

SENATE FINANCE COMMITTEE
MINUTES OF MEETING
APRIL 11, 1977

The meeting was called to order at 8:00 A.M.

Senator Floyd R. Lamb was in the chair.

PRESENT: Senator Floyd R. Lamb, Chairman
Senator James I. Gibson, Vice-Chairman
Senator Eugene V. Echols
Senator Norman D. Glaser
Senator Norman Ty Hilbrecht
Senator Thomas R.C. Wilson
Senator C. Clifton Young

OTHERS: Ronald W. Sparks, Chief Deputy, Fiscal Analysis
Howard Barrett, Budget Director
Cy Ryan, UPI
Bill Hancock, Secretary-Manager, Public Works Board
James Costa, Deputy Superintendent, Department of Education
Dr. Frank South, Educational Consultant
Dr. Donald Fowler, Archeological Survey
Norman Hall, Director, Department of Conservation & Natural Resources
John Dolan, Chief Deputy, Fiscal Analysis
William Swackhamer, Secretary of State
Robert Elston, Coordinator Nevada Archeological Survey

Senator Lamb asked Mr. Swackhamer to speak on A.B. 217.

Mr. Swackhamer thanked the Committee for giving him a little priority on the bill as it had to be introduced and it was time to send out the annual lists and they needed to know what action the Legislature was to take before the mailing.

A. B. 217: Increases filing fees and changes filing requirements for corporations.

Mr. Swackhamer said this bill would have no impact on his budget, as they operate on appropriated funds and all of their receipts go into the general fund. Based on their original request for \$40.00 and assuming the general trend of increase in their corporate filings, the first year would bring \$407,920; the second year, \$428,316. This is not all based on the increase in fees, it's based on the fact that they would hope for a continuation of the increase in filing.

Mr. Swackhamer answered general questions on the bill and indicated that these fees were generally lower than in other states, even with the requested increase.

Senator Glaser moved that the bill do pass; Senator Wilson seconded and the motion carried with Senators Glaser, Lamb, Echols and Wilson voting for approval. There were no dissenting votes.

Senator Lamb asked Mr. Costa to speak on A. B. 107 and A. B. 108.

A.B. 108: Reduces lower age limit for enrollment of physically handicapped minors in special educational programs. Mr. Costa read from a prepared statement, copy attached.

Senator Lamb said that he had been advised that the sooner they can get a child, even before he is a year old, the more they can do with him. He asked if this was correct.

Dr. South said that was what the evidence would seem to indicate.

Senator Lamb asked why they were using the age of 3.

Dr. South said the age of 3, as in the bill, was really put in there to be consistent with the goal to meet the federal mandate. He said there was a lot of concern throughout the state, particularly with people who are working in the special childrens clinics, to go 0-21 and pick up some of the students at birth or as soon as they determine there is a problem.

Senator Lamb asked him if he had to choose between the two bills, which would he think would help the most people, going back to age 3 or raising it to 21.

Dr. Smith said the one that would affect the most people would be the one on the upper age rate.

The lower age range is just for the physically handicapped because they do provide services for other handicapping conditions down to age 3. The upper age range would affect more students. He said he would not want to go on record saying that one was more important than the other.

Mr. Costa said they had identified 44 in the age groups 18-21; and 22 of the physically handicapped of which 14 would be in the age group of 3-5. He said as far as providing services for those who are under 5, this is a practice that has been established in the state.

Mr. Costa said that a normal youngster today who does not complete high school may return to high school to complete it at any time that he wants to. At the present time, the Handicapped Law, the way it is written, limits it to 18 - "any student under the age of 18 may attend a high school or have an education." This bill would expand it to 21 and at least permit them to go to school until 21, to finish their high school training.

Discussion followed on the programs presently being carried forward throughout the state. Mr. Costa said there have been tremendous strides made in the education of the handicapped since 1973.

The problems of discrimination because of age limitations were discussed.

Mr. Costa explained that the early entry to school for the handicapped was to help the handicapped child make up for his handicap so that he could start off with the normal child at age 5, without being at so much of a disadvantage. The equality between the handicapped child and the normal child depends to a great degree on how severe the handicap is. But this is the intent of the early entry of the handicapped child, to give them a headstart.

Mr. Costa gave the results of a study recently completed. He said that as part of the requirement to make application and develop a state plan for this program, each state was obligated to conduct a Child Identification Project in which every student who was handicapped, was identified and located with the handicapping conditions identified. Then an instructional program was to be developed which a school district could use with that student.

This survey was completed around the first of February, 1977. This information is now available and is in all the counties. They evaluated 406 individuals, 304 were classified as handicapped; 44 were between the ages of 18 and 21; 119 between the ages of 6-17; 123 between the ages of 3-5; and 18 between the ages of 0-2. He explained in detail how the programs worked.

S. B. 117: Provides for participation in compact on education. Mr. Costa spoke on this bill from a prepared statement, copy attached.

Senator Lamb asked him how it would help the Department.

Mr. Costa said they could get valuable help based on what other states had already done. If a program had proved to be nonproductive in another state, the same mistake could be avoided in this state. They would also be able to get valuable assistance in developing curricular objectives and outlining assessment techniques. He gave the Committee a copy of the 1976 Annual Report from the Commission which details their work programs. He answered questions from the Committee.

Senator Lamb thanked him for appearing.

Mr. Hancock spoke on a request to the state to participate in the improvement of the Avenue which abuts the Children's Home in Boulder City, copy attached. He said the Public Works Board recommends approval of the \$29,000 which is the state's share in this project.

Senator Glaser moved that the \$29,000 request be approved; Senator Young seconded and the motion carried with all Senators approving except Senator Wilson who was not present.

This would be a part of the C.I.P. program budget.

Mr. Hancock reported on the available facilities at Tule Springs. He said the building on the leased property was owned by the Gun Club and would not be transferred by state acquisition. There are two other buildings there, a small duplex which could be adapted into some sort of living units and the city fire department building, which is a good building, but he understood that they were going out there regardless of what happens in Tule Springs area.

He said he felt the only recourse, if the Committee wanted to put Parks and Forestry at Tule Springs, was to construct a building for them and he gave the Committee an estimate of \$142,500 for a single building for the two agencies. The Fish and Game Building alone in Las Vegas would cost \$90,000. He said the Forestry Division had no problem in moving out to Tule Springs but Parks has some reservations about it as the downtown location is preferred from their standpoint.

Senator Lamb thanked him and said the Committee would take this under advisement.

S. B. 359: Reestablishes Nevada Archeological Survey under University of Nevada and makes appropriation.

Dr. Fowler said that the Survey Council had looked at the proposed amendments to the bill and they felt that setting the Survey up under the Department of Conservation and Natural Resources made considerable sense, administratively. In combining the State Historical Preservation office and the Survey functions, the state can meet its various cultural resources obligations and get the contact situation through in a timely manner. It provides an organizational setup that is similar to that in a number of other states in the west. He said they felt if the division was properly set up and can work cooperatively with the professional cultural historians and archeologists in the State of Nevada that it would be good. It would solve the state's problems in terms of putting together the office dealing with state cultural resources and also permit the Legislature to have tight control over the activities.

Mr. Hall said his only request was that the division have an unclassified administrator. He felt it was a good move to put the Historical and Archeology activity together.

Mr. Sparks read the suggested amendments to S.B. 359, copy attached.

Senator Young questioned the wording on Page 8 of the amendments, Section 15, paragraph 2.

