

SENATE BILL NO. 477—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MAY 11, 2023

Referred to Committee on Finance

SUMMARY—Makes various changes relating to the Department of
Tourism and Cultural Affairs. (BDR 18-1066)

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

~

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

AN ACT relating to tourism; authorizing the Director of the
Department of Tourism and Cultural Affairs to appoint a
Deputy Director of the Division of Tourism; creating the
Fund for Tourism and Cultural Affairs; eliminating the ex
officio, nonvoting members of the Commission on
Tourism; revising provisions relating to the Nevada
Magazine; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Department of Tourism and Cultural Affairs,
2 consisting of: (1) the Division of Tourism; (2) the Division of Museums and
3 History; (3) the Board of Museums and History; (4) the Nevada Arts Council; (5)
4 the Nevada Indian Commission; (6) the Board of the Nevada Arts Council; and (7)
5 the Commission on Tourism. (NRS 231.167) The Director of the Department has
6 various powers and duties relating to tourism and cultural affairs and is appointed
7 by the Governor from a list of three persons submitted to the Governor by the
8 Lieutenant Governor from recommendations made by: (1) voting members of the
9 Commission on Tourism; (2) the Chair of the Board of Museums and History; (3)
10 the Chair of the Nevada Indian Commission; and (4) the Chair of the Board of the
11 Nevada Arts Council. (NRS 231.210, 231.220)

12 Under existing law, the Department, through the Director, may employ certain
13 staff and consultants. (NRS 231.230) **Section 2** of this bill authorizes the Director
14 to appoint a Deputy Director, who is in the unclassified service of the State, to carry
15 out the duties set forth in existing law for the Division of Tourism. **Section 7** of this
16 bill makes a conforming change relating to the Deputy Director being in the
17 unclassified service.



18 Under existing law, the Commission on Tourism is composed of 11 voting
19 members and certain ex officio, nonvoting members who are the Chair of the Board
20 of Museums and History, the Chair of the Nevada Indian Commission and the
21 Chair of the Board of the Nevada Arts Council. (NRS 231.170) **Section 5** of this
22 bill eliminates the ex officio, nonvoting members of the Commission on Tourism.

23 Under existing law, the Department, through the Division of Tourism, is
24 required to publish or cause to be published a magazine known as *Nevada*
25 *Magazine*, which must contain materials which educate the general public about
26 this State and thereby foster awareness and appreciation of Nevada's heritage,
27 culture, historical monuments, natural wonders and natural resources. (NRS
28 231.260, 231.290) **Sections 6, 8 and 9** of this bill rename such publication to be the
29 *Nevada Magazine and Visitor Guide*.

30 Existing law creates the Fund for the Nevada Magazine as an enterprise fund
31 for all receipts from publication of the Nevada Magazine. (NRS 231.290) **Section 3**
32 of this bill creates the Fund for Tourism and Cultural Affairs, to be administered by
33 the Director. **Section 9:** (1) eliminates the Fund for the Nevada Magazine; (2)
34 requires that receipts from the publication of the *Nevada Magazine and Visitor*
35 *Guide* be deposited in the Fund for Tourism and Cultural Affairs; and (3) authorizes
36 revenue from the publication of the *Nevada Magazine and Visitor Guide* to be used
37 to publish and distribute to schools educational materials relating to the natural and
38 cultural resources of this State.

39 **Sections 4 and 7** of this bill make conforming changes to indicate the proper
40 placement of **sections 2 and 3** in the Nevada Revised Statutes.

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

1 **Section 1.** Chapter 231 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *The Director may appoint a Deputy of the*
4 *Division of Tourism in the unclassified service of the State.*

5 **2.** *If appointed pursuant to subsection 1, the Deputy shall:*

6 **(a)** *Carry out the duties of the Division set forth in NRS*
7 *231.260, 231.270 and 231.290.*

8 **(b)** *Except as otherwise provided in NRS 284.143, devote his or*
9 *her entire time to the duties of his or her office and shall not*
10 *follow any other gainful employment or occupation.*

11 **Sec. 3. 1.** *The Fund for Tourism and Cultural Affairs is*
12 *hereby created in the State Treasury, to be administered by the*
13 *Director.*

