

Amendment No. 254

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| Assembly Amendment to Assembly Bill No. 252 | (BDR 33-150) |
| Proposed by: Assembly Committee on Government Affairs | |
| Amends: 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.



ASSEMBLY BILL NO. 252—ASSEMBLYWOMEN COHEN;
AND BROWN-MAY

MARCH 7, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration.
(BDR 33-150)

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 governmental administration; creating the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund; revising the membership of the Board of Museums and History; requiring the Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs to develop and maintain an Internet website related to institutions of the Division and ensure that the Internet website is accessible to persons ~~[who are blind or visually impaired;]~~ **with disabilities**; authorizing the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution to persons who are blind or visually impaired; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist that limit the ability of persons with disabilities to access the institutions of the Division; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Division of Museums and History of the Department of Tourism
2 and Cultural Affairs, which consists of the Office of the Administrator and certain museums
3 and historical societies which are established as institutions of the Division. (NRS 381.004)
4 Existing law further sets forth various duties of the Administrator. (NRS 381.006, 381.0063)
5 **Section 3** of this bill requires the Administrator to also: (1) develop and maintain an Internet
6 website related to the institutions of the Division and ensure that the Internet website is
7 accessible to persons **with disabilities, including, without limitation, persons** who are blind
8 or visually impaired; and (2) consult with certain organizations regarding the accessibility of
9 institutions of the Division to persons **with disabilities, including, without limitation,**
10 **persons** who are blind or visually impaired. **Section 4** of this bill authorizes the Administrator
11 to authorize or require a museum director of an institution of the Division to establish certain
12 procedures that enable the accessibility of the exhibits in the institution for persons who are
13 blind or visually impaired.

14 **Section 1** of this bill creates the Account for Improving Access to State Museums for
 15 Persons with Disabilities in the State General Fund, to be administered by the Administrator.
 16 Money in the Account must be expended only to improve access at institutions of the Division
 17 for persons with disabilities, including, without limitation, persons who are blind or visually
 18 impaired.

19 Existing law creates the Board of Museums and History, which consists of twelve
 20 members, including five representatives of the general public who are knowledgeable about
 21 museums. (NRS 381.002) **Section 2** of this bill provides that one of the representatives of the
 22 general public must be a person who is knowledgeable about museums and has a disability ~~. **F**~~
 23 ~~including, without limitation, a person who is blind or visually impaired.~~ **Section 6** of this bill
 24 clarifies that the provisions of **section 2** do not affect the term of any person who is a member
 25 of the Board on June 30, 2023.

26 **Section 5** of this bill requires the Legislative Committee on Senior Citizens, Veterans and
 27 Adults With Special Needs to study during the 2023-2024 interim any issues that exist which
 28 limit the ability of persons with disabilities, including, without limitation, persons who are
 29 blind or visually impaired, to access the institutions of the Division.

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

1 **Section 1.** Chapter 381 of NRS is hereby amended by adding thereto a new
 2 section to read as follows:

3 *1. There is hereby created the Account for Improving Access to State*
 4 *Museums for Persons with Disabilities in the State General Fund. The Account*
 5 *shall be administered by the Administrator.*

6 *2. The money in the Account must be expended only to improve access at*
 7 *institutions of the Division that are established pursuant to NRS 381.004 for*
 8 *persons with disabilities, including, without limitation, persons who are blind or*
 9 *visually impaired.*

10 *3. The Administrator may apply for and accept any gift, donation, bequest,*
 11 *grant or other source of money for deposit in the Account.*

12 *4. The interest and income earned on money in the Account from any gift,*
 13 *donation, bequest or appropriation, after deducting any applicable charges, must*
 14 *be credited to the Account.*

15 *5. Money from any gift, donation, bequest or appropriation that remains in*
 16 *the Account at the end of the fiscal year does not revert to the State General*
 17 *Fund, and the balance in the Account must be carried forward to the next fiscal*
 18 *year.*

19 **Sec. 2.** NRS 381.002 is hereby amended to read as follows:

20 381.002 1. The Board of Museums and History, consisting of twelve
 21 members appointed by the Governor, is hereby created.

22 2. The Governor shall appoint to the Board:

23 (a) Five representatives of the general public who are knowledgeable about
 24 museums ~~**H** , one of whom must be a person with a disability . **F** including~~
 25 ~~without limitation, a person who is blind or visually impaired.~~

26 (b) Six members representing the fields of history, prehistoric archeology,
 27 historical archeology, architectural history, and architecture with qualifications as
 28 defined by the Secretary of Interior’s standards for historic preservation in the
 29 following fields:

- 30 (1) One member who is qualified in history;
- 31 (2) One member who is qualified in prehistoric archeology;
- 32 (3) One member who is qualified in historic archeology;
- 33 (4) One member who is qualified in architectural history;

1 (5) One member who is qualified as an architect; and

2 (6) One additional member who is qualified, as defined by the Secretary of
3 Interior's standards for historic preservation, in any of the fields of expertise
4 described in subparagraphs (1) to (5), inclusive.