Mr. Elston said state legislation would cover the extent that the state wants to acquire federal matching funds for particular projects. The federal government has certain standards that require various kinds of studies to be made before ground is broken.

Where the area of final authority lay in regards to an archeological study was discussed. The Committee intended that it should rest with the Director of Conservation and Natural Resources, but it was generally agreed that under the new amendments this authority would rest with the administrator of the division.

The Survey submitted their suggested changes to be made to the amended bill, copy attached.

The language of the bill together with the administration of the newly created division was further discussed but no action was taken on the bill.

Mr. Hall expressed himself as satisfied that the bill was accomplishing the intent of the Committee.

Dr. Fowler requested that an amendment be added that would recognize the Nevada Archeological Survey as a consortium of professional archeologists and cultural historians. The reason for the request was that the Survey had existed for some time and they wished to maintain the identity for the purpose of publications, etc., and they wished to have the Survey recognized as a consortium of professionals with whom this division would cooperate for mutual purposes.

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This amendment was listed on the amendments submitted by the Survey - Section 24.

On their recommendation to omit Section 25 on page 14, Dr. Fowler said this was no longer really applicable because since the cash flow problem with the Museum, a Memorandum of Agreement was entered into so that all currently existing contracts are run through various divisions of the University or the Museum and they will be carried through to completion and after that there would be no new contracts that the Survey would be entering into.

Dr. Fowler said the language on Page 5, Section 10, paragraph 3 was ambiguous and should be clarified.

On page 5, Section 9, Senator Wilson said he felt the language was bad and the section should be rewritten to be more specific. Mr. Hall said he was satisfied that he had jurisdiction under this, as the Board was strictly an Advisory Board.

Mr. Hall said he would suggest on Page 4, Section 6, paragraph 3, on the third line to put a period after the word "profit" and delete the rest of sentence. He felt these words were argumentative and are not in any other administrator qualifications.

Mr. Elston said he felt it might be better to appropriate a specific amount for the office as opposed to a revolving fund. He said this would result in tighter control by the Legislature, it would put less of a burden on state agencies, and the money could be used to provide the matching money for the State Historical Preservation program from the federal government. He said he felt it would be cleaner if the program was funded straight across. Jean Myles submitted radiograms urging the Committee to support the proposed amendments submitted by the Survey, copies attached.

Senator Lamb asked John Dolan to report on differences in the University budgets as between the Senate Finance Committee and the Assembly Ways and Means Committee.

Mr. Dolan said in the UNR budget the Ways and Means Committee had added more money to the budget for the Mackay School of Mines. He felt this could be worked out and would present no real problem. There was a restoration of wages in this budget which will have to be resolved between the two Committees.

The next difference was in the Agriculture Experiment Station. This concerned the Range Scientist position which has been funded by the cattle industry. This year the request was for this position to be funded with state dollars. The Governor did not recommend this in his budget. The Ways and Means Committee has reinstated this position in the budget. The total cost is \$19,500 for the first year and \$20,500 in the second year.

The next area of difference was in the Desert Research Institute budget where the Human Systems Center budget had been eliminated in the Senate Finance Committee as recommended in the Governor's budget. The Ways and Means Committee reinstated this budget. This budget was generally discussed. It was agreed that the Ways and Means Committee had apparently had more information on this budget than had been given either to the Budget Office or to the Senate Finance Committee.

Senator Lamb talked with Mr. Mello and it was agreed that the two committees would meet in a joint meeting on April 12 at 4:00 P.M. and try to resolve some of these differences.

Senator Lamb read from the Mackay School of Mines bill. The dollar amounts were:

\$35,000 (not to exceed) library space remodeling
\$142,810 (not to exceed) geological engr. equipment
\$162,000 (not to exceed) metallurgical engineering
\$40,000 mining engineering program equipment
\$202,034 professional positions.

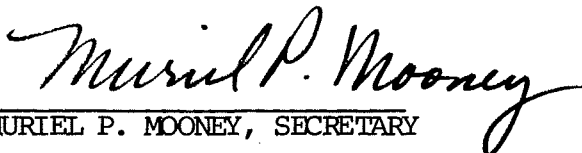
Senator Wilson moved to introduce the bill, Senator Gibson seconded and the motion carried.

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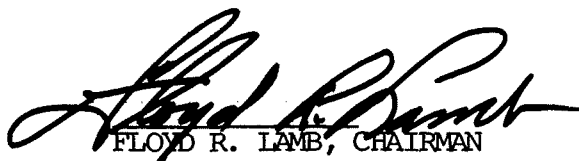
Assemblyman Dean Rhoads spoke to the Committee relative to the Range Scientist position that the Ways and Means Committee had approved in the Agriculture Experiment Station budget.

The meeting adjourned at 10:15 A.M.

RESPECTFULLY SUBMITTED:


MURIEL P. MOONEY, SECRETARY

APPROVED:


FLOYD R. LAMB, CHAIRMAN

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE
SENATE COMMITTEE ON FINANCE

Monday, April 11, 1977
Room 231, 8:00 A. M.

A. B. 107 -- Raises upper-age eligibility for handicapped pupil programs, removes references to "minor" and appropriates funds for additional units.

In November, 1975, the Congress of the United States declared it a national policy that a free appropriate public education shall be provided to all handicapped children. This policy is embodied in Public Law 94-142, the Education for All Handicapped Children Act. This Act requires all states to establish a goal to serve all handicapped children ages 3 to 21 by September 1, 1980. The Act stipulates that provisions respecting service to children 3-5 and 18-21 may not be applicable if inconsistent with State law or practice.

NRS 388.440 presently limits educational services to handicapped persons under the age of 18, but NRS Chapter 395 permits out-of-state placement for those up to age 21.

The State Board of Education has adopted a State Plan for Exceptional Pupil Education which establishes a goal to provide free appropriate public education to all handicapped persons between the ages of 3 and 21 by September 1, 1980. The adoption of A. B. 107 will help accomplish this goal.

In developing the State Plan, the State Board was required to determine the number of handicapped children not receiving any educational services. Known as the Child Identification Project, the statewide survey located 44 youngsters between 18 and 21 who were handicapped and not receiving an education appropriate for them--27 in Clark County, one in Douglas County, and 16 in Washoe County.

Additionally, there are handicapped students in high school programs who are 17 years of age and who may not complete high school. Their education will be disrupted for lack of a program.

Variations in handicapping conditions and the locations of the students, as well as their numbers, will require at least six additional units to extend educational programs for handicapped youngsters to age 21. These units and the sum of \$105,600 would be added to the Distributive School Fund for each year of the biennium.

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE

SENATE COMMITTEE ON FINANCE
Monday, April 11, 1977
Room 231, 8:00 A. M.

A. B. 108 -- Amends NRS 388.490

Lowers the age limit for enrollment of physically handicapped pupils in special education programs.

In November, 1975, the Congress of the United States declared it a national policy that a free appropriate public education shall be provided to all handicapped children. This policy is embodied in Public Law 94-142, the Education of All Handicapped Children Act. This Act requires that all states establish a goal to serve all handicapped children ages 3 to 21 by September 1, 1980. The Act stipulates that provisions respecting service to children 3 to 5 and 18-21 may not be applicable if inconsistent with State law or practice.

The State Board of Education has adopted a State Plan for Education of Exceptional Pupils which establishes a goal to provide free appropriate public education to all handicapped persons between the ages of 3 and 21 by September 1, 1980.

