
SENATE BILL NO. 376—SENATORS SEGERBLOM,
WOODHOUSE AND PARKS

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN CARLTON, HICKEY,
LIVERMORE, MARTIN, STEWART AND SWANK

Referred to Committee on Government Affairs

SUMMARY—Proposes to revise provisions relating to the preservation and promotion of the arts and museums in this State. (BDR 18-625)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 cultural affairs; providing for the submission to the voters of the question whether the Nevada Revised Statutes should be amended to increase the duties of the Commission for Cultural Affairs to include the preservation and promotion of the arts and museums in this State, to create the Fund for the Preservation and Promotion of the Arts and Museums, and to authorize the issuance of general obligation bonds to fund the preservation and promotion of the arts and museums in this State; enacting various provisions relating to the preservation and promotion of the arts and museums in this State; providing that the provisions become effective only upon the approval of the question by the voters; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law establishes the Commission for Cultural Affairs, which acts in an
- 2 advisory position to the Department of Tourism and Cultural Affairs. The
- 3 Commission is authorized to award financial assistance to governmental entities
- 4 and certain organizations formed for educational or cultural purposes, including the
- 5 preservation or promotion of cultural resources. The Commission is required to
- 6 determine annually the amount of financial assistance it will grant, and the State



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7 Board of Finance is required to issue general obligation bonds in the amount to be
8 granted by the Commission. Proceeds from the sale of the bonds are required to be
9 credited to the Fund for the Preservation and Promotion of Cultural Resources, and
10 the Commission is allowed to expend money in the Fund only for projects
11 identified in the Commission's plan to promote and preserve the State's cultural
12 resources. (NRS 233C.200-233C.230)

13 **Sections 7-11** of this bill require a question to be submitted to the voters of this
14 State as to whether the Nevada Revised Statutes should be amended to increase the
15 duties of the Commission for Cultural Affairs to include the preservation and
16 promotion of the arts and museums in this State, to create the Fund for the
17 Preservation and Promotion of the Arts and Museums, and to authorize the issuance
18 of general obligation bonds to fund the preservation and promotion of the arts and
19 museums in this State. **Sections 2-6** of this bill enact various provisions which
20 become effective only upon approval of the question by the voters and which
21 provide that: (1) the Commission is required to establish a plan to preserve and
22 promote the arts and museums in this State; (2) the total amount of bonds issued
23 each year must not exceed \$10,000,000 plus any unused amount carried over from
24 previous years, and must not exceed \$100,000,000 in any 10-year period; (3) the
25 proceeds from the sale of the bonds must be credited to the Fund for the
26 Preservation and Promotion of the Arts and Museums; and (4) the Commission
27 may expend money in the Fund only for projects identified in the Commission's
28 plan to preserve and promote the arts and museums in this State.

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

1 **Section 1.** Chapter 233C of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 5, inclusive, of this
3 act.

4 **Sec. 2. 1.** *The Commission shall establish, and revise every*
5 *2 years, a 10-year plan to preserve and promote the arts and*
6 *museums in this State.*

7 **2.** *The plan must include:*

8 **(a)** *A program for awarding financial assistance to pay the*
9 *actual expenses of preserving and promoting the arts and*
10 *museums in this State; and*

11 **(b)** *A detailed list of the initial projects to be undertaken.*

12 **3.** *The plan must be submitted to:*

13 **(a)** *The Governor;*

14 **(b)** *The Legislative Commission; and*

15 **(c)** *The State Board of Examiners.*

16 **Sec. 3.** *The Commission may, in establishing the Program*
17 *for Awarding Financial Assistance pursuant to section 2 of this*
18 *act:*

19 **1.** *Award financial assistance to governmental entities and*
20 *nonprofit corporations formed for educational or charitable*
21 *purposes, including, without limitation, the preservation or*
22 *promotion of the arts and museums in this State.*



1 2. *Establish the conditions an applicant must satisfy to*
2 *receive an award of financial assistance. Financial assistance may*
3 *only be awarded for the actual expenses of preserving and*
4 *promoting the arts and museums in this State.*

