

Amendment No. 173

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| Assembly Amendment to Assembly Bill No. 270  | (BDR 18-646) |
| <b>Proposed by:</b> Assembly Committee on Government Affairs                         |              |
| <b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes |              |

| ASSEMBLY ACTION                       | Initial and Date              |  | SENATE ACTION                         | Initial and Date              |
|---------------------------------------|-------------------------------|--|---------------------------------------|-------------------------------|
| Adopted <input type="checkbox"/>      | Lost <input type="checkbox"/> |  | Adopted <input type="checkbox"/>      | Lost <input type="checkbox"/> |
| Concurred In <input type="checkbox"/> | Not <input type="checkbox"/>  |  | Concurred In <input type="checkbox"/> | Not <input type="checkbox"/>  |
| Receded <input type="checkbox"/>      | Not <input type="checkbox"/>  |  | Receded <input type="checkbox"/>      | Not <input type="checkbox"/>  |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

NAS/HAC



Date: 4/15/2021

A.B. No. 270—Revises provisions governing the preservation of the Nevada State Prison and the Stewart Indian School. (BDR 18-646)





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 agency  
2 regarding activities at and uses of the buildings and grounds of the former Stewart Indian  
3 School; ~~and~~ (2) ~~the Commission designates the buildings and grounds of the former~~  
4 ~~Stewart Indian School to be managed by the Museum Director for the purpose of~~  
5 ~~establishing and maintaining the Stewart Indian School Cultural Center and Museum;~~  
6 ~~and~~ (3) gifts, grants of money, revenues generated or other property which the Commission is  
7 authorized to accept must be accounted for in the Nevada Indian Commission’s Gift Fund.  
8 (NRS 233A.092, ~~233A.097~~) Existing law requires, with certain exceptions, that the proceeds  
9 of a fee for any authorization to use state land must be paid into the State Treasury for credit  
10 to the State General Fund. (NRS 322.160) ~~233A.097, 233A.300~~ **233A.097, 233A.300** Section 2.5 of this bill  
11 **requires the Museum Director of the Stewart Indian School Cultural Center and**  
12 **Museum to enter into an agreement with the State Land Registrar or any other state**  
13 **agency that receives an assignment of the buildings and grounds of the former Stewart**  
14 **Indian School to: (1) designate which buildings and grounds of the former Stewart**  
15 **Indian School under the management of the Museum Director are appropriate for**  
16 **special events; and (2) authorize the Museum Director to grant special use permits to**  
17 **hold special events at or on the designated buildings and grounds.**

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

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

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

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

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

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

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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 adding thereto a~~  
 2 ~~new section to read as follows:~~

3 ~~— The proceeds of any fee charged for authorization to use the buildings or~~  
 4 ~~grounds of the former Stewart Indian School must be paid into the State~~  
 5 ~~Treasury for credit to the Nevada Indian Commission's Gift Fund created by~~  
 6 ~~NRS 233A.097 and used by the Nevada Indian Commission to carry out~~  
 7 ~~programs to preserve and maintain the buildings and grounds of the former~~  
 8 ~~Stewart Indian School.] (Deleted by amendment.)~~

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

10 233A.097 1. Except for gifts or grants specifically accounted for in another  
 11 fund, all gifts or grants of money, revenues generated or other property which the  
 12 Commission is authorized to accept must be accounted for in the Nevada Indian

1 Commission’s Gift Fund, which is hereby created as a special revenue fund. The  
 2 Fund is a continuing fund without reversion. The Commission may establish such  
 3 accounts in the Fund as are necessary to account properly for gifts, grants and  
 4 revenues received ~~and fees deposited~~ money received pursuant to ~~section 1~~  
 5 ~~of this act.~~ NRS 233A.300. All such money received by the Commission must be  
 6 deposited in the State Treasury for credit to the Fund. The money in the Fund must  
 7 be paid out on claims as other claims against the State are paid. Unless otherwise  
 8 specifically provided by statute, claims against the Fund must be approved by the  
 9 Executive Director of the Commission or his or her designee.

10 2. Gifts of property other than money may be sold or exchanged when this is  
 11 deemed by the Commission to be in the best interest of the Commission. The sale  
 12 price must not be less than 90 percent of the value determined by a qualified  
 13 appraiser appointed by the Commission. All money received from the sale must be  
 14 deposited in the State Treasury to the credit of the appropriate gift account in the  
 15 Nevada Indian Commission’s Gift Fund. The money may be spent only for the  
 16 purposes of the Commission. The property may not be sold or exchanged if to do so  
 17 would violate the terms of the gift.