Chapter 388 of the Nevada Revised Statutes permits the enrollment earlier than age 5 of the aurally and visually handicapped, the mentally retarded and the academically talented. The ages of enrollment for these groups have been set at a time in their lives when a valid evaluation of their handicap can be made and a suitable program of instruction provided.

It has been our experience, consistent with experience across the nation, that the early commencement of handicapped youngsters in educational programs designed specifically for them has resulted in significant progress and achievement. This knowledge is all the more important now because of efforts to provide these youngsters with opportunities to learn in the same rooms with "normal" youngsters of their same ages. If the concept of teaching these pupils in the least restrictive, most effective environment is to get a fair trial, the handicapped youngsters need to have those few early years in school before their chronological peers join them.

Chapter 388 makes it a practice to admit children of other handicaps before age 5, but does not permit this early schooling for the physically handicapped youngster. A. B. 108 will provide for entry of these youngsters at age 3.

The Child Identification Project located 22 physically handi-
capped youngsters who are not receiving an education. Fourteen
of these are in the age range where they could enroll in school
programs if the entry age were lowered to age 3. It is estimated
that five additional units will be required to serve these
children and any others who may not have been picked-up by the
survey, but whose parents would enroll them if a program were
available. The five units and \$88,000 would need to be added to
the Distributive School Fund for each year of the biennium.

*in this age
group*

JPC:maj
4-8-77

STATEMENT OF
THE DEPARTMENT OF EDUCATION
TO THE

SENATE COMMITTEE ON FINANCE
Monday, April 11, 1977
Room 231, 8:00 A.M.

S. B. 117 -- Provides for participation in compact on education.

Providing for participation by the State of Nevada in the Compact for Education; creating a Nevada education council; and providing other matters properly relating thereto.

The Education Commission of the States was established ten years ago under the guidance of Dr. James B. Conant, president emeritus of Harvard University. Conant was instrumental in re-vitalizing the American high school following the American-Soviet race to place a man in earth orbit which the Russians won with Sputnik in 1957. From these efforts Conant observed that there had not been a great deal of cooperation or sharing of information between the states. He further concluded that the education enterprise, being largely ignored by political structures in the states, was turning hopefully toward Washington, D. C. for help. Reacting to unheard of federal initiatives infringing on states rights and responsibilities for education, Conant brought together twenty of the more populous states to reaffirm the constitutional role of the states in educating the youth of the nation.

The Education Commission of the States is a non-profit, interstate compact whose purpose is to foster working relationships between governors, legislators and educators for the improvement of education. It is based on the principle that education is a state responsibility, and that a partnership between public officials and education leaders can be effective in promoting better education for all students. The Commission sees itself as a forum, a resource and a catalyst for this partnership.

The membership of ECS consists of 45 states and two territories. The steering committee of the Commission is selected from the commissions within the member states. Governors and legislators and education leaders from the states are prominent on this committee. They set the policy for the activities of the Commission.

Consistent with its purpose, the Commission carries on extensive research activity, the results of which will be a useful resource to the states. The National Assessment of Educational Progress is one of the programs conducted by ECS. Others are conducted in education of the handicapped, early childhood education,

education finance, and coordination between secondary and post-secondary education.

The Commission sponsors seminars of current issues in education such as minimum competency programs for high school graduates, and federal-state relations in education programs.

As part of its resource function the Commission operates an extensive publication system disseminating information on research, issues, legislation, and policy positions.

More recently, the ECS has been assuming an advocacy role for education in its broadest sense. This could be a major contribution to the field. Everyone seems to have a national group now, all of them not headed in the same direction for the same purpose--especially if money is involved (which is mostly always).

Besides the five or six major education groups, there are those whose function is state advocacy--the National Association of State Boards of Education, the Council of Chief State School Officers, the National Governors' Conference, and the National Conference of State Legislatures. The latter two and ECS have developed a reasonably good working relationship.

This is a desirable condition since both NGC and NCSL have the whole range of state concerns to consider and ECS can be their source of education guidance.

The State of Nevada has membership in the National Governors' Conference and the National Conference of State Legislatures but not the Education Commission of the States. While the peripheral benefits of state's current memberships filter on down to us, the state does not have a voice in the policy of the group, nor a clear invitation to participate in the projects or seminars.

S. B. 117 will permit the state to petition for membership and to avail itself of all the benefits from this membership. It will authorize the appointment of seven members to the Commission, one of which must be the Governor. These members also constitute the Nevada education council which becomes the deliberative group in the state for Commission activities.

A request for funding had been submitted in the Department of Education budget. The Governor has not stated his reason for not including it in his recommendation, but perhaps it was for lack of authorizing legislation.

On December 1, 1976, the Department submitted a fiscal note to be incorporated in this bill. It does not appear to have made it in time for the bill either. Therefore, I would request an amendment as follows:

Amend the bill as a whole by adding on page 7 after line 32 a

Section 5 to read:

1. There is hereby appropriated from the state general fund to the state department of education for the purpose described in this chapter, the sum of \$15,000 for the fiscal year beginning July 1, 1977, and ending June 30, 1978, and the sum of \$15,000 for the fiscal year beginning July 1, 1978, and ending June 30, 1979.

2. After June 30, 1979, any unexpended balance of the appropriation made by subsection 1 shall not be encumbered or committed for expenditures and shall revert to the state general fund.

JPC:maj
2-2-77

PUBLIC WORKS BOARD
STATE OF NEVADA

RECEIVED
LEGISLATIVE COUNSEL BUREAU

FEB 9 1977

OFFICE OF FISCAL ANALYSIS

Assemblyman Donald R. Mello, Chairman
Assembly Ways and Means Committee
Nevada State Legislature

February 8, 1977

Boulder City
Children's Home

Dear Mr. Mello:

Attached are copies of recent correspondence from Boulder City requesting the State to participate in the improvement of Georgia Avenue which abutts the Children's Home on the South. The improvement of that street was a condition of the deed from Boulder City. The Legislature originally appropriated \$45,450.46 for the work. However, because the City was not ready to proceed with the improvement, the Public Works Board reverted the money on April 11, 1975.

The City's current estimate of the State's share for improvement of the street is \$29,000. It is the recommendation of the Public Works Board that the Legislature appropriate that amount of money to the Board for payment to Boulder City for the improvement of Georgia Avenue.

Very truly yours,

William E. Hancock, A.I.A.
Manager

WEH:mb
cc: Mr. Ron Sparks ✓
Mr.
Mr. M. L. Degernes, Jr.

C
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(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 217

ASSEMBLY BILL NO. 217—COMMITTEE ON JUDICIARY

FEBRUARY 1, 1977

Referred to Committee on Judiciary

SUMMARY—Increases filing fees and changes filing requirements for corporations. (BDR 7-171)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to corporations; increasing certain filing fees; adding certain filing requirements; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 78.150 is hereby amended to read as follows:
2 78.150 1. [Every] *Each* corporation organized under the laws of
3 this state shall, on or before July 1 of each year, file with the secretary
4 of state a list of its officers and directors and a designation of its resident
5 agent in this state, [the list of officers and directors and designation of
6 resident agent to be] certified by the president, secretary or other officer
7 of the corporation.
8 2. Upon filing the list of officers and directors and designation of
9 resident agent, [every such] *the* corporation shall pay to the secretary of
10 state a fee of [\$10.] \$20.
11 3. The secretary of state shall, 30 days prior to July 1 of each year,
12 cause to be mailed to [all corporations] *each corporation* required to
13 comply with the provisions of NRS 78.150 to 78.190, inclusive, [and
14 which have not theretofore] *which has not* become delinquent, the blank
15 forms to be filed with the secretary of state. Failure of any corporation to
16 receive the forms will not excuse [such] *the* corporation from the penalty
17 imposed by [the provisions of NRS 78.150 to 78.190, inclusive.] *law*.
18 SEC. 2. NRS 78.160 is hereby amended to read as follows:
19 78.160 1. [Every corporation hereafter] *Each corporation* organized
20 under the laws of this state shall, within 60 days after the filing of its
21 articles of incorporation with the secretary of state:
22 (a) File a list of its officers and directors, a designation of its resident
23 agent, and a certificate of acceptance signed by the resident agent. [so des-
24 ignated.] The address of the resident agent shall be the same as that of the
25 principal office.