5 3. *Specify the criteria by which proposed projects will be*
6 *judged. The criteria must include, without limitation, a*
7 *consideration of the degree to which a proposed project:*

8 (a) *May become a recurring event without the necessity of*
9 *future state financial support;*

10 (b) *Will be accessible to the community;*

11 (c) *Will preserve or promote the arts and museums in this*
12 *State;*

13 (d) *Will have multiple uses for many types of cultural*
14 *organizations;*

15 (e) *Will supplement training in the classroom in the arts and*
16 *the humanities; and*

17 (f) *Incorporates the various disciplines directly associated with*
18 *the arts and cultural resources.*

19 4. *Give priority to projects of statewide historical or cultural*
20 *significance which demonstrate an ability to raise and sustain*
21 *required amounts of financial support from sources other than the*
22 *State of Nevada, including donations of goods and services. The*
23 *ability of a project to raise and sustain support must be weighed*
24 *against the relative means and abilities of the applicants.*

25 **Sec. 4. 1.** *The Commission shall determine annually the*
26 *total amount of financial assistance it will grant from the proceeds*
27 *of bonds issued pursuant to this section in that calendar year. The*
28 *Commission shall notify the State Board of Examiners and the*
29 *State Board of Finance of that amount.*

30 2. *After receiving the notice given pursuant to subsection 1,*
31 *the State Board of Finance shall issue general obligation bonds of*
32 *the State of Nevada in the amount necessary to generate the*
33 *amount to be granted by the Commission from the proceeds of*
34 *bonds issued pursuant to this section and to pay the expenses*
35 *related to the issuance of the bonds. The expenses related to the*
36 *issuance of bonds pursuant to this section must be paid from the*
37 *proceeds of the bonds, and must not exceed 2 percent of the face*
38 *amount of the bonds sold.*

39 3. *Except as otherwise provided in this subsection, the total*
40 *face amount of the bonds issued each year pursuant to this section*
41 *may not exceed \$10,000,000 per year. If the total face amount of*
42 *bonds issued pursuant to this section in any year is less than*
43 *\$10,000,000, the difference between \$10,000,000 and the amount*
44 *actually issued that year may be carried over for issuance in a*
45 *subsequent year pursuant to this section, but in no case may the*



1 *total face amount of the bonds issued pursuant to this section*
2 *exceed \$100,000,000 in any 10-year period. No public debt is*
3 *created, within the meaning of Section 3 of Article 9 of the Nevada*
4 *Constitution, until the issuance of the bonds.*

5 *4. The proceeds from the sale of the bonds authorized by this*
6 *section, after deducting the expenses relating to the issuance of*
7 *the bonds, must be deposited with the State Treasurer and credited*
8 *to the Fund for the Preservation and Promotion of the Arts and*
9 *Museums created pursuant to section 5 of this act.*

10 *5. The provisions of the State Securities Law, contained in*
11 *chapter 349 of NRS, apply to the issuance of bonds pursuant to*
12 *this section.*

13 **Sec. 5. 1.** *There is hereby created in the State Treasury the*
14 *Fund for the Preservation and Promotion of the Arts and*
15 *Museums. The Commission is responsible for the administration*
16 *of the Fund. All money received and held by the State Treasurer*
17 *for that purpose must be deposited in the Fund. The Commission*
18 *shall account separately for money received from the proceeds of*
19 *bonds issued pursuant to section 4 of this act.*

20 *2. Except as otherwise provided in subsection 5 of NRS*
21 *233C.200, the Commission may expend money in the Fund only*
22 *for projects identified in the Commission's plan to preserve and*
23 *promote the arts and museums in this State pursuant to section 2*
24 *of this act. In addition to the amount of financial assistance*
25 *granted from the proceeds of bonds issued pursuant to section 4 of*
26 *this act, the Commission may grant as financial assistance not*
27 *more than \$750,000 each calendar year of the interest earned on*
28 *the deposit or investment of the money in the Fund.*

29 *3. The money in the Fund must be invested as the money in*
30 *other state funds is invested. All interest on the deposit or*
31 *investment of the money in the Fund must be credited to the Fund.*

