
ASSEMBLY BILL NO. 224—COMMITTEE ON GOVERNMENT AFFAIRS
(ON BEHALF OF DEPARTMENT OF CULTURAL AFFAIRS)

MARCH 3, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to Nevada Arts Council.
(BDR 18-531)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to the Department of Cultural Affairs; revising provisions relating to the duties, governance and structure of the Nevada Arts Council; 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.** Chapter 233C of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.
4 **Sec. 2.** *“Administrator” means the Administrator of the*
5 *Division.*
6 **Sec. 3.** *“Board” means the Board of the Division created*
7 *pursuant to NRS 233C.030.*
8 **Sec. 4.** *“Commission” means the Commission for Cultural*
9 *Affairs created pursuant to NRS 233C.200.*
10 **Sec. 5.** *“Department” means the Department of Cultural*
11 *Affairs.*
12 **Sec. 6.** *“Division” means the Nevada Arts Council.*
13 **Sec. 7.** *1. The Nevada Arts Council is hereby created as a*
14 *Division of the Department.*



1 2. *The Division is the sole and official agency of this state to*
2 *receive and disburse any money made available to this state by the*
3 *National Endowment for the Arts pursuant to 20 U.S.C. § 954.*

4 3. *The Division:*

5 (a) *Shall cooperate with the State Public Works Board and the*
6 *Buildings and Grounds Division of the Department of*
7 *Administration to plan the potential purchase and placement of*
8 *works of art inside or on the grounds surrounding a state building.*

9 (b) *May request and must receive from any department,*
10 *division, board, bureau, commission or agency of this state such*
11 *assistance and data, as feasible and available, as will enable the*
12 *Division to properly carry out the purposes of this chapter.*

13 **Sec. 8.** 1. *The Administrator is appointed by the Director*
14 *with special reference to the Administrator's training, experience,*
15 *capacity and interest in the arts.*

16 2. *The Administrator must have:*

17 (a) *A degree in the arts, a field related to the arts or public*
18 *administration; and*

19 (b) *Completed course work and accumulated experience in at*
20 *least one of the arts with at least 5 years of progressively*
21 *responsible work experience in the administration of arts and*
22 *cultural programming, at least 2 years of which must have been in*
23 *a supervisory capacity.*

24 3. *The Administrator may employ, within the limits of*
25 *legislative appropriations, such staff as is necessary to the*
26 *performance of his duties.*

27 4. *The Administrator is responsible to the Director for the*
28 *general administration of the Division and for the submission of*
29 *its budgets, subject to administrative supervision by the Director.*

30 5. *The Administrator shall direct the work of the Division,*
31 *administer the Division and perform such other duties as the*
32 *Director may, from time to time, prescribe.*

33 6. *To carry out the provisions of this chapter and within the*
34 *limit of money available to him, the Administrator may enter into*
35 *contracts and other lawful agreements with:*

36 (a) *Natural persons, organizations and institutions for services*
37 *furthering the mission and goals of the Division and the Board;*
38 *and*

39 (b) *Local, regional and national associations for cooperative*
40 *endeavors furthering the mission and goals of the programs of the*
41 *Division.*

42 7. *The Administrator may accept gifts, contributions and*
43 *bequests of unrestricted money from natural persons, foundations,*
44 *corporations and other organizations and institutions to further*
45 *the mission and goals of the programs of the Division.*



1 **8. As used in this section, "Director" means the Director of**
2 **the Department.**

3 **Sec. 9.** NRS 233C.010 is hereby amended to read as follows:
4 233C.010 As used in this chapter, unless the context otherwise
5 requires, ~~["Council" means the State Arts Council.]~~ **the words and**
6 **terms defined in sections 2 to 6, inclusive, of this act have the**
7 **meanings ascribed to them in those sections.**

8 **Sec. 10.** NRS 233C.020 is hereby amended to read as follows:
9 233C.020 The Legislature hereby determines and declares that:

10 1. The giving of further recognition to the arts as a vital aspect
11 of our culture and heritage is an essential means of expanding the
12 educational programs and promoting the general welfare of the
13 people of the State of Nevada.