1 (b) Pay to the secretary of state a fee [therefor of \$10.] of \$20.

2 (c) File a copy of the designation of resident agent in the office of the
3 county clerk of the county in which the principal office of the corporation
4 in this state is located.

5 2. Annually [thereafter such] the corporation shall file a list of its
6 officers and directors and pay the fee [set forth in NRS 78.150.] pre-
7 scribed by law.

8 SEC. 3. NRS 78.170 is hereby amended to read as follows:

9 78.170 1. Any corporation required to make the filings and pay the
10 fee provided in NRS 78.150 to 78.190, inclusive, which [shall refuse or
11 neglect] *refuses or neglects* to do so within the time provided, shall be
12 deemed in default.

13 2. For [such] default there shall be added to the amount of the fee a
14 penalty of [\$2.50,] \$5, and unless [such filings be] *the filings are made*
15 and [such] *the* fee and penalty [be] *are* paid on or before the 1st Mon-
16 day in August following, the defaulting corporation shall, by reason of
17 [such] *its* default, forfeit:

18 (a) The amount of the tax and penalty [aforesaid] to the State of
19 Nevada; and

20 (b) Its right to transact any business within this state.

21 The fee and penalty shall be collected as [hereinafter] provided [.] *in*
22 *this chapter.*

23 SEC. 4. NRS 78.180 is hereby amended to read as follows:

24 78.180 1. Subject to the provisions of subsections 3 and 4, the secre-
25 tary of state is authorized:

26 (a) To reinstate any corporation which has forfeited [or which shall
27 forfeit] its right to transact business under the provisions of NRS 78.150
28 to 78.190, inclusive; and

29 (b) To restore to [such] *the* corporation its right to carry on business
30 in this state, and to exercise its corporate privileges and immunities, upon
31 the filing with the secretary of state of an affidavit stating the reason for
32 the revocation of its charter, and upon payment to the secretary of state
33 of all filing fees, licenses, penalties, costs and expenses due and in arrears
34 at the time of the revocation of its charter, and also all filing fees, licenses
35 and penalties which have accrued since the revocation of its charter.

36 2. [In case such] *When* payment is made and the secretary of state
37 reinstates the corporation to its former rights he shall:

38 (a) Immediately issue and deliver to the corporation [so reinstated] a
39 certificate of reinstatement authorizing it to transact business [in the
40 same manner] as if the filing fee had been paid when due; and

41 (b) Upon demand, issue to the corporation one or more certified
42 copies of [such] *the* certificate of reinstatement, a copy of which shall
43 be filed in the office of the county clerk of the county in which the prin-
44 cipal place of business of [such] *the* corporation is located or in any
45 other county in which it [may own, hold or lease] *owns, holds or leases*
46 property or [transact] *transacts* business.

47 3. [In no case shall the] *The* secretary of state *shall not* order a
48 reinstatement unless all [such] delinquent fees, penalties and costs have
49 been paid, and [such] *the* revocation of the charter occurred only by
50 reason of failure to pay [such] *the* fees, penalties and costs.

1 4. If a corporate charter has been revoked pursuant to the provisions
2 of NRS 78.175 and has remained revoked for a period of 10 consecu-
3 tive years, [such] the charter shall not be [subject to reinstatement.

4 5. At least 30 days before the right of a corporation to reinstatement
5 is due to expire pursuant to the provisions of subsection 4, the secretary
6 of state shall send notice of such fact to the last registered agent of such
7 corporation or to the last president of the corporation. The notice shall
8 state the conditions under which reinstatement may be granted prior to
9 the expiration of the 10-year period.] *reinstated.*

10 SEC. 5. NRS 78.760 is hereby amended to read as follows:

11 78.760 1. The fee for filing articles of incorporation or agreements of
12 consolidation providing for shares [shall be as] is provided in the follow-
13 ing schedule:

14	Amount represented by the total number of shares provided for in	
15	the articles of incorporation or the agreement of consolidation:	
16	\$25,000 or less.....	[25] \$50
17	Over \$25,000 and not over \$75,000.....	[40] 75
18	Over \$75,000 and not over \$200,000.....	[75] 115
19	Over \$200,000 and not over \$500,000.....	[100] 175
20	Over \$500,000 and not over \$1,000,000.....	[150] 250
21	Over \$1,000,000:	
22	For the first \$1,000,000.....	[150] 250
23	For each additional \$500,000 or fraction thereof....	[75] 125

24 2. For the purposes of computing the filing fees according to the
25 schedule in subsection 1, the amount represented by the total number of
26 shares provided for in the articles of incorporation or the agreement of
27 consolidation [shall be:] is:

28 (a) The aggregate par value of the shares, if only shares with a par
29 value are therein provided for;

30 (b) The product of the number of shares multiplied by \$10, regard-
31 less of any lesser amount prescribed as the value or consideration for
32 which shares may be issued and disposed of, if only shares without par
33 value are therein provided for; or

34 (c) The aggregate par value of the shares with a par value plus the
35 product of the number of shares without par value multiplied by \$10,
36 regardless of any lesser amount prescribed as the value or consideration
37 for which the shares without par value may be issued and disposed of, if
38 shares with and without par value are therein provided for.

39 SEC. 6. NRS 78.785 is hereby amended to read as follows:

40 78.785 1. The fee for filing a certificate of change of location of
41 principal office or resident agent, or a new designation of resident agent
42 following resignation, death or removal from the state of the resident
43 agent previously designated, [shall be] is \$5.

44 2. The fee for filing a designation of resident agent, other than as
45 provided in NRS 78.160, [shall be] is \$5.

46 3. The fee for certifying [to] articles of incorporation where a
47 copy is provided [shall be] is \$5.

48 4. The fee for certifying [to] a copy of amendment to articles of
49 incorporation, or to a copy of the articles as amended where a copy is
50 furnished, [shall be] is \$5.

1 5. The fee for certifying [to] an authorized printed copy of the gen-
2 eral corporation law as compiled by the secretary of state [shall be] is
3 \$5.

4 6. The fee for certifying [to] the reservation of a corporate name
5 [shall be] is \$2.

6 7. The fee for executing any certificate not provided for in NRS 78-
7 760 to 78.785, inclusive, [shall be] is \$5.

8 8. The fee for comparing any document or paper submitted for certi-
9 fication, with the record thereof, to ascertain whether any corrections are
10 required to be made [therein] before certifying [thereto, shall be], is
11 20 cents for each folio of 100 words of each document or paper [so]
12 compared.

13 9. The fee for furnishing a photostatic copy of any document, paper
14 or record on file or of record in the office of the secretary of state [shall
15 be] is \$1 per photostatic page where [such] the page does not exceed
16 8½ by 14 inches. For photostatic pages of larger size, the secretary of
17 state may charge [such fee as he may determine] the fee which he deter-
18 mines to be reasonable.