5 (c) One member, after giving consideration to any recommendation of an
6 enrolled member of a Nevada Indian tribe which is submitted by the Nevada Indian
7 Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its
8 successor organization.

9 3. The Board shall elect a Chair and a Vice Chair from among its members at
10 its first meeting of every even-numbered year. The terms of the Chair and Vice
11 Chair are 2 years or until their successors are elected.

12 4. With respect to the functions of the Office of Historic Preservation, the
13 Board may develop, review and approve policy for:

14 (a) Matters relating to the State Historic Preservation Plan;

15 (b) Nominations to the National Register of Historic Places and make a
16 determination of eligibility for listing on the Register for each property nominated;
17 and

18 (c) Nominations to the State Register of Historic Places and make
19 determination of eligibility for listing on the Register for each property nominated.

20 5. With respect to the functions of the Division, the Board shall develop,
21 review and make policy for investments, budgets, expenditures and general control
22 of the Division's private and endowed dedicated trust funds pursuant to NRS
23 381.003 to 381.0037, inclusive.

24 6. In all other matters pertaining to the Office of Historic Preservation and the
25 Division of Museums and History, the Board serves in an advisory capacity.

26 7. The Board may adopt such regulations as it deems necessary to carry out
27 its powers and duties.

28 **Sec. 2.5. NRS 381.0031 is hereby amended to read as follows:**

29 381.0031 1. ~~[(A)]~~ **Except as otherwise provided in subsection 5, all** money
30 and the proceeds from property received by the Division or any institution of the
31 Division through any grant other than a grant of federal money, bequest or devise,
32 and the proceeds from memberships, sales, interest and dividends from any sources
33 other than appropriation by the Legislature, admission charges and sales of tickets
34 for train rides, are private money and not state money. The Board shall establish a
35 Division of Museums and History Dedicated Trust Fund. All private money must
36 be accounted for in that Fund. No other money may be accounted for in that Fund.

37 2. Except as otherwise provided in this chapter, all of the money in the
38 Dedicated Trust Fund must be deposited in a financial institution to draw interest or
39 be expended, invested and reinvested pursuant to the specific instructions of the
40 donor, or, where no such specific instructions exist, in the sound discretion of the
41 Board. The provisions of subsections 3 and 4 of NRS 356.011 apply to any
42 accounts in financial institutions maintained pursuant to this section.

43 3. The Board shall account separately for the portions of the private money
44 received by each institution of the Division but may combine all or any portion of
45 the private money for the purposes of investment and reinvestment.

46 4. The Board shall adopt an investment policy for the private money.

47 **5. The provisions of this section do not apply to any money received for**
48 **deposit in the Account for Improving Access to State Museums for Persons with**
49 **Disabilities created by section 1 of this act.**

50 **Sec. 3. NRS 381.006 is hereby amended to read as follows:**

51 381.006 1. For the property and facilities of the Division, the Administrator:

1 ~~11~~ (a) Is responsible to the Director for the general administration of the
2 Division and its institutions and for the submission of its budgets, which must
3 include the combined budgets of its institutions.

4 ~~12~~ (b) Shall supervise the museum directors of its institutions in matters
5 pertaining to the general administration of the institutions.

6 ~~13~~ (c) Shall coordinate the submission of requests by its institutions for
7 assistance from governmental sources.

8 ~~14~~ (d) Shall oversee the public relations of its institutions.

9 ~~15~~ (e) Shall superintend the planning and development of any new facilities
10 for the Division or its institutions.

11 ~~16~~ (f) Shall assist the efforts of its institutions in improving their services to
12 the rural counties.

13 ~~17~~ (g) Shall supervise the facilities for storage which are jointly owned or
14 used by any of its institutions.

15 ~~18~~ (h) Shall trade, exchange and transfer exhibits and equipment when the
16 Administrator considers it proper and the transactions are not sales.

17 ~~19~~ (i) May contract with any person to provide concessions on the grounds of
18 the property and facilities of the Division, provided that any contract permitting
19 control of real property of the Division by a nongovernmental entity must be
20 executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and
21 322.070.

22 ~~20~~ (j) Shall oversee the supervision, control, management and operation of
23 any buildings or properties in this State that are under the control of the Division.

24 ~~21~~ (k) Shall supervise the furnishing, remodeling, repairing, alteration and
25 erection of premises and buildings of the Division or premises and buildings that
26 may be conveyed or made available to the Division.