14 2. ~~[With increasing leisure time, the practice and]~~ **The practice,**
15 **enjoyment and impact** of the arts are of ~~[growing importance.~~
16 ~~—3. Many citizens of the]~~ **increasing importance to the**
17 **economic vitality of communities in this state.**

18 3. **Residents of this** state desire increased opportunity to view,
19 enjoy or participate in the performing **literary, visual** and ~~[fine]~~ **folk**
20 **arts.**

21 4. To this end, it is the policy of the State of Nevada to join
22 with institutions and professional organizations concerned with the
23 arts to insure that the role of the arts in the life of the communities
24 of the State will continue to grow and play an ever increasing part in
25 the cultural development and educational experience of the
26 ~~[citizens]~~ **residents** of the State of Nevada.

27 **Sec. 11.** NRS 233C.030 is hereby amended to read as follows:
28 233C.030 The ~~[State Arts Council,]~~ **Board of the Division,**
29 consisting of nine members appointed by the Governor, is hereby
30 created.

31 **Sec. 12.** NRS 233C.040 is hereby amended to read as follows:
32 233C.040 1. The Governor shall appoint the members of the
33 ~~[Council]~~ **Board** from among ~~[citizens of Nevada]~~ **residents of this**
34 **state** who are known for their knowledge of and experience in the
35 performing **literary, visual** and ~~[fine]~~ **folk** arts.

36 2. After the initial terms, ~~[members shall serve terms of]~~ **the**
37 **term of each member is** 4 years, except when appointed to fill
38 unexpired terms.

39 3. A member may be removed by the Governor for three
40 unexcused absences from ~~[Council meetings.]~~ **meetings of the**
41 **Board.**

42 **Sec. 13.** NRS 233C.050 is hereby amended to read as follows:
43 233C.050 1. Each member of the ~~[Council]~~ **Board** is entitled
44 to receive a salary of not more than \$80, as fixed by the ~~[Council,]~~



1 **Board**, for each day or portion thereof during which he is in
2 attendance at a regularly called meeting of the ~~{Council}~~.

3 ~~2. While engaged} **Board**.~~

4 **2. If provided for** in the ~~{business}~~ **budget** of the ~~{Council}~~,
5 **Division**, each member and employee of the ~~{Council}~~ **Board**, while
6 **engaged in the business of the Board**, is entitled to receive the per
7 diem allowance and travel expenses provided for state officers and
8 employees generally.

9 **Sec. 14.** NRS 233C.060 is hereby amended to read as follows:

10 233C.060 1. ~~{Meetings}~~ **Except as otherwise provided in this**
11 **subsection, meetings** of the ~~{Council}~~ **Board** may be held ~~{annually~~
12 ~~or}~~ **twice in each calendar year. If provided for in the budget of the**
13 **Division, meetings of the Board may be held more frequently than**
14 **twice in each calendar year** at the discretion of the Chairman of the
15 ~~{Council}~~ **Board**.

16 2. A majority of the members of the ~~{Council}~~ **Board**
17 constitutes a quorum for the transaction of business.

18 3. Each member of the ~~{Council}~~ **Board** has one vote to further
19 the objectives of the ~~{Council}~~ **Board**.

20 **Sec. 15.** NRS 233C.070 is hereby amended to read as follows:

21 233C.070 1. The ~~{Council}~~ **Board** shall elect from
22 its membership a Chairman, a Vice Chairman and a
23 ~~{Secretary-Treasurer}~~.

24 ~~2. All Council officers shall serve for a term of} **Treasurer to**
25 **serve as officers of the Board**.~~

26 **2. The Administrator shall act as the nonvoting recording**
27 **Secretary of the Board**.

28 **3. The term of each officer of the Board, other than the**
29 **Administrator, is 2 years** and any vacancies that occur in those
30 ~~{positions shall}~~ **offices must** be filled by election by the members
31 of the ~~{Council}~~ **Board** for the remainder of the unexpired term.

32 **4. No member of the Board may serve more than two**
33 **consecutive terms as an officer of the Board**.

34 **Sec. 16.** NRS 233C.090 is hereby amended to read as follows:

35 233C.090 1. The ~~{Council shall stimulate}~~ **Board shall:**

36 **(a) Stimulate** throughout the State the presentation of the
37 performing **literary, visual** and ~~{fine}~~ **folk** arts and encourage artistic
38 expression essential for the well-being of the arts, and ~~{shall}~~ **make,**
39 before September 1 of each even-numbered year, a report covering
40 the biennium ending June 30 of that year to the Governor and the
41 Legislature on its progress in this regard.