19 [10. The fee for filing a list of officers and directors or trustees shall
20 be as provided in NRS 78.150.]

21 SEC. 7. NRS 80.010 is hereby amended to read as follows:

22 80.010 1. Before commencing or doing any business in this state,
23 every corporation organized under the laws of another state, territory, the
24 District of Columbia, a dependency of the United States or a foreign
25 country, which enters this state for the purpose of doing business therein,
26 shall [:

27 (a) File] file in the office of the secretary of state of Nevada: [a certi-
28 fied copy of its articles of incorporation, or of the statute or statutes, or
29 legislative, or executive, or governmental acts, or other instrument or
30 authority by which it was created;

31 (b) File in the office of the secretary of state of Nevada certified copies
32 of all papers, documents and instruments, amendatory thereof, supple-
33 mental thereto, or otherwise related to any of the instruments of creation
34 designated in paragraph (a), which, pursuant to the laws of the place of
35 creation of the corporation are required to be filed or recorded in the
36 place of creation, and which have been filed or recorded therein since the
37 creation of the corporation to the date of submission of the papers, docu-
38 ments and instruments to the office of the secretary of state of Nevada for
39 the purpose of qualifying the corporation in this state.

40 2. In lieu of the papers, documents and instruments required to be
41 filed pursuant to paragraphs (a) and (b) of subsection 1, a foreign
42 corporation may file in the office of the secretary of state of Nevada
43 certified copies of all papers, documents and instruments which have
44 been filed in the place of incorporation of such corporation and pursuant
45 to the laws thereof to restate, supersede, consolidate or replace the
46 articles, charter or certificate of incorporation of such corporation,
47 together with any papers, documents or instruments which supplement
48 such restated, superseding, consolidating or replacing papers, documents
49 or instruments.

1 3. Each such corporation shall submit with the certified papers, docu-
2 ments and instruments required by paragraphs (a) and (b) of subsec-
3 tion 1 a second copy of all thereof, conformed in every respect to the
4 certified papers, documents and instruments, for certification by the sec-
5 retary of state of Nevada and for filing by the corporation in the office
6 of the county clerk of the county where its principal place of business is
7 located in this state. The county clerk may microfilm rather than file
8 such copy.

9 4.] (a) A certificate of corporate existence issued by an authorized
10 officer of the jurisdiction of its incorporation setting forth the filing of
11 documents and instruments related to the articles of incorporation, or
12 the governmental acts or other instrument or authority by which the
13 corporation was created. If the certificate is in a language other than
14 English, a translation, together with the oath of the translator and his
15 attestation of its accuracy, shall be attached thereto.

16 (b) A statement executed by an officer of the corporation, duly
17 acknowledged before an officer authorized by the laws of this state to take
18 acknowledgments of deeds; setting forth:

19 (1) The name and address of its registered agent in this state, who
20 shall be a natural person residing in, or another corporation with its
21 principal office located in this state;

22 (2) As of a date not earlier than 6 months prior to the filing date, the
23 authorized capital stock of the corporation, the number of par value
24 shares and their par value, and the number of no-par-value shares, as
25 set forth in the articles of incorporation as last amended; and

26 (3) A general description of the purposes of the corporation.

27 2. The secretary of state shall not file the [articles of incorporation
28 of] documents required by subsection 1 for any foreign corporation
29 whose name is the same as, or deceptively similar to, the name of any
30 corporation formed or incorporated in this state, or any other foreign
31 corporation authorized to transact business within this state or a name
32 reserved for the use of any proposed corporation, [under NRS 78.040,]
33 unless the written acknowledged consent of such other corporation or
34 person for whom such name is reserved to the adoption of such name
35 is filed with the [articles.] documents.

36 SEC. 8. NRS 80.030 is hereby amended to read as follows:

37 80.030 [1. Any foreign corporation qualified to transact business
38 in this state shall, upon the filing in the place of its creation of any paper,
39 document or instrument amendatory of, supplemental to, or otherwise
40 related to the instrument of its creation, and which pursuant to the laws
41 of the place of its creation is to be filed or recorded therein, forthwith
42 file with the secretary of state of Nevada a copy thereof, certified by the
43 official with whom the same shall have been filed in the place of its crea-
44 tion, in the manner prescribed in NRS 80.010 and 80.020.

45 2. If any corporation shall fail to file any of the papers referred to in
46 subsection 1 in the manner and at the time therein prescribed, and the sec-
47 retary of state shall have knowledge that the same have not been thus filed
48 in his office but are of record in the place where the corporation was cre-
49 ated, he shall refuse to file any such papers thereafter submitted for filing
50 until the corporation shall first cause to be filed in his office, and pay the

1 filing fee applicable thereto, such papers as the corporation has failed pre-
2 viously to file as provided in subsection 1.]

3 1. *Each foreign corporation admitted to do business in this state shall,*
4 *within 30 days after the filing of any document amendatory or otherwise*
5 *relating to the original articles in the place of its creation, file in the office*
6 *of the secretary of state:*

7 (a) *A certificate evidencing the filing, issued by the authorized officer of*
8 *the place of its creation with whom the document was filed; and*

9 (b) *A statement of an officer of the corporation, acknowledged before*
10 *an officer authorized to take acknowledgments of deeds, of the change*
11 *reflected by the filing of the document, showing its relation to the name,*
12 *authorized capital stock, or general purposes.*

13 2. *When a foreign corporation authorized to do business in this state*
14 *becomes a constituent of a merger permitted by the laws of the state or*
15 *country in which it is incorporated, it shall, within 30 days after the*
16 *merger becomes effective, file a certificate, issued by the proper officer*
17 *of the place of its creation, attesting to the occurrence of the event, in*
18 *the office of the secretary of state.*

19 SEC. 9. NRS 80.040 is hereby amended to read as follows:

20 80.040 If the papers required by NRS 80.010 [80.020] and
21 80.030 to be filed in this state are of record in a [foreign] language
22 other than English in the place of creation of the corporation, the certi-
23 fied papers in [such foreign] that language shall be accompanied by a
24 verified translation [thereof] into the English language.

25 SEC. 10. NRS 80.050 is hereby amended to read as follows:

26 80.050 1. Foreign corporations shall pay the same fees to the secre-
27 tary of state as are required to be paid by corporations organized under
28 the laws of this state, but [in no case shall the amount of fees to be
29 paid exceed:] *the amount of fees paid shall not exceed:*

30 (a) The sum of \$25,000 for filing initial qualification documents; or

31 (b) The sum of \$25,000 for each subsequent filing of an amendment
32 certificate increasing authorized capital stock.

33 2. *If the corporate documents required to be filed set forth only the*
34 *total number of shares of stock the corporation is authorized to issue*
35 *without reference to value, the authorized shares shall be considered to*
36 *be without par value and the filing fee shall be computed pursuant to*
37 *paragraph (b) of subsection 2 of NRS 78.760.*

38 3. The fee for filing notice of withdrawal from the State of Nevada
39 by foreign corporations [shall be] is \$10.