32 *4. Claims against the Fund must be paid as other claims*
33 *against the State are paid.*

34 **Sec. 6.** NRS 233C.200 is hereby amended to read as follows:

35 233C.200 1. The Commission for Cultural Affairs is hereby
36 created. The Commission is advisory to the Department and consists
37 of:

38 (a) The Chair of the Nevada Humanities Committee or a
39 member of the Committee designated by the Chair;

40 (b) The Chair of the Board or a member of the Board designated
41 by the Chair;

42 (c) The Chair of the Board of Museums and History or a
43 member of the Board of Museums and History designated by the
44 Chair;



1 (d) A member of the Board of Museums and History, to be
2 appointed by the Governor;

3 (e) One representative of the general public who has a working
4 knowledge of the promotion of tourism in Nevada, to be appointed
5 by the Governor; and

6 (f) The Chair of the State Council on Libraries and Literacy or a
7 member of the Council designated by the Chair.

8 2. The Commission shall:

9 (a) Elect from its membership a Chair who shall serve for a term
10 of 2 years. A vacancy occurring in this position must be filled by
11 election of the members of the Commission for the remainder of the
12 unexpired term.

13 (b) Prescribe rules for its own management and government.

14 (c) Meet biannually, or at more frequent times if it deems
15 necessary, and may, within the limitations of its budget, hold special
16 meetings at the call of its Chair.

17 3. Three members of the Commission constitute a quorum, but
18 a majority of the members of the Commission is necessary to
19 consider the particular business before it and to exercise the power
20 conferred on the Commission.

21 4. The members of the Commission are not entitled to be paid
22 a salary, but are entitled, while engaged in the business of the
23 Commission, to receive the per diem allowance and travel expenses
24 provided for state officers and employees generally.

25 5. The Commission may use the money derived from interest
26 earned on the money in the Fund for the Preservation and Promotion
27 of Cultural Resources created pursuant to NRS 233C.230 *and the*
28 *Fund for the Preservation and Promotion of the Arts and*
29 *Museums created by section 5 of this act* to pay for:

30 (a) Any administrative services required by the Commission;
31 and

32 (b) The per diem allowances and travel expenses of members of
33 the Commission authorized pursuant to subsection 4.

34 **Sec. 7.** At the general election on November 4, 2014, a
35 statewide measure must be submitted to the registered voters of this
36 State.

37 **Sec. 8.** At the time and in the manner provided by law, the
38 Secretary of State shall transmit the proposed measure to the several
39 county clerks, and the county clerks shall cause it to be published
40 and posted as provided by law.

41 **Sec. 9.** The ballot page assemblies and the paper ballots to be
42 used in voting on the question must present the question in
43 substantially the following form:

44 Shall the Nevada Revised Statutes be amended to increase
45 the duties of the Commission for Cultural Affairs to include



1 the preservation and promotion of the arts and museums in
2 this State, to create in the State Treasury the Fund for the
3 Preservation and Promotion of the Arts and Museums, and to
4 authorize the State Board of Finance to issue general
5 obligation bonds, in an amount of approximately \$10,000,000
6 per year, but not to exceed \$100,000,000 over any 10-year
7 period, to fund the preservation and promotion of the arts and
8 museums in this State?

9 Yes No

10 **Sec. 10.** All general election laws not inconsistent with this act
11 are applicable.

12 **Sec. 11.** Any informalities, omissions or defects in the content
13 or making of the publications, proclamations or notices provided for
14 in this act and by the general election laws under which this election
15 is held must be so construed as not to invalidate the adoption of the
16 act by a majority of the registered voters voting on the question if it
17 can be ascertained with reasonable certainty from the official returns
18 transmitted to the Office of the Secretary of State whether the
19 proposed amendment was adopted by a majority of those registered
20 voters.

21 **Sec. 12.** 1. This section and sections 7 to 11, inclusive, of
22 this act become effective upon passage and approval.

23 2. Sections 1 to 6, inclusive, of this act become effective on
24 January 1, 2015, only if a majority of the voters voting on the
25 question placed on the ballot pursuant to sections 7 to 11, inclusive,
26 of this act vote affirmatively on the question.