42 ~~{2. The Council may:~~

43 ~~(a) Hold public and private hearings;~~

44 ~~(b) Enter into contracts, within the limit of money available~~
45 ~~therefor, with:~~



1 ~~— (1) Natural persons, organizations and institutions for~~
2 ~~services furthering the educational objectives of the Council; and~~
3 ~~— (2) Local and regional associations for cooperative endeavors~~
4 ~~furthering the educational objectives of the Council's programs;~~
5 ~~— (c) Accept gifts, contributions and bequests of unrestricted~~
6 ~~money from natural persons, foundations, corporations and other~~
7 ~~organizations and institutions to further the educational objectives of~~
8 ~~the Council's programs;~~
9 ~~— (d) Make any agreement appropriate to carry out the purposes of~~
10 ~~this chapter; and~~
11 ~~— (e) Perform any acts necessary to carry out NRS 233C.096.~~
12 ~~— 3. The Council is the sole and official agency of this state to~~
13 ~~receive and disburse any money made available to the State by the~~
14 ~~National Endowment for the Arts pursuant to 20 U.S.C. § 954.~~
15 ~~— 4. The Council may request and must receive from any~~
16 ~~department, division, board, bureau, commission or agency of the~~
17 ~~State such assistance and data, as feasible and available, as will~~
18 ~~enable the Council properly to carry out the purposes of this chapter.~~
19 ~~— 5. The Council shall cooperate with the State Public Works~~
20 ~~Board and the Buildings and Grounds Division of the Department of~~
21 ~~Administration to plan the potential purchase and placement of~~
22 ~~works of art inside or on the grounds surrounding a state building.]~~
23 *(b) Serve as an advocate of the arts and promote such policies*
24 *and viewpoints as in the opinion of the Board would benefit the*
25 *arts throughout this state.*
26 *(c) Work with organizations that are concerned with the arts*
27 *and whose activities are statewide in scope to develop and provide*
28 *to the Division recommendations for:*
29 *(1) Strategic plans;*
30 *(2) The mission of and goals for the Division; and*
31 *(3) Cultural policies and priorities for the State of Nevada.*
32 *(d) Hold public hearings to receive public comment and to*
33 *discuss issues relevant to the carrying out of the powers and duties*
34 *of the Board.*
35 *(e) Assist the Division in the performance of acts necessary to*
36 *carry out the provisions of NRS 233C.096.*
37 *(f) In connection with the functions of the Division, approve*
38 *grant applications and grant allocations within the limits of*
39 *legislative appropriations.*
40 *(g) In all other matters pertaining to the Division, serve in an*
41 *advisory capacity to the Department and to the Division.*
42 *2. The Chairman of the Board shall serve as, or shall appoint*
43 *another member of the Board to serve as, a member of the*
44 *Commission, as required pursuant to paragraph (b) of subsection*
45 *1 of NRS 233C.200.*



1 **3. The Board may adopt such regulations as it deems**
2 **necessary to carry out its powers and duties.**

3 **Sec. 17.** NRS 233C.092 is hereby amended to read as follows:
4 233C.092 The ~~{Council}~~ **Division** shall periodically cause an
5 examination to be made of the physical condition of the works of art
6 acquired for inclusion in public works to determine which works of
7 art need repair, restoration or replacement and shall report this
8 information to the Legislature.

9 **Sec. 18.** NRS 233C.094 is hereby amended to read as follows:
10 233C.094 1. The Account for License Plates for the Support
11 of the Education of Children in the Arts is hereby created in the
12 State General Fund. The ~~{Director of the Council}~~ **Division** shall
13 administer the Account.

14 2. The money in the Account does not lapse to the State
15 General Fund at the end of any fiscal year.

16 3. The money in the Account must be used only for the support
17 of programs for the education of children in the arts and must not be
18 used to replace or supplant funding available from other sources.

19 **Sec. 19.** NRS 233C.095 is hereby amended to read as follows:
20 233C.095 1. The Nevada Cultural Fund is hereby created as a
21 special revenue fund. The purposes of the Fund are to:

- 22 (a) Ensure a stable and healthy cultural climate in this state;
23 (b) Advance and promote a meaningful role of the arts and
24 humanities in the lives of individual persons, families and
25 communities throughout this state; and

26 (c) Stimulate the provision of additional funding from private
27 sources to carry out the provisions of paragraphs (a) and (b).

28 The money in the Fund must be used to augment and must not be
29 used to replace or supplant any legislative appropriations to the
30 ~~{Council}~~ **Division**.

31 2. Except as otherwise provided in subsection 4, the Fund is a
32 continuing fund without reversion. The money in the Fund must be
33 invested as the money in other state funds is invested. The interest
34 and income earned on the money in the Fund, after deducting any
35 applicable charges, must be credited to the Fund. Claims against the
36 Fund must be paid as other claims against the State are paid.