40 SEC. 11. NRS 80.110 is hereby amended to read as follows:

41 80.110 1. [Every] *Each* foreign corporation doing business in this
42 state shall, on or before July 1 of each year, file with the secretary of
43 state a *copy of any amendment to its articles of incorporation which*
44 *changes the name of the corporation or increases its capitalization, a list*
45 *of its officers and directors and a designation of its resident agent in this*
46 *state, [the list of officers and designation of resident agent to be] certified*
47 *by the president, secretary or other officer of the corporation.*

48 2. Upon filing [such list of officers and directors and designation of
49 resident agent, every such] *the amendments, list and designation, the cor-*
50 *poration shall pay to the secretary of state a fee of [\\$10.] \$20.*

1 3. The secretary of state shall, 30 days prior to July 1 of each year,
2 cause to be mailed to all corporations required to comply with the provi-
3 sions of NRS 80.110 to 80.180, inclusive, and which have not [thereto-
4 fore] become delinquent, the blank forms to be filed with the secretary of
5 state. Failure of any corporation to receive the forms will not excuse such
6 corporation from the penalty imposed by the provisions of NRS 80.110 to
7 80.180, inclusive.

8 SEC. 12. NRS 80.130 is hereby amended to read as follows:

9 80.130 1. [Every] *Each* foreign corporation [hereafter] coming
10 into this state shall, within 60 days after the filing of its articles of incorpo-
11 ration with the secretary of state:

12 (a) File a list of its officers and directors and a designation of its resi-
13 dent agent, and a certificate of acceptance signed by the resident agent
14 [so] designated. The address of the resident agent shall be the same as
15 that of the principal office.

16 (b) Pay to the secretary of state a fee therefor of [\\$10.] \$20.

17 2. [Annually thereafter such] *The* corporation shall *annually* file a
18 list of its officers and directors and designation of resident agent and pay
19 the fee [set forth in NRS 80.110.] *prescribed by law*.

20 SEC. 13. NRS 80.150 is hereby amended to read as follows:

21 80.150 1. Any corporation required to make the filing and pay the
22 fee provided in NRS 80.110 to 80.180, inclusive, which [shall refuse or
23 neglect] *refuses or neglects* to do so within the time provided, shall be
24 deemed in default.

25 2. For [such] default there shall be added to the amount of the fee a
26 penalty of [\\$2.50.] \$5, and unless [such filings be made and such]
27 *the filings are made and the fee and penalty [be] are* paid on or before
28 the 1st Monday in August following, the defaulting corporation shall, by
29 reason of [such] *its* default, forfeit:

30 (a) The amount of the tax and penalty [aforesaid] to the State of
31 Nevada; and

32 (b) Its right to transact any business within this state.

33 The fee and penalty shall be collected as [hereinafter] provided [.]
34 *in this chapter.*

35 SEC. 14. NRS 80.020 is hereby repealed.

Original bill is on file at
the Research Library.



Nevada
Archaeological
Association

Senators Floyd Lamb
and Members of the Senate Finance
Committee.

Sirs:

The members of the board and of
the general memberships give their total
support to SB-359 as proposed to the
legislature by the University System and
the Nevada State Museum.

If the transfer to the Department of
Conservation is the only solution to the
existence of the Survey program, then
we strongly back the amendments proposed
by Dr. Donald Fowler, Executive Director of the
Human Systems Center of DCE; Robert Elston
Coordinator of the Nevada Archaeological Survey
and Norman Hall, head of the Department
of Conservation.

Mrs Robert K. Myles
as directed by Board and General
members at large - April 11th 1977

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FLOYD LAMB AND MEMBERS OF THE SENATE FINANCE
COMMITTEE CARE JEAN MYLES
2055 REGENT ST
RENO NV 89509

SUPPORT THE ADDITIONAL AMENDMENTS PROPOSED TO AMENDMENT #685A TO SB359
AS PROPOSED BY DR DONALD D FOWLER, EXECUTIVE DIRECTOR OF THE HUMANS
SYSTEMS CENTER, ROBERT ELSTON, COORDINATOR OF NEVADA ARCHAEOLOGICAL
SURVEY, NORMAN HALL, HEAD OF DEPT OF CONSERVATION. WE THE UNDERSIGNED
OF NEVADA ARCHAEOLOGICAL SURVEY STAFF

RICHARD H BROOKS, SHEILAGH BROOKS, PATRICIA BALDWIN, DANIEL LARSON,
KOREN VINCENT, JOSEPH KING, RICHARD WILSON,

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COMMITTEE CARE JEAN MYLES
2055 REGENT ST
RENO NV 89509

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AS PROPOSED BY DR DONALD D FOWLER, EXECUTIVE DIRECTOR OF THE HUMANS
SYSTEMS CENTER, ROBERT ELSTON, COORDINATOR OF NEVADA ARCHAEOLOGICAL
SURVEY, NORMAN HALL, HEAD OF DEPT OF CONSERVATION. WE THE UNDERSIGNED
OF CLARK COUNTY VOTERS DISTRICTS #1 AND 3

MIRIAM LARSON, LEONARD POLK, KATHLEEN POLK, CAROLYN BROOKS, HELEN
KING, ELLLIOT KING, PATRICIA HARRIS, JAMES HARRIS, SHARON BALDWIN,
ROBERT BALDWIN, STAN BALDWIN, JAMES KAPPELMAN, DWAYNE KAPPELMAN,
MAE SISKA, ALBERT SMITH, ROSE SATTERFIELD, ED SATTERFIELD, LISA
KING.

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FLOYD LAMB AND MEMBERS OF THE SENATE FINANCE
COMMITTEE CARE JEAN MYLES
2055 REGENT ST
RENO NV 89509

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AS PROPOSED BY DR DONALD D FOWLER, EXECUTIVE DIRECTOR OF THE HUMANS
SYSTEMS CENTER, ROBERT ELSTON, COORDINATOR OF NEVADA ARCHAEOLOGICAL
SURVEY, NORMAN HALL, HEAD OF DEPT OF CONSERVATION. WE THE UNDERSIGNED
OF SENATE DISTRICTS #1 AND 3

BILL FOX, ANNETTE GOLDSTEIN, IRV GOLDSTEIN, MIKE HERMAN, GISELA
HERMAN, WAYNE CRAXBURGER, SUE WORTS, JOE LAPPIN, PHYLLIS SHERWOOD,
JULIS STEINER, RICHARD STOCKTON, PAT LAPPIN, FLORENCE MCQUADE,
RICHARD MCQUADE, JANELLE NIXON, JEAN SHERWOOD, SARAH BLACK, BONNIE
BOWMAN, MIKE CAFFERY, LOUISE SERVETTE, REX FRAZIER, NANCY FRAZIER,
MILT PALMER, DAVID FERRARO, KATHLEEN BERGIN, KATHRYN OLSON

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ASSEMBLY ACTION

SENATE ACTION

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 Concurred in
 Not concurred in
 Date: _____
 Initial: _____

Amendments to ~~Assembly~~ / Senate

Bill / ~~Joint Resolution~~ No. 359 (BDR 34-1132)

Proposed by Committee on Finance

977 Amendment No 685 A

Resolves conflict with S.B. 269 and makes substantive changes.

Amend the bill as a whole, insert new sections, to be designated as sections 1 and 2, preceding section 1, to read:

"Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. The division of historic preservation and archeology consists of the administrator, the advisory board for historic preservation and

archeology and any other necessary personnel.

2. The administrator of the division shall be appointed by and be responsible to the director and shall be in the unclassified service of the state.

Sec. 2. NRS 232.090 is hereby amended to read as follows:

232.090 The department [shall consist] consists of:

1. The division of water resources.
2. The division of state lands.
3. The division of forestry.
4. The division of oil and gas conservation.
5. The division of state parks.
6. The division of conservation districts.
7. The state environmental commission division.
8. The division of Colorado River resources.
9. The division of historic preservation and archeology.

