

Amendment No. 253

Assembly Amendment to Assembly Bill No. 377 (BDR 26-625)

Proposed by: Assembly Committee on Natural Resources, Agriculture, and Mining

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of A.B. 377 (§ 7).

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JWP/MSN



Date: 4/17/2015

A.B. No. 377—Establishes provisions for the preservation, development and use of the Nevada State Prison as a historical, educational and scientific resource. (BDR 26-625)



ASSEMBLY BILL NO. 377—ASSEMBLYMEN O’NEILL, SWANK, SILBERKRAUS, HICKEY, KIRKPATRICK; ARAUJO, BENITEZ-THOMPSON, ELLISON, FLORES, HAMBRICK, KIRNER AND STEWART

MARCH 17, 2015

JOINT SPONSORS: SENATORS MANENDO, GUSTAVSON, SETTELMAYER, KIECKHEFER AND KIHUEN

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Establishes provisions for the preservation, development and use of the Nevada State Prison as a historical, **cultural**, educational and scientific resource. (BDR 26-625)

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

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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 Nevada State Prison; requiring the State Land Registrar to ~~transfer the historic~~ **determine which** structures, **buildings and other property** of the ~~Nevada State~~ Prison **are appropriate for continued** administration ~~to the Division of Museums and History of the Department of Tourism and Cultural Affairs; requiring the State Land Registrar to transfer certain other property of the Nevada State Prison for administration~~ **by the Department of Corrections and to assign that property** to the Silver State Industries Division of the Department ~~of Corrections; creating the Endowment Fund for the Historic Preservation of the Nevada State Prison; prescribing the uses of the money in the Endowment Fund for the Historic Preservation of the Nevada State Prison, which include the operation, maintenance and preservation of the historic structures of the Nevada State Prison as a historical, educational and scientific resource;~~ **; requiring the Registrar to determine which structures, buildings and other property of the Prison are appropriate for administration as a historical, cultural, educational and scientific resource and to assign that property to an appropriate state agency for administration;** creating the Silver State Industries Endowment Fund ~~and the Endowment Fund for the Historic Preservation of the Nevada State Prison and~~ **and the Endowment Fund for the Historic Preservation of the Nevada State Prison and** prescribing the uses of the money in the ~~Silver State Industries Endowment Fund, which include maintaining~~

~~the modern structures of the Nevada State Prison; requiring the State Treasurer, at the end of each fiscal year, to transfer certain money from the Silver State Industries Endowment Fund to the Endowment Fund for the Historic Preservation of the Nevada State Prison;~~ **Funds; authorizing the Department of Corrections and any other state agency to which an assignment of property of the Prison is made to grant a special use permit or enter into an agreement with a nonprofit corporation relating to commercial and tourist activities at the Prison; requiring the Board of Museums and History to establish a dedicated trust fund for the study and development of certain property of the Prison;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Assembly Bill No. 356 of the 77th Legislative Session encouraged the development of
 2 recommendations to preserve the Nevada State Prison for use as a historical, educational and
 3 scientific resource for the State of Nevada. The provisions of this bill are based upon the
 4 recommendations presented to the Legislature pursuant to Assembly Bill No. 356. Upon
 5 notice from the Department of Corrections that the Department has ceased all operational
 6 activities at the ~~(Nevada State) Prison,~~ **section 2** of this bill requires the State Land Registrar,
 7 in consultation with Carson City, the Department of Corrections, the ~~(Division of Museums~~
 8 ~~and History of the) Department of Tourism and Cultural Affairs,~~ ~~(and the Office of Historic~~
 9 ~~Preservation of)~~ the State Department of Conservation and Natural Resources ~~(,)~~ **and the**
 10 **Nevada State Prison Preservation Society** to: (1) ~~(designate certain)~~ **determine which**
 11 **property of the (Nevada State) Prison (as historic structures;** (2) ~~assign the historic structures~~
 12 ~~of the Nevada State Prison for administration to the Division of Museums and History; and~~
 13 ~~(2)) is appropriate for continued administration by the Department of Corrections and~~
 14 **which property is appropriate for administration as a historical, cultural, educational**
 15 **and scientific resource; and (2) assign for administration the (modern structures of the**
 16 **Nevada State Prison for administration) property in the former category** to the Silver State
 17 Industries Division of the Department of Corrections ~~(,)~~

18 ~~Section 3 of this bill creates the Endowment Fund for the Historic Preservation of the~~
 19 ~~Nevada State Prison, which must be administered by the Division of Museums and History.~~
 20 ~~Section 3 prescribes the uses of the money in the Fund, which include the operation,~~
 21 ~~maintenance and preservation of the historic structures of the Nevada State Prison as a~~
 22 ~~historical, educational and scientific resource.)~~ **and the latter property to an appropriate**
 23 **state agency.**