37 3. The ~~{Council}~~ **Division** may accept gifts, grants and
38 donations from any source for deposit in the Fund.

39 4. The State Board of Examiners may, upon making a
40 determination that any portion of any amount appropriated by the
41 Legislature for deposit in the Fund is necessary to meet existing or
42 future obligations of the State, recommend to the Interim Finance
43 Committee that the amount so needed be transferred from the Fund
44 to the State General Fund. Upon approval of the Interim Finance
45 Committee, the money may be so transferred.



1 **Sec. 20.** NRS 233C.096 is hereby amended to read as follows:
2 233C.096 The ~~{Council}~~ *Division* shall administer the Nevada
3 Cultural Fund and may expend only the amount of any gifts, grants,
4 donations, interest and income credited to the Fund to:

- 5 1. Provide resources for developing the artistic, administrative
6 and financial stability of cultural organizations that serve and enrich
7 communities throughout this state regarding the arts and humanities;
- 8 2. Support programs and projects that provide residents of and
9 visitors to this state with access to a broad range of activities
10 regarding the arts and humanities;
- 11 3. Encourage cultural organizations to reduce their deficits, to
12 establish cash reserves and endowments and to engage in capital
13 projects that will aid in their stabilization; and
- 14 4. Support initiatives and organizations that encourage access
15 to, the awareness of and education in the arts.

16 **Sec. 21.** NRS 233C.097 is hereby amended to read as follows:
17 233C.097 The ~~{Council}~~ *Division* shall:

- 18 1. Adopt regulations establishing criteria and standards for the
19 eligibility for and use of any funding to be provided by the
20 ~~{Council}~~ *Division* pursuant to NRS 233C.096.
- 21 2. Report to each regular session of the Legislature:
 - 22 (a) The amount of money expended from the Nevada Cultural
23 Fund;
 - 24 (b) The specific purposes for which the money was expended;
25 and
 - 26 (c) The sources from which the money was obtained.

27 **Sec. 22.** NRS 233C.200 is hereby amended to read as follows:

28 233C.200 1. The Commission for Cultural Affairs is hereby
29 created. The Commission is advisory to the Department ~~{of Cultural
30 Affairs}~~ and consists of:

- 31 (a) The Chairman of the Nevada Humanities Committee or a
32 member of the Committee designated by him;
 - 33 (b) The Chairman of the ~~{State Arts Council}~~ *Board* or a
34 member of the ~~{Council}~~ *Board* designated by him;
 - 35 (c) The Chairman of the Board of Museums and History or
36 a member of the Board designated by him;
 - 37 (d) A member of the Board of Museums and History, to be
38 appointed by the Governor;
 - 39 (e) One representative of the general public who has a working
40 knowledge of the promotion of tourism in Nevada, to be appointed
41 by the Governor; and
 - 42 (f) The Chairman of the State Council on Libraries and Literacy
43 or a member of the Council designated by him.
- 44 2. The Commission shall:



1 (a) Elect from its membership a Chairman who shall serve for a
2 term of 2 years. A vacancy occurring in this position must be filled
3 by election of the members of the Commission for the remainder of
4 the unexpired term.

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

6 (c) Meet biannually, or at more frequent times if it deems
7 necessary, and may, within the limitations of its budget, hold special
8 meetings at the call of its Chairman.

9 3. Three members of the Commission constitute a quorum, but
10 a majority of the members of the Commission is necessary to
11 consider the particular business before it and to exercise the power
12 conferred on the Commission.

13 4. The members of the Commission are not entitled to be paid
14 a salary or receive reimbursement for per diem or travel expenses.

15 5. The Commission may use the money derived from interest
16 earned on the money in the Fund for the Preservation and Promotion
17 of Cultural Resources created pursuant to NRS 233C.230 to pay for
18 administrative services required by the Commission.

19 **Sec. 23.** NRS 233C.210 is hereby amended to read as follows:

20 233C.210 1. The Commission ~~{for Cultural Affairs}~~ shall
21 establish within 1 year after its formation, and revise every 2 years
22 thereafter, a 10-year plan to:

23 (a) Preserve and promote Nevada's cultural resources; and

24 (b) Develop a network of cultural centers and activities in this
25 state.