10. Such other divisions as the director may in his discretion from time to time establish, to cooperate with the various committees, districts, associations and political subdivisions concerned with conservation and natural resources."

Amend the bill as a whole, renumber section 1 as section 3.

Amend section 1, page 1, line 1, delete "Chapter 396" and insert "Title 33".

1301

Amend section 1, page 1, delete line 2 and insert:

"thereto a new chapter to consist of the provisions set forth as sections 4 to 15, inclusive, of this act."

Amend the bill as a whole, delete sections 2 through 6, insert new sections to be designated as sections 4 to 15, following section 1, to read:

"Sec. 4. As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the administrator of the division.
2. "Advisory board" means the advisory board for historic preservation and archeology advisory board.
3. "Director" means the director of the state department of conservation and natural resources.
4. "Division" means the division of historic preservation and archeology of the state department of conservation and natural resources.

Sec. 5. 1. The division of historic preservation and archeology is hereby created.

2. The division is responsible for encouraging, planning and coordinating historic preservation and archeological activities within the state, including programs to survey, record, study and preserve or salvage objects, localities and information of historic, prehistoric and paleoenvironmental significance.

Sec. 6. The administrator of the division:

1. Shall be selected with special reference to his training, experience, capacity and interest in historic preservation or archeology, or both.
2. Is entitled to the subsistence allowance and travel expenses provided by law.
3. Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit which detracts from the full and timely performance of his duties.

Sec. 7. The administrator, subject to administrative supervision by the director, is responsible for carrying out all provisions of law relating to the functions of the division. He may employ, within the limits of available money, any clerical and operational personnel necessary for the administration of the division.

Sec. 8. 1. The advisory board for historic preservation and archeology is hereby created.

2. The advisory board consists of the following members:

- (a) One member chosen by the board of trustees of the Nevada state museum;
- (b) One member chosen by the board of trustees of the Nevada historical society;
- (c) One member chosen by the Lost City museum advisory commission;

(d) One member chosen by the board of regents of the University of Nevada;

(e) One member chosen by the executive head of the desert research institute; and

(f) One member chosen by the historic preservation review committee, when such a committee exists pursuant to federal requirements under 16 U.S.C. § 470 et seq.

3. The administrator shall serve as chairman of the advisory board, but he has not vote except in the event of a tie.

Sec. 9. 1. The advisory board may adopt such regulations as are necessary for its own governance.

2. While engaged in official business of the board, each member is entitled to the subsistence allowance and travel expenses provided by law.

Sec. 10. The advisory board shall serve in an advisory capacity to the administrator and shall:

1. Recommend policies for the operation and administration of the division;

2. Review and make recommendations on matters relating to the state historic preservation plan; and

3. Review and make recommendations on archeological publication and research proposals.

Sec. 11. The administrator, subject to the approval of the director, may:

1. Apply for and accept grants, gifts and donations from public and private sources, including the Federal Government.

2. Receive funds from public and private sources in payment for services rendered.

Sec. 12. 1. The administrator, subject to the approval of the director, may negotiate contracts for:

- (a) Historic preservation activities.
- (b) Archeological activities.

2. Any contract for services may include a charge sufficient to cover overhead expenses.

Sec. 13. 1. The administrator shall:

(a) Establish the qualifications and standards for an historical markers program, designate and make an inventory of qualified sites on both public and privately owned lands, and place and maintain historical markers on all public lands and all private lands when the owner consents.

(b) Establish a state historical marker registry system.

(c) Consult with the Nevada historical society to determine the content of the legend on all markers. The Nevada historical society has the final authority to determine the content of any legend.

(d) Solicit the cooperation of owners of private property for the installation of historical markers on eligible properties and structures in order that they may be included in the state historical marker registry.

(e) Install, maintain and protect all registered historic markers.

2. The administrator may contract with, or cooperate with, public or private agencies for suitable markers and directional signs, including signs on highways and roads, at the site of, or on the approaches to, registered historical markers. The contracts may include provisions for the installation, maintenance and protection of the markers.

Sec. 14. 1. The administrator shall prepare and maintain a comprehensive statewide historic preservation plan. The plan shall contain:

- (a) An evaluation of the needs for preservation of historic sites;
- (b) A program for carrying out the plan; and
- (c) Other information which the administrator determines to be necessary.

2. The plan shall:

- (a) Take into account relevant federal resources and programs; and
- (b) Be correlated insofar as practicable with other state, regional and local plans.

3. The administrator, subject to approval by the director, may represent and act for the state in dealing with the Federal Government or any of its agencies, instrumentalities or officers for the purposes of receiving financial assistance for planning, acquisition or development of historic preservation projects pursuant to the provisions of federal law. When an historic preservation project is combined with an outdoor recreation project, the director is responsible for representing and acting for the state in dealing with the Federal Government.

4. The administrator, subject to approval by the director, may administer and disburse to other state agencies and political subdivisions money paid by the Federal Government to the State of Nevada as financial assistance for planning, acquisition or development of historic preservation projects, and the administrator shall, on behalf of the state, keep such records as the Federal Government prescribes and as will facilitate an effective audit, including records which fully disclose:

(a) The amount and the disposition by the state of the proceeds of such assistance;

(b) The total cost of the project or undertaking in connection with such assistance as given or used; and

(c) The amount and nature of that portion of the cost of the project or undertaking supplied by other sources.

5. Authorized representatives of the Federal Government shall have access for the purpose of audit and examination to any books, documents, papers and records of the state that are pertinent to financial assistance received by the state pursuant to federal law for planning,

acquisition or development of historic preservation projects.

Sec. 15. 1. All departments, commissions, boards and other agencies of the state and its political subdivisions shall cooperate with the division in order to salvage or preserve historic, prehistoric or paleo-environmental evidence located on property owned or controlled by the United States, the State of Nevada or its political subdivisions.

2. When any agency of the state or its political subdivisions is preparing or has contracted to excavate or perform work of any kind on property owned or controlled by the United States, the State of Nevada or its political subdivisions which may endanger historic, prehistoric or paleo-environmental evidence found on the property, or when any artifact, site or other historic or prehistoric evidence is discovered in the course

of such excavation or work, the agency or the contractor hired by the agency shall notify the division and cooperate with the division to the fullest extent practicable, within the appropriations available to the agency, ^{political subdivisions} for that purpose, to preserve or permit study of such evidence before its destruction, displacement or removal.

3. The provisions of this section shall be made known to all private contractors performing such excavation or work for any agency of the state or its political subdivisions."

Amend the bill as a whole, renumber section 7 as section 16, and insert new sections, to be designated as sections 17 through 23, following section 7, to read:

"Sec. 17. NRS 381.205 is hereby amended to read as follows:

381.205 Upon granting the permit, the board shall immediately notify the division of [state parks] historic preservation and archeology of the state department of conservation and natural resources, the sheriff in the county in which the permit is to be exercised, and personnel of the Nevada highway patrol controlling the state roads of the district embracing the site in which the permit is to be exercised.

Sec. 18. NRS 381.207 is hereby amended to read as follows:

381.207 1. A permitholder, except as provided in subsections 2 and 3, who does work upon aboriginal mounds and earthworks, ancient burial grounds, prehistoric sites, fossil bone deposits or other [archaeological] archeological and vertebrate paleontological features within the state shall give to the state 50 percent of all articles, implements and materials

found or discovered, to be deposited with the state museum, for exhibition [in a public museum or educational institution] or other use within the state [to be selected] as determined by the board. The board may, in its discretion, accept less than 50 percent of such items. Upon receipt of items pursuant to this subsection the board shall notify the division of historic preservation and archeology of the state department of conservation and natural resources.