27 **2. In addition to the duties set forth in subsection 1, the Administrator shall:**

28 (a) *Develop and maintain an Internet website related to the museums and*
29 *historical societies established as institutions of the Division pursuant to NRS*
30 *381.004 and ensure that the Internet website is accessible to persons with*
31 *disabilities, including, without limitation, persons who are blind or visually*
32 *impaired.*

33 (b) *Consult with organizations that are dedicated to the welfare of persons*
34 *with disabilities, including, without limitation, persons who are blind or visually*
35 *impaired. [, including,] Such organizations may include, without limitation, the*
36 *American Council of the Blind and the National Federation of the Blind,*
37 *regarding the accessibility of institutions of the Division that are established*
38 *pursuant to NRS 381.004 to persons who are blind or visually impaired.*

39 **Sec. 4.** NRS 381.0063 is hereby amended to read as follows:

40 381.0063 1. The Administrator shall, in accordance with any directive
41 received from the Director pursuant to NRS 232.005, authorize or require each
42 museum director to perform such duties set forth in subsections 2 and 3 as are
43 necessary for the operation of the institution administered by the museum director,
44 after giving consideration to:

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

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

48 (c) Requirements for accreditation; and

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

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

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

1 (b) Receive, collect, exchange, preserve, house, care for, document, interpret,
2 display and exhibit, particularly, but not exclusively, respecting the State of
3 Nevada:

4 (1) Samples of the useful and fine arts, sciences and industries, relics,
5 memorabilia, products, works, records, rare and valuable articles and objects,
6 including, without limitation, drawings, etchings, lithographs, photographs,
7 paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological
8 and mineral specimens, precious, semiprecious and commercial minerals, metals,
9 earths, gems and stones.

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

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

14 (d) Establish such programs in history, archeology, anthropology,
15 paleontology, mineralogy, ethnology, ornithology and such other programs as in the
16 judgment of the Board and Administrator may be proper and necessary to carry out
17 the objects and purposes appropriate to the institution administered by the museum
18 director.

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

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

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

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

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

37 (j) Govern, manage and control the exhibit and display of all property and
38 things of the institution administered by the museum director at other exhibits,
39 expositions, world's fairs and places of public or private exhibition. Any property
40 of the State of Nevada that may be placed on display or on exhibition at any
41 world's fair or exposition must be taken into custody by the Administrator at the
42 conclusion of the world's fair or exposition and placed and kept in the institution,
43 subject to being removed and again exhibited at the discretion of the Administrator
44 or a person designated by the Administrator.

45 (k) Negotiate and consult with and agree with other institutions, departments,
46 officers and persons or corporations of and in the State of Nevada and elsewhere
47 respecting quarters for and the preservation, care, transportation, storage, custody,
48 documentation, interpretation, display and exhibit of articles and things controlled
49 by the institutions and respecting the terms and cost, the manner, time, place and
50 extent, and the return thereof.

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

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

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

6 *(o) Establish procedures that enable the accessibility of the exhibits in an*
7 *institution administered by the museum director for persons who are blind or*
8 *visually impaired, including, without limitation, by providing audio guides, audio*
9 *descriptive displays, tactile displays and experiences, dedicated tours for persons*
10 *who are blind or visually impaired, Braille signage and descriptions, temporary*
11 *lighting and adapted educational classes.*

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

15 (a) Systematically inventory the paleontological resources within the State of
16 Nevada;

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

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

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

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

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

29 5. The provisions of this section do not prohibit the Administrator from
30 making such administrative and organizational changes as are necessary for the
31 efficient operation of the Division and its institutions and to ensure that an
32 institution properly carries out the duties and responsibilities assigned to that
33 institution.

34 **Sec. 5.** 1. The Legislative Committee on Senior Citizens, Veterans and
35 Adults With Special Needs created by NRS 218E.750 shall study during the 2023-
36 2024 interim any issues that exist which limit the ability of persons with
37 disabilities, including, without limitation, persons who are blind or visually
38 impaired, to access the museums and historical societies established as institutions
39 of the Division of Museums and History of the Department of Tourism and Cultural
40 Affairs pursuant to NRS 381.004.

41 2. In the report required pursuant to subsection 3 of NRS 218E.760, the
42 Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs
43 shall set forth any recommended legislation for improving the accessibility of the
44 museums and historical societies established as institutions of the Division of
45 Museums and History of the Department of Tourism and Cultural Affairs pursuant
46 to NRS 381.004 to persons with disabilities, including, without limitation, persons
47 who are blind or visually impaired.

48 **Sec. 6.** The provisions of NRS 381.002, as amended by section 2 of this act,
49 do not apply to the existing terms of members of the Board of Museums and
50 History who were appointed to the Board pursuant to paragraph (a) of subsection 2
51 of NRS 381.002, as that section existed on June 30, 2023.

52 **Sec. 7.** This act becomes effective on July 1, 2023.