26 2. The plan must include:

27 (a) A description of the means by which a statewide network of
28 cultural centers and activities is to be developed;

29 (b) A program for awarding financial assistance to pay the
30 actual expenses of preserving or protecting historical buildings to be
31 used to develop a network of cultural centers and activities; and

32 (c) A detailed list of the initial projects to be undertaken.

33 3. The plan must be submitted to:

34 (a) The Governor;

35 (b) The Legislative Commission; and

36 (c) The State Board of Examiners.

37 **Sec. 24.** NRS 233C.220 is hereby amended to read as follows:

38 233C.220 The Commission ~~{for Cultural Affairs}~~ may, in
39 establishing the program for awarding financial assistance:

40 1. Award financial assistance to governmental entities and
41 nonprofit corporations formed for educational or charitable
42 purposes, including, without limitation, the preservation or
43 promotion of cultural resources.

44 2. Establish the conditions an applicant must satisfy to receive
45 an award of financial assistance. Financial assistance may only be



1 awarded for the actual expenses of preserving or protecting
2 historical buildings to be used to develop a network of cultural
3 centers and activities.

4 3. Specify the criteria by which proposed projects will be
5 judged. The criteria must include, but not be limited to, a
6 consideration of the degree to which a proposed project:

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

9 (b) Will be accessible to the community;

10 (c) Will promote tourism in the State;

11 (d) Will promote or preserve some historic or prehistoric feature
12 of Nevada;

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

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

17 (g) Incorporates the various disciplines directly associated with
18 cultural resources.

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

25 **Sec. 25.** NRS 233C.225 is hereby amended to read as follows:

26 233C.225 1. The Commission ~~{for Cultural Affairs}~~ shall
27 determine annually the total amount of financial assistance it will
28 grant from the proceeds of bonds issued pursuant to this section in
29 that calendar year pursuant to NRS 233C.200 to 233C.230,
30 inclusive. The Commission shall notify the State Board of
31 Examiners and the State Board of Finance of that amount. In no case
32 may the amount to be granted from the proceeds of such bonds
33 exceed \$2,000,000 per year.

34 2. After receiving the notice given pursuant to subsection 1, the
35 State Board of Finance shall issue general obligation bonds of the
36 State of Nevada in the amount necessary to generate the amount to
37 be granted by the Commission from the proceeds of bonds issued
38 pursuant to this section and to pay the expenses related to the
39 issuance of the bonds. The expenses related to the issuance of bonds
40 pursuant to this section must be paid from the proceeds of the bonds,
41 and must not exceed 2 percent of the face amount of the bonds sold.
42 No public debt is created, within the meaning of Section 3 of Article
43 9 of the Constitution of the State of Nevada, until the issuance of the
44 bonds.



1 3. The proceeds from the sale of the bonds authorized by this
2 section, after deducting the expenses relating to the issuance of the
3 bonds, must be deposited with the State Treasurer and credited to
4 the Fund for the Preservation and Promotion of Cultural Resources.

5 4. The provisions of the State Securities Law, contained in
6 chapter 349 of NRS, apply to the issuance of bonds pursuant to this
7 section.

8 5. The amount of financial assistance granted from the
9 proceeds of bonds issued pursuant to this section must not exceed
10 \$20,000,000 in any 10-year period. The total face amount of the
11 bonds issued pursuant to this section must not exceed the sum of:

12 (a) The amount of financial assistance granted pursuant to this
13 section; and

14 (b) The amount necessary to pay the expenses related to the
15 issuance of the bonds, which must not exceed 2 percent of the face
16 amount of the bonds sold.

17 **Sec. 26.** NRS 233C.230 is hereby amended to read as follows:

18 233C.230 1. There is hereby created in the State Treasury the
19 Fund for the Preservation and Promotion of Cultural Resources.
20 The Commission ~~{for Cultural Affairs}~~ is responsible for the
21 administration of the Fund. All money received and held by the
22 State Treasurer for that purpose must be deposited in the Fund.
23 The Commission shall account separately for money received from
24 the proceeds of bonds issued pursuant to NRS 233C.225.

25 2. Except as otherwise provided in subsection 5 of NRS
26 233C.200, the Commission may expend money in the Fund only for
27 projects identified in the Commission's plan to promote and
28 preserve the State's cultural resources pursuant to NRS 233C.200 to
29 233C.230, inclusive. In addition to the amount of financial
30 assistance granted from the proceeds of bonds issued pursuant to
31 NRS 233C.225, the Commission may grant as financial assistance
32 not more than \$750,000 each calendar year of the interest earned on
33 the deposit or investment of the money in the Fund.