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

19 233A.300 1. The buildings and grounds of the former Stewart Indian  
 20 School that are designated by the Commission are under the management of the  
 21 Museum Director for the purpose of establishing and maintaining the Stewart  
 22 Indian School Cultural Center and Museum.

23 2. The Museum Director shall enter into an agreement with the State Land  
 24 Registrar or any other state agency that receives an assignment from the State  
 25 Land Registrar of the buildings and grounds of the former Stewart Indian  
 26 School. The agreement must, without limitation:

27 (a) Designate which buildings and grounds of the former Stewart Indian  
 28 School under the management of the Museum Director pursuant to subsection 1  
 29 are appropriate for holding special events; and

30 (b) Authorize the Museum Director to grant special use permits to hold  
 31 special events at or on the buildings and grounds of the former Stewart Indian  
 32 School designated pursuant to paragraph (a).

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

36 (a) Paid into the State Treasury for credit to the Nevada Indian  
 37 Commission’s Gift Fund created by NRS 233A.097; and

38 (b) Used by the Commission to carry out programs to preserve and maintain  
 39 the operations and cultural integrity of the former Stewart Indian School.

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

41 209.194 1. The Silver State Industries Endowment Fund is hereby created  
 42 as a trust fund in the State Treasury.

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

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

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

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

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

52 4. The Fund must be administered by the Silver State Industries Division of  
 53 the Department.

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

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

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

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

26           7. As used in this section, “modern structures, buildings and other property of  
27 the Nevada State Prison” means the structures, buildings and other property  
28 described in paragraph (a) of subsection 1 of NRS 321.004.

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

30           212.180 ~~[[~~

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

38           2. *The provisions of subsection 1 do not prohibit the sale or consumption of*  
39 *beer and wine at any event held pursuant to a special use permit or agreement*  
40 *with the Nevada State Prison Preservation Society, or any successor or similar*  
41 *nonprofit corporation, within the historic structures, buildings and other property*  
42 *of the Nevada State Prison so long as the beer and wine is served in temporary*  
43 *containers and beer or wine is not stored at the historic structures, buildings and*  
44 *other property of the Nevada State Prison.*

45           3. *As used in this section:*

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

47           (b) *“Historic structures, buildings and other property of the Nevada State*  
48 *Prison” means the structures, buildings and other property described in*  
49 *paragraph (b) of subsection 1 of NRS 321.004.*

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

51           **Sec. 5.** ~~[NRS 322.160 is hereby amended to read as follows:~~

52           ~~322.160 The proceeds of any fee charged pursuant to NRS 322.100 to~~  
53 ~~322.130, inclusive, must be accounted for by the State Land Registrar and:~~

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

4 ~~2. If the fee is for any authorization to use any other state land, except as~~  
5 ~~otherwise provided in this subsection [.] or section 1 of this act, the proceeds must~~  
6 ~~be paid into the State Treasury for credit to the State General Fund. If the proceeds~~  
7 ~~of the fees charged pursuant to NRS 222.120 to use any other state land exceed~~  
8 ~~\$65,000 in any fiscal year, the amount which is in excess of \$65,000 must be~~  
9 ~~accounted for separately and used by the State Land Registrar to carry out programs~~  
10 ~~to preserve, protect, restore and enhance the natural environment of the Lake Tahoe~~  
11 ~~Basin.] (Deleted by amendment.)~~

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

13 381.239 1. The Endowment Fund for the Historic Preservation of the  
14 Nevada State Prison is hereby created as a trust fund in the State Treasury.

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

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

21 (b) At the end of each fiscal year, the money required by subsection 6 of NRS  
22 209.194 to be transferred from the Silver State Industries Endowment Fund created  
23 by that section . [~~other than the money which represents the reserved principal of~~  
24 ~~the Silver State Industries Endowment Fund.]~~

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

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

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

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

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

43 381.241 1. The Department of Corrections and, as soon as practicable after  
44 the date of the assignment, any other state agency that receives an assignment from  
45 the State Land Registrar of the historic structures, buildings and other property of  
46 the Nevada State Prison pursuant to NRS 321.004 may grant a special use permit to  
47 or enter into an agreement with the Nevada State Prison Preservation Society, or  
48 any successor or similar nonprofit corporation, authorizing the corporation to  
49 conduct tours and engage in other commercial and tourist activities relating to the  
50 historic structures, buildings and other property of the Nevada State Prison.

51 2. Any permit or agreement granted or entered into pursuant to this section  
52 must:

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

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

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

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

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

13 **Sec. 8.** Any money remaining in the trust fund established pursuant to NRS  
14 381.243 on July 1, 2021, must be deposited in the Endowment Fund for the Historic  
15 Preservation of the Nevada State Prison created by NRS 381.239.

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

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

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#### TEXT OF REPEALED SECTION

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#### **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.