada State Prison and deposited into and
10 remaining in the Silver State Industries Endowment Fund. The State
11 Treasurer shall not transfer ~~[the reserved principal of the Silver State~~
12 ~~Industries Endowment Fund or]~~ any interest earned on the principal.

13 7. As used in this section, "modern structures, buildings and
14 other property of the Nevada State Prison" means the structures,
15 buildings and other property described in paragraph (a) of
16 subsection 1 of NRS 321.004.

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

18 212.180 ~~[H]~~

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

27 **2.** *The provisions of subsection 1 do not prohibit the sale or*
28 *consumption of beer and wine at any event held pursuant to a*
29 *special use permit or agreement with the Nevada State Prison*
30 *Preservation Society, or any successor or similar nonprofit*
31 *corporation, within the historic structures, buildings and other*
32 *property of the Nevada State Prison so long as the beer and wine*
33 *is served in temporary containers and beer or wine is not stored at*
34 *the historic structures, buildings and other property of the Nevada*
35 *State Prison.*

36 **3.** *As used in this section:*

37 (a) *"Beer" has the meaning ascribed to it in NRS 369.010.*

38 (b) *"Historic structures, buildings and other property of the*
39 *Nevada State Prison" means the structures, buildings and other*
40 *property described in paragraph (b) of subsection 1 of*
41 *NRS 321.004.*

42 (c) *"Wine" has the meaning ascribed to in NRS 369.140.*

43 **Sec. 5.** (Deleted by amendment.)



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

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

2. The State Treasurer shall deposit in the Fund:

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

(b) At the end of each fiscal year, the money required by subsection 6 of NRS 209.194 to be transferred from the Silver State Industries Endowment Fund created by that section . ~~[, other than the money which represents the reserved principal of the Silver State Industries Endowment Fund.]~~

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

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

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

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

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

381.241 1. The Department of Corrections and, as soon as practicable after the date of the assignment, any other state agency that receives an assignment from the State Land Registrar of the historic structures, buildings and other property of the Nevada State Prison pursuant to NRS 321.004 may grant a special use permit to or enter into an agreement with the Nevada State Prison Preservation Society, or any successor or similar nonprofit



1 corporation, authorizing the corporation to conduct tours and engage
2 in other commercial and tourist activities relating to the historic
3 structures, buildings and other property of the Nevada State Prison.

4 2. Any permit or agreement granted or entered into pursuant to
5 this section must:

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

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

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

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

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

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

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

25 **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.

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