34 3. The money in the Fund must be invested as the money in
35 other state funds is invested. All interest on the deposit or
36 investment of the money in the Fund must be credited to the Fund.

37 4. Claims against the Fund must be paid as other claims against
38 the State are paid.

39 **Sec. 27.** NRS 331.100 is hereby amended to read as follows:

40 331.100 The Chief has the following specific powers and
41 duties:

42 1. To keep all buildings, rooms, basements, floors, windows,
43 furniture and appurtenances clean, orderly and presentable as
44 befitting public property.



1 2. To keep all yards and grounds clean and presentable, with
2 proper attention to landscaping and horticulture.

3 3. Under the supervision of the State Fire Marshal, to make
4 arrangements for the installation and maintenance of water sprinkler
5 systems, fire extinguishers, fire hoses and fire hydrants, and to take
6 other fire prevention and suppression measures, necessary and
7 feasible, that may reduce the fire hazards in all buildings under his
8 control.

9 4. To make arrangements and provision for the maintenance of
10 the State's water system supplying the State-owned buildings at
11 Carson City, with particular emphasis upon the care and
12 maintenance of water reservoirs, in order that a proper and adequate
13 supply of water be available to meet any emergency.

14 5. To make arrangements for the installation and maintenance
15 of water meters designed to measure accurately the quantity of
16 water obtained from sources not owned by the State.

17 6. To make arrangements for the installation and maintenance
18 of a lawn sprinkling system on the grounds adjoining the Capitol
19 Building at Carson City, or on any other State-owned grounds
20 where such installation is practical or necessary.

21 7. To investigate the feasibility, and economies resultant
22 therefrom, if any, of the installation of a central power meter, to
23 measure electrical energy used by the state buildings in the vicinity
24 of and including the Capitol Building at Carson City, assuming the
25 buildings were served with power as one unit.

26 8. To purchase, use and maintain such supplies and equipment
27 as are necessary for the care, maintenance and preservation of the
28 buildings and grounds under his supervision and control.

29 9. Subject to the provisions of chapter 426 of NRS regarding
30 the operation of vending stands in or on public buildings and
31 properties by blind persons, to install or remove vending machines
32 and vending stands in the buildings under his supervision and
33 control, and to have control of and be responsible for their
34 operation.

35 10. To cooperate with the ~~[State]~~ Nevada Arts Council and the
36 State Public Works Board to plan the potential purchase and
37 placement of works of art inside or on the grounds surrounding a
38 state building.

39 **Sec. 28.** NRS 341.211 is hereby amended to read as follows:

40 341.211 The Board shall:

41 1. Cooperate with other departments and agencies of the State
42 in their planning efforts.

43 2. Advise and cooperate with municipal, county and other local
44 planning commissions within the State to promote coordination
45 between the State and the local plans and developments.



1 3. Cooperate with the ~~[State]~~ *Nevada* Arts Council and the
2 Buildings and Grounds Division of the Department of
3 Administration to plan the potential purchase and placement of
4 works of art inside or on the grounds surrounding a state building.

5 **Sec. 29.** NRS 361.186 is hereby amended to read as follows:

6 361.186 1. A taxpayer may collect an admission fee for the
7 exhibition of fine art otherwise exempt from taxation pursuant to
8 NRS 361.068 if the taxpayer offers to residents of the State of
9 Nevada a discount of 50 percent from any admission fee charged to
10 nonresidents. The discounted admission fee for residents must be
11 offered at any time the exhibition is open to the public and
12 admission fees are being charged.

13 2. Except as otherwise provided in subsection 5, if a taxpayer
14 collects a fee for the exhibition of fine art otherwise exempt from
15 taxation pursuant to NRS 361.068, the exemption pertaining to that
16 fine art for the fiscal year must be reduced by the net revenue
17 derived by the taxpayer for that fiscal year. The exemption
18 pertaining to fine art for a particular fiscal year must not be reduced
19 below zero, regardless of the amount of the net revenue derived by
20 the taxpayer for that fiscal year.

21 3. A tax resulting from the operation of this section is due with
22 the tax otherwise due under the taxpayer's first statement filed
23 pursuant to NRS 361.265 after the 15th day of the fourth month
24 after the end of the fiscal year in which the net revenue was received
25 or, if no such statement is required to be filed, under a statement of
26 the net revenue filed on or before the last day of the fourth month
27 after the end of that fiscal year.