2. A permitholder who does any such work within the state under the authority and direction of the Nevada historical society, a state institution or a political subdivision of the state shall give 50 percent of all articles, implements and materials found or discovered to such society, institution or political subdivision. The permitholder may retain the other 50 percent.

3. If the Nevada historical society, a state institution or a political subdivision is the permitholder, such society, institution or political subdivision may retain all articles, implements and materials found or discovered.

4. Whenever the division of historic preservation and archeology acquires articles, implements and materials under the provisions of this section, they shall be transferred to the board for exhibition or other use within the state as determined by the board.

Sec. 19. NRS 381.223 is hereby amended to read as follows:

381.223

Any object of antiquity taken, or collection made, on historic or prehistoric sites covered by NRS 381.195 to 381.227, inclusive, without a permit shall be seized by the proper law enforcement officers, who shall notify the board of the action. The object or collection so taken shall be forfeited to the state at the Nevada state museum, and shall be deposited by the board in a public museum or educational institution]

for exhibition or other use within the state [.] as determined by the board. Upon receipt of any forfeited item pursuant to this section the board

shall notify the division of historic preservation and archeology of the state department of conservation and natural resources.

Sec. 20. NRS 407.120 is hereby amended to read as follows:

407.120 Upon the recommendation of the administrator [,] of the division of state parks or the administrator of the division of historic preservation and archeology, through the director of the state department of conservation and natural resources, the governor may, by proclamation, designate any site, place or building located on any publicly owned land, or any land in the state held by the system under lease or permit, as a state park, state monument, historical landmark, historical building, an archeological area or recreational area.

Sec. 21. NRS 407.205 is hereby amended to read as follows:

407.205 1. The system shall prepare and maintain a comprehensive statewide outdoor recreation [and historic preservation plans, which plans] plan. The plan shall contain:

- (a) An evaluation of the demand for and supply of outdoor recreation resources and facilities in the state;
- (b) [An evaluation of the needs for preservation of historic sites;
- (c)] A program for the implementation of the [plans;] plan; and
- [(d)] (c) Other necessary information, as may be determined by the administrator.

2. The [plans] plan shall:

- (a) Take into account relevant federal resources and programs; and

(b) Be correlated so far as practicable with other state, regional and local plans.

3. The system through the state department of conservation and natural resources [is vested with authority to] may represent and act for the state in dealing with the Federal Government or any of its agencies, instrumentalities or officers for the purposes of receiving financial assistance for planning, acquisition or development of outdoor recreation [and historic preservation] projects [or combinations thereof] pursuant to the provisions of federal law. When an outdoor recreation project is combined with an historic preservation project the director or his designee is responsible for representing and acting for the state in dealing with the Federal Government.

4. The administrator, through the director of the state department of conservation and natural resources, [has the authority to] may accept, administer and disburse to other state agencies and political subdivisions funds paid by the Federal Government to the State of Nevada as financial assistance for planning, acquisition or development of outdoor recreation [and historic preservation] projects and [or combinations thereof,] and the administrator shall, on behalf of the state, keep such records as the Federal Government [shall prescribe,] prescribes and as will facilitate an effective audit, including records which fully disclose:

(a) The amount and the disposition by the state of the proceeds of such assistance;

(b) The total cost of the project or undertaking in connection with

such assistance as given or used; and

(c) The amount and nature of that portion of the cost of the project or undertaking supplied by other sources.

5. Authorized representatives of the Federal Government shall have access for the purpose of audit and examination to any books, documents, papers and records of the state that are pertinent to financial assistance received by the state pursuant to federal law for planning, acquisition or development of outdoor recreation [and historic preservation] projects . [or combinations thereof.]

Sec. 22. NRS 407.207 is hereby amended to read as follows:

407.207

The system through the state department of conservation and natural resources may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation . [or historic preservation.] In connection with obtaining the benefits of any such program, the system shall coordinate its activities with and represent the interest of all other agencies and political subdivisions of the state having interests in the planning, devel-

opment and maintenance of outdoor recreation resources [,] and facilities . [and historic preservation.]

Sec. 23. NRS 407.209 is hereby amended to read as follows:

407.209

The system through the state department of conservation and natural resources shall make no commitment, nor shall it enter into any agreement [,] pursuant to an exercise of authority under NRS 407.205 to 407.209, inclusive, until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under [authority of] NRS 407.205 to 407.209, inclusive, such areas and facilities shall be publicly maintained for outdoor recreation [and

historic preservation]purposes. The system through the department may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition [,] and development[and preservation]projects involving participating federal aid funds on behalf of any political subdivision or subdivisions of this state if such subdivision or subdivisions give necessary assurances to the system that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such subdivision or subdivisions for public outdoor recreation[or historic preservation] use. "

Amend the bill as a whole, renumber sections 8 and 9 as sections 24 and 25.

Amend section 8, page 2, delete line 37 and insert:

"Sec. 24. 1. NRS 381.310 to 381.450, inclusive, 407.0739 and 407.074 are hereby repealed.

2. NRS 381.460 is hereby repealed."

Amend section 9, page 2, delete lines 38 through 46 and insert:

"Sec. 25. On July 1, 1977, all contracts entered into by the Nevada archeological survey shall be transferred to the division of historic preservation and archeology of the state department of conservation and natural resources."

Amend the bill as a whole, insert new sections to be designated as sections 26 through 28, following section 9, to read:

"Sec. 26. All artifacts under the control of the Nevada archeological survey on July 1, 1977, shall be transferred on that date to the board of trustees of the Nevada state museum for exhibition or other use within the state as determined by the board.

Sec. 27. The legislative counsel shall in preparing the supplement to Nevada Revised Statutes with respect to any section which is not amended by this act or is further amended ~~or~~ added by another act:

1. If reference is made to the former Nevada archeological survey, substitute an appropriate reference to the division of historic preservation and archeology in this state department of conservation and natural resources.

2. If reference is made to the historic preservation function or historical marker function in the division of state parks of the state department of conservation and natural resources, substitute an appropriate reference to the function in the division of historic preservation and archeology of the state department of conservation and natural resources.

Sec. 28. Subsection 2 of section 24 of this act shall become effective at 12:01 a.m. on July 1, 1977."

Amend the title of the bill to read:

"AN ACT relating to the state department of conservation and natural resources; creating a division of historic preservation and archeology; substituting the division for the Nevada archeological survey; transferring historic preservation functions from the division of state parks; and providing other matters properly relating thereto."

Suggested Amendments to Amended SB 359

Sec. 6,1. [add] ... or both, and shall meet the minimal qualifications for recognition as a professional archeologist as set forth by the national Society of Professional Archeologists. } omit

Sec. 10,3. [revise] Review and make recommendations on archeological publications and research proposals developed by the division.

Sec. 24 [add] The Nevada Archeological Survey is recognized as an [informal] consortium of professional archeologists and cultural historians within the State. The division of historic preservation and archeology will cooperate with the Survey in furthering mutual aims and purposes relating to historical preservation and archeological research.

Sec. 26 [insert] All artifacts, collected from state-owned lands, under the control of the Nevada Archeological Survey on July 1, 1977, shall be transferred on that date ..., etc.

Sec. 25 - omit