14 **2.** *Money in the Fund must be used to support the operations*
15 *of the Department in administering the provisions of NRS 231.161*
16 *to 231.360, inclusive, and sections 2 and 3 of this act. The money*
17 *in the Fund must remain in the Fund and does not revert to the*
18 *State General Fund at the end of any fiscal year.*

19 **3.** *Claims against the Fund must be paid as other claims*
20 *against the State are paid.*



1 **4. Interest and income earned on money in the Fund must be**
2 **credited to the Fund.**

3 **Sec. 4.** NRS 231.161 is hereby amended to read as follows:
4 231.161 As used in NRS 231.161 to 231.360, inclusive, **and**
5 **sections 2 and 3 of this act**, unless the context otherwise requires,
6 the words and terms defined in NRS 231.163 and 231.165 have the
7 meanings ascribed to them in those sections.

8 **Sec. 5.** NRS 231.170 is hereby amended to read as follows:
9 231.170 1. The Commission on Tourism is composed of ~~11~~
10 ~~—(a) Eleven~~ **eleven** voting members as follows:
11 ~~[(1)]~~ (a) The Lieutenant Governor, who is its Chair;
12 ~~[(2)]~~ (b) Eight members, appointed by the Governor, who
13 are informed on and have experience in travel and tourism,
14 including the business of gaming; and
15 ~~[(3)]~~ (c) The chief administrative officers of the county fair
16 and recreation boards or, if there is no county fair and recreation
17 board in the county, the chair of the board of county commissioners,
18 of the two counties that paid the largest amount of the proceeds
19 from the taxes imposed on the revenue from the rental of transient
20 lodging to the Department of Taxation for deposit with the State
21 Treasurer for credit to the Fund for the Promotion of Tourism
22 created by NRS 231.250 for the previous fiscal year.

23 ~~[(b) The following ex officio, nonvoting members:~~

- 24 ~~—(1) The Chair of the Board of Museums and History;~~
25 ~~—(2) The Chair of the Nevada Indian Commission; and~~
26 ~~—(3) The Chair of the Board of the Nevada Arts Council.]~~

27 2. A change in any member of the Commission who serves
28 pursuant to ~~subparagraph (3) of~~ paragraph ~~[(a)]~~ (c) of subsection 1
29 that is required because of a change in the amount of the proceeds
30 paid to the Department of Taxation by each county must be effective
31 on January 1 of the calendar year immediately following the fiscal
32 year in which the proceeds were paid to the Department of Taxation.

33 3. Of the members appointed by the Governor pursuant to
34 ~~subparagraph (2) of~~ paragraph ~~[(a)]~~ (b) of subsection 1:

35 (a) At least one member must be a resident of a county whose
36 population is 700,000 or more.

37 (b) At least one member must be a resident of a county whose
38 population is 100,000 or more but less than 700,000.

39 (c) At least two members must be residents of counties whose
40 population is less than 100,000.

41 (d) Four members may be residents of any county in this State.

42 **Sec. 6.** NRS 231.200 is hereby amended to read as follows:

43 231.200 The Commission on Tourism:

44 1. Shall establish the policies and approve the programs and
45 budgets of the Division of Tourism concerning:



1 (a) The promotion of tourism and travel in this State; and
2 (b) The publication of Nevada Magazine *and Visitor Guide* and
3 other promotional material.

4 2. May adopt regulations to administer and carry out the
5 policies and programs of the Division of Tourism.

6 3. May from time to time create special advisory committees to
7 advise it on special problems of tourism. Members of special
8 advisory committees, other than members of the Commission, may
9 be paid the per diem allowance and travel expenses provided for
10 state officers and employees, as the budget of the Commission
11 permits.

12 **Sec. 7.** NRS 231.230 is hereby amended to read as follows:

13 231.230 1. The Department through the Director may:

14 (a) Employ such professional, technical, clerical and operational
15 employees as the operation of the Department may require; and

16 (b) Employ such experts, researchers and consultants and enter
17 into such contracts with any public or private entities as may be
18 necessary to carry out the provisions of NRS 231.161 to 231.360,
19 inclusive ~~§~~, *and sections 2 and 3 of this act.*

20 2. Except as otherwise provided in subsection 3, the clerical
21 employees of the Department are in the classified service of the
22 State.