28 4. A taxpayer who is required to pay a tax resulting from the
29 operation of this section may receive a credit against the tax for any
30 donations made by the taxpayer to the ~~[State]~~ *Nevada* Arts Council,
31 the Division of Museums and History Dedicated Trust Fund
32 established pursuant to NRS 381.0031, a museum that provides
33 exhibits specifically related to nature or a museum that provides
34 exhibits specifically related to children, if the taxpayer:

35 (a) Made the donation before the date that either statement
36 required pursuant to subsection 3 is due; and

37 (b) Provides to the county assessor documentation of the
38 donation at the time that he files the statement required pursuant to
39 subsection 3.

40 5. If a taxpayer qualifies for and avails himself of both of the
41 exemptions from taxation provided by NRS 361.068 and 374.291,
42 the reduction of the exemptions by the net revenue derived by the
43 taxpayer, as required pursuant to subsection 2 of this section and
44 subsection 2 of NRS 374.2911, must be carried out in such a manner
45 that the total net revenue derived by the taxpayer is first applied to



1 reduce the exemption provided pursuant to NRS 374.291. If the net
2 revenue exceeds the amount of the exemption provided pursuant to
3 NRS 374.291, the remaining net revenue must be applied to reduce
4 the exemption provided pursuant to NRS 361.068. If the net revenue
5 is less than or equal to the exemption provided pursuant to NRS
6 374.291 for that fiscal year, the exemption provided pursuant to
7 NRS 361.068 must not be reduced.

8 6. For the purposes of this section:

9 (a) "Direct costs of owning and exhibiting the fine art" does not
10 include any allocation of the general and administrative expense of a
11 business or organization that conducts activities in addition to the
12 operation of the facility in which the fine art is displayed, including,
13 without limitation, an allocation of the salary and benefits of a
14 senior executive who is responsible for the oversight of the facility
15 in which the fine art is displayed and who has substantial
16 responsibilities related to the other activities of the business or
17 organization.

18 (b) "Net revenue" means the amount of the fees collected for
19 exhibiting the fine art during that fiscal year less the following paid
20 or made during that fiscal year:

21 (1) The direct costs of owning and exhibiting the fine art; and

22 (2) The cost of educational programs associated with the
23 taxpayer's public display of fine art, including the cost of meeting
24 the requirements of sub-subparagraph (IV) of subparagraph (1) of
25 paragraph (b) of subsection 5 of NRS 361.068.

26 **Sec. 30.** NRS 374.2911 is hereby amended to read as follows:

27 374.2911 1. A taxpayer may collect an admission fee for the
28 exhibition of fine art otherwise exempt from taxation on its sale,
29 storage, use or other consumption pursuant to NRS 374.291 if the
30 taxpayer offers to residents of the State of Nevada a discount of 50
31 percent from any admission fee charged to nonresidents. The
32 discounted admission fee for residents must be offered at any time
33 the exhibition is open to the public and admission fees are being
34 charged.

35 2. If a taxpayer collects a fee for the exhibition of fine art
36 otherwise exempt from taxation on its sale, storage, use or other
37 consumption pursuant to NRS 374.291 and the fee is collected
38 during the first full fiscal year after the purchase of the fine art, the
39 exemption pertaining to that fine art must be reduced by the net
40 revenue derived by the taxpayer for that first full fiscal year. The
41 exemption pertaining to fine art must not be reduced below zero,
42 regardless of the amount of the net revenue derived by the taxpayer
43 for that first full fiscal year.

44 3. Any tax due pursuant to this section must be paid with the
45 first sales and use tax return otherwise required to be filed by the



1 taxpayer following the 15th day of the fourth month after the end of
2 the first full fiscal year following the purchase of the fine art or, if
3 no sales and use tax return is otherwise required to be filed by the
4 taxpayer, with a sales and use tax return filed specifically for this
5 purpose on or before the last day of the fourth month after the end of
6 the first full fiscal year following the purchase of the fine art.

7 4. A taxpayer who is required to pay a tax resulting from the
8 operation of this section may receive a credit against the tax for any
9 donations made by the taxpayer to the [State] Nevada Arts Council,
10 the Division of Museums and History Dedicated Trust Fund
11 established pursuant to NRS 381.0031, a museum that provides
12 exhibits specifically related to nature or a museum that provides
13 exhibits specifically related to children, if the taxpayer:

14 (a) Made the donation before the date that either return required
15 pursuant to subsection 3 is due; and

16 (b) Provides *to* the Department documentation of the donation at
17 the time that he files the return required pursuant to subsection 3.

