
ASSEMBLY BILL NO. 384—ASSEMBLYMEN HICKEY, HAMBRICK;
PAUL ANDERSON, BOBZIEN, DUNCAN, FIORE, GRADY,
HANSEN, HARDY, KIRKPATRICK, LIVERMORE, MUNFORD,
PIERCE, STEWART AND WHEELER

MARCH 18, 2013

JOINT SPONSORS: SENATORS HARDY; AND GUSTAVSON

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing historic preservation.
(BDR 33-605)

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 historic preservation; requiring the State Library and Archives Administrator to create and maintain a database for the purpose of providing public access to material of historical value in this State; requiring a state agency to submit certain material of historical value to the Administrator upon request; authorizing the Division of Museums and History of the Department of Tourism and Cultural Affairs to enter into a contract with a nonprofit organization for certain purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes and prescribes the duties of both the Division of State
2 Library and Archives of the Department of Administration and the Division of
3 Museums and History of the Department of Tourism and Cultural Affairs.
4 (Chapters 378 and 381 of NRS) **Section 1** of this bill requires the State Library and
5 Archives Administrator to create and maintain a database for the purpose of
6 providing public access to material of historical value in this State. **Section 2** of this
7 bill requires a state agency to submit to the Administrator for inclusion in the
8 database certain material of historical value upon request. **Section 4** of this bill
9 authorizes the Division of Museums and History to enter into a contract with a



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10 nonprofit organization for the management of any program of the Division or the
11 employees of the Division, to the extent that such a contract is not expressly
12 prohibited by law.

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

1 **Section 1.** Chapter 378 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The State Library and Archives Administrator shall create a*
4 *database for the purpose of providing public access to material of*
5 *historical value in this State. The Administrator shall administer*
6 *and maintain the database.*

7 **Sec. 2.** NRS 378.250 is hereby amended to read as follows:

8 378.250 **1.** The State Library and Archives Administrator
9 may:

10 ~~{1}~~ **(a)** Receive into the archives material from a state agency if
11 the State Library and Archives Administrator finds that it is of
12 historical value.

13 ~~{2}~~ **(b)** With the approval of the Committee to Approve
14 Schedules for the Retention and Disposition of Official State
15 Records created pursuant to NRS 239.073, return to the state agency
16 from which it was received, material in the archives which the State
17 Library and Archives Administrator finds is not of historical value.

18 ~~{3}~~ **(c)** Receive into the archives material which has been
19 directed to be deposited in the archives by an order or resolution of
20 the governing body of a local governmental entity, if the State
21 Library and Archives Administrator finds that it is of historical
22 value.

23 ~~{4}~~ **(d)** With the approval of the Committee to Approve
24 Schedules for the Retention and Disposition of Official State
25 Records, turn over *any material in the archives which the State*
26 *Library and Archives Administrator finds to be surplus, not*
27 *properly in the archives or appropriate to be kept elsewhere* to:

28 ~~{(a)}~~ **(1)** Any agency in the Department; or

29 ~~{(b)}~~ **(2)** The Nevada System of Higher Education . ~~{~~

30 ~~→ material in the archives which the State Library and Archives~~
31 ~~Administrator finds to be surplus, not properly in the archives or~~
32 ~~appropriate to be kept elsewhere.~~

33 ~~→~~ ~~{5}~~ **(e)** Expend a gift of money the State Library and Archives
34 Administrator is authorized to accept for the purpose specified by
35 the donor or, if no purpose is specified, in a manner which will
36 further the purposes of the Division.

37 **2.** *Except for material that a state agency is required to keep*
38 *confidential pursuant to any applicable provision of law, a state*



1 *agency shall, upon the request of the State Library and Archives*
2 *Administrator, provide to the Administrator any material of*
3 *historical value in the possession of the state agency.*

4 *3. The State Library and Archives Administrator shall*
5 *maintain a copy of any material received into the archives*
6 *pursuant to this section within the database created pursuant to*
7 *section 1 of this act.*

8 **Sec. 3.** NRS 378.255 is hereby amended to read as follows:

9 378.255 The State Library and Archives Administrator may:

10 1. Adopt regulations and establish standards, procedures and
11 techniques for the effective management of records ~~H~~ *and the*
12 *administration and maintenance of the database created pursuant*
13 *to section 1 of this act.*

14 2. Make continuing surveys of current practices for the
15 management of records and recommend improvements in those
16 practices, including the use of space, equipment and supplies to
17 create, maintain and store records.

18 3. Establish standards for the preparation of schedules
19 providing for the retention of state records of continuing value and
20 for the prompt and orderly disposition of state records which no
21 longer possess sufficient administrative, fiscal, legal or research
22 value to warrant their further retention.

23 4. Establish, maintain and operate a center for storing and
24 retrieving records for state agencies pending the acceptance of the
25 records by the Division or the disposition of the records in any other
26 manner prescribed by law.

27 5. Establish a program for the control and management of
28 forms, files, reports, directives and correspondence.

29 6. Establish a program of planning and preparation to assist
30 state agencies and local governments in providing protection for
31 records essential for the continuation or re-establishment of
32 government in the event of a disaster.

33 7. Provide advice and technical assistance to state agencies,
34 local governmental entities and, if requested, the Legislative and
35 Judicial Branches of State Government concerning any aspect of
36 managing records.

37 8. Through the Division, inspect the physical nature of
38 governmental records in the custody of a state or local governmental
39 agency which are not confidential or privileged.

40 9. With the approval of the Committee to Approve Schedules
41 for the Retention and Disposition of Official State Records created
42 pursuant to NRS 239.073, bring an action to obtain possession of
43 the records of a state or local governmental agency which are:

- 44 (a) Of historical value and are not being properly cared for; or
45 (b) Privately held.



1 ↳ In an action to recover a record which is privately held, it is
2 rebuttably presumed that a governmental record which appears to be
3 the original of a document received or the file copy of a document
4 made by a governmental agency is governmental property.

5 **Sec. 4.** Chapter 381 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 ***1. To the extent not expressly prohibited by law, the Division***
8 ***may enter into a contract with a nonprofit organization for the***
9 ***management of any program of the Division or the employees of***
10 ***the Division.***

11 ***2. The Division shall adopt regulations prescribing the scope***
12 ***of a contract which may be entered into with a nonprofit***
13 ***organization pursuant to subsection 1.***

14 ***3. As used in this section, "nonprofit organization" means an***
15 ***organization that is recognized as exempt pursuant to 26 U.S.C. §***
16 ***501(c)(3).***

17 **Sec. 5.** This act becomes effective:

18 1. Upon passage and approval for the purposes of adopting
19 regulations and performing any other preparatory administrative
20 tasks that are necessary to carry out the provisions of this act; and

21 2. On January 1, 2014, for all other purposes.