23 3. ~~The~~ *Except as otherwise provided in section 2 of this act,*
24 *the* Director may appoint to the Department employees in either the
25 classified or unclassified service of the State, in accordance with the
26 historical manner of categorization, unless state or federal law or
27 regulation requires otherwise.

28 **Sec. 8.** NRS 231.260 is hereby amended to read as follows:

29 231.260 The Department, through the Division of Tourism,
30 shall:

31 1. Promote this State so as to increase the number of domestic
32 and international tourists.

33 2. Promote special events and exhibitions which are designed
34 to increase tourism.

35 3. Develop a State Plan to Promote Travel and Tourism in
36 Nevada.

37 4. Develop a comprehensive program of marketing and
38 advertising, for both domestic and international markets, which
39 publicizes travel and tourism in Nevada in order to attract more
40 visitors to this State or lengthen their stay.

41 5. Provide and administer grants of money or matching grants
42 to political subdivisions of the State, to fair and recreation boards,
43 and to local or regional organizations which promote travel and
44 tourism, to assist them in:



1 (a) Developing local programs for marketing and advertising
2 which are consistent with the State Plan.

3 (b) Promoting specific events and attractions in their
4 communities.

5 (c) Evaluating the effectiveness of the local programs and
6 events.

7 ↪ Each recipient must provide an amount of money, at least equal
8 to the grant, for the same purpose, except, in a county whose
9 population is less than 55,000, the Division of Tourism may, if
10 convinced that the recipient is financially unable to do so, provide a
11 grant with less than equal matching money provided by the
12 recipient.

13 6. Coordinate and assist the programs of travel and tourism of
14 counties, cities, local and regional organizations for travel and
15 tourism, fair and recreation boards and transportation authorities in
16 the State. Local governmental agencies which promote travel and
17 tourism shall coordinate their promotional programs with those of
18 the Division of Tourism.

19 7. Encourage cooperation between public agencies and private
20 persons who have an interest in promoting travel and tourism in
21 Nevada.

22 8. Compile or obtain by contract, keep current and disseminate
23 statistics and other marketing information on travel and tourism in
24 Nevada.

25 9. Prepare and publish brochures, travel guides, directories and
26 other materials which promote travel and tourism in Nevada.

27 10. Publish or cause to be published a magazine to be known
28 as the Nevada Magazine ~~and~~ and Visitor Guide. The Nevada
29 Magazine and Visitor Guide must contain materials which educate
30 the general public about this State and thereby foster awareness and
31 appreciation of Nevada's heritage, culture, historical monuments,
32 natural wonders and natural resources.

33 **Sec. 9.** NRS 231.290 is hereby amended to read as follows:

34 231.290 1. ~~{The Fund for the Nevada Magazine is hereby~~
35 ~~created as an enterprise fund.~~

36 ~~—2.}~~ All receipts from publication of the Nevada Magazine and
37 Visitor Guide and from any other operation conducted by the
38 magazine must be deposited with the State Treasurer for credit to
39 the Fund ~~{}~~ for Tourism and Cultural Affairs created pursuant to
40 section 3 of this act, and all other financial activities related to the
41 publication or other operations of the magazine must be accounted
42 for in the Fund. ~~{Claims against the Fund must be paid as other~~
43 ~~claims against the State are paid.}~~ Revenue from the publication of
44 the Nevada Magazine and Visitor Guide may be used for the



1 *publication and distribution to schools of educational materials*
2 *relating to the natural and cultural resources of this State.*

3 ~~§~~ 2. This section does not preclude Nevada Magazine *and*
4 Visitor Guide from trading its advertising services for services or
5 products that promote or benefit Nevada Magazine ~~§~~ *and Visitor*
6 Guide, including, without limitation, travel services which are
7 required by Nevada Magazine ~~§~~ *and Visitor Guide*, circulation
8 services, sponsorship of awards, memberships, entry fees for trade
9 shows and advertising services with other publications, if:

10 (a) A fair market value can be established for the service or
11 product;

12 (b) The trade is accounted for in the Fund; and

13 (c) The State Board of Examiners approves the trade.

14 **Sec. 10.** On July 1, 2023, the State Controller shall transfer
15 any unexpended balance in the Fund for the Nevada Magazine
16 created by NRS 231.290 to the Fund for Tourism and Cultural
17 Affairs created pursuant to section 3 of this act.

18 **Sec. 11.** This act becomes effective on July 1, 2023.