18 5. For the purposes of this section:

19 (a) "Direct costs of owning and exhibiting the fine art" does not
20 include any allocation of the general and administrative expense of a
21 business or organization that conducts activities in addition to the
22 operation of the facility in which the fine art is displayed, including,
23 without limitation, an allocation of the salary and benefits of a
24 senior executive who is responsible for the oversight of the facility
25 in which the fine art is displayed and who has substantial
26 responsibilities related to the other activities of the business or
27 organization.

28 (b) "Net revenue" means the amount of the fees collected for
29 exhibiting the fine art during the fiscal year less the following paid
30 or made during the fiscal year:

31 (1) The direct costs of owning and exhibiting the fine art; and

32 (2) The cost of educational programs associated with the
33 taxpayer's public display of fine art, including the cost of meeting
34 the requirements of subparagraph (IV) of subparagraph (1) of
35 paragraph (a) of subsection 4 of NRS 374.291.

36 **Sec. 31.** NRS 378.008 is hereby amended to read as follows:

37 378.008 1. There is hereby created the Department of
38 Cultural Affairs in which is vested the administration of the
39 provisions of this title and chapter 233C of NRS.

40 2. The Department consists of a Director and the following:

41 (a) The Division of State Library and Archives;

42 (b) The Division of Museums and History;

43 (c) The Office of Historic Preservation;

44 (d) *The Board of the Nevada Arts Council;*

45 (e) The [State] Nevada Arts Council;



- 1 ~~[(e)]~~ (f) The Board of Museums and History;
- 2 ~~[(f)]~~ (g) The State Council on Libraries and Literacy;
- 3 ~~[(g)]~~ (h) The State Historical Records Advisory Board; and
- 4 ~~[(h)]~~ (i) The Commission for Cultural Affairs.

5 **Sec. 32.** NRS 482.3792 is hereby amended to read as follows:
6 482.3792 1. Except as otherwise provided in this subsection,
7 the Department shall, in cooperation with the ~~[State]~~ Nevada Arts
8 Council, design, prepare and issue license plates for the support of
9 the education of children in the arts, using any colors and designs
10 which the Department deems appropriate. The Department shall not
11 design, prepare or issue the license plates unless it receives at least
12 250 applications for the issuance of those plates.

13 2. The Department may issue license plates for the support of
14 the education of children in the arts for a passenger car or light
15 commercial vehicle upon application by a person who is entitled to
16 license plates pursuant to NRS 482.265 and who otherwise complies
17 with the requirements for registration and licensing pursuant to this
18 chapter. A person may request that personalized prestige license
19 plates issued pursuant to NRS 482.3667 be combined with license
20 plates for the support of the education of children in the arts if that
21 person pays the fee for the personalized prestige license plates in
22 addition to the fees for the license plates for the support of the
23 education of children in the arts pursuant to subsections 3 and 4.

24 3. The fee for license plates for the support of the education of
25 children in the arts is \$35, in addition to all other applicable
26 registration and license fees and governmental services taxes. The
27 license plates are renewable upon the payment of \$10.

28 4. In addition to all fees for the license, registration and
29 governmental services taxes, a person who requests a set of license
30 plates for the support of the education of children in the arts must
31 pay for the initial issuance of the plates an additional fee of \$15 and
32 for each renewal of the plates an additional fee of \$10 to finance
33 programs which promote the education of children in the arts.

34 5. The Department shall deposit the fees collected pursuant to
35 subsection 4 with the State Treasurer for credit to the Account for
36 License Plates for the Support of the Education of Children in the
37 Arts created pursuant to NRS 233C.094.

38 6. If, during a registration year, the holder of license plates
39 issued pursuant to the provisions of this section disposes of the
40 vehicle to which the plates are affixed, he may retain the plates and:

41 (a) Affix them to another vehicle which meets the requirements
42 of this section if the transfer and registration fees are paid as set out
43 in this chapter; or

44 (b) Within 30 days after removing the plates from the vehicle,
45 return them to the Department.



- 1 **Sec. 33.** NRS 233C.080 is hereby repealed.
2 **Sec. 34.** This act becomes effective upon passage and
3 approval.

TEXT OF REPEALED SECTION

NRS 233C.080 Director: Selection; qualifications.

1. The Director of the Council must be selected by the Director of the Department of Cultural Affairs with special reference to his training, experience, capacity and interest in the arts from a list of three candidates submitted by the Council.

2. The Director of the Council must have a degree in the arts or a related field or in public administration with course work and experience in at least one of the arts.