24 **Section 4** of this bill creates the Silver State Industries Endowment Fund, which must be
 25 administered by the Silver State Industries Division ~~(of the Department of Corrections.)~~
 26 **Section 4** prescribes the uses of the money in the Fund, which include maintaining the modern
 27 structures ~~(,)~~ **buildings and other property** of the ~~(Nevada State) Prison.~~ **Section 4** also
 28 requires the State Treasurer, at the end of each fiscal year, to transfer to the Endowment Fund
 29 for the Historic Preservation of the Nevada State Prison ~~(all)~~ ~~(,)~~ **created by section 6 of this**
 30 **bill, a portion** of the money remaining in the Silver State Industries Endowment Fund ~~(,)~~
 31 ~~other than the money which represents the principal of the Silver State Industries Endowment~~
 32 ~~Fund.)~~ **Section 6 creates the Endowment Fund for the Historic Preservation of the**
 33 **Nevada State Prison and requires that the money in the Fund be used to operate,**
 34 **maintain and preserve the historic structures, buildings and other property of the**
 35 **Prison.**

36 **Sections 7 and 10 of this bill authorize the Department of Corrections and any other**
 37 **state agency to which an assignment of the historic property of the Prison is made to**
 38 **grant a special use permit or enter into an agreement with a nonprofit corporation,**
 39 **pursuant to which the corporation is authorized to conduct tours and engage in other**
 40 **activities relating to that property.**

41 **Existing law requires the Board of Museums and History to create and administer**
 42 **the Division of Museums and History Dedicated Trust Fund. (NRS 381.0031, 381.0033)**

43 Section 8 of this bill requires the Board to create a similar trust fund for the deposit of
 44 certain money that becomes available from grants, donations and gifts to be used for
 45 further study and development of the historic property of the Prison. Section 8 requires
 46 that the trust fund be administered by the Board in consultation with the state agency to
 47 which that property is assigned and the Nevada State Prison Preservation Society or its
 48 successor.

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

1 **Section 1.** Chapter 321 of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 2, ~~1~~ and 3 ~~and 4~~ of this act.

3 **Sec. 2.** *As soon as practicable after the date on which the Department of*
 4 *Corrections provides notice to the State Land Registrar that the Department has*
 5 *ceased all operational activities at the Nevada State Prison located on East Fifth*
 6 *Street in Carson City, the State Land Registrar shall:*

7 1. ~~It shall Determine, in consultation with Carson City, the Department of~~
 8 ~~Corrections, the Division of Museums and History of the Department of~~
 9 ~~Tourism and Cultural Affairs, and the Office of Historic Preservation of the~~
 10 ~~State Department of Conservation and Natural Resources~~

11 ~~(a) Determine which and the Nevada State Prison Preservation Society:~~

12 (a) Which structures, buildings and other property of the Nevada State
 13 Prison, not identified pursuant to paragraph (b), are of historical significance
 14 and designate such structures, buildings and other property as historic
 15 structures, appropriate for continued administration by the Department of
 16 Corrections; and

17 ~~(b) Designate as modern structures all~~ Which structures, buildings and
 18 other property of the Nevada State Prison not otherwise designated as historic
 19 structures pursuant to paragraph (a), are appropriate for administration as a
 20 historical, cultural, educational and scientific resource.

21 2. ~~Assign the historic structures of the Nevada State Prison for~~
 22 ~~administration to the Division of Museums and History of the Department of~~
 23 ~~Tourism and Cultural Affairs.~~

24 ~~3. Assign the modern structures of the Nevada State Prison for~~
 25 ~~administration to the Silver State Industries Division of the Department of~~
 26 ~~Corrections, for administration, in accordance with the determinations made~~
 27 ~~pursuant to subsection 1, the structures, buildings and other property of the~~
 28 ~~Nevada State Prison described in:~~

29 (a) Paragraph (a) of that subsection to the Silver State Industries Division of
 30 the Department of Corrections.

31 (b) Paragraph (b) of that subsection to an appropriate state agency among
 32 those identified in that subsection or any other appropriate state agency.

33 **Sec. 3.** ~~1. The Endowment Fund for the Historic Preservation of the~~
 34 ~~Nevada State Prison is hereby created as a trust fund in the State Treasury.~~

35 ~~2. The State Treasurer shall deposit in the Fund:~~

36 ~~(a) Any money received from any commercial or tourist enterprises relating~~
 37 ~~to the use as a museum of the historic structures of the Nevada State Prison.~~

38 ~~(b) At the end of each fiscal year, an amount of money equal to the amount~~
 39 ~~of money deposited into and remaining in the Silver State Industries Endowment~~
 40 ~~Fund created by section 4 of this act, other than the money which represents the~~
 41 ~~principal of the Silver State Industries Endowment Fund.~~

~~(c) Any other gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.~~

~~3. The Fund must be administered by the Division of Museums and History of the Department of Tourism and Cultural Affairs.~~

~~4. The money in the Fund must only be used for the purposes of the operation, maintenance and preservation of the historic structures of the Nevada State Prison as a historical, educational and scientific resource. Any interest earned on money in the Fund must be credited to the Fund. The money which represents the principal of the Fund must not be spent, and only the interest earned on the principal may be used to carry out the provisions of this section. The Division of Museums and History may use not more than 10 percent of the interest earned on the principal of the Fund to pay administrative costs.~~

~~5. As used in this section, "historic structures of the Nevada State Prison" means the structures, buildings and other property of the Nevada State Prison designated by the State Land Registrar as historic structures and assigned for administration to the Division of Museums pursuant to section 2 of this act.~~

~~(Deleted by amendment.)~~

Sec. 4. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Silver State Industries Endowment Fund is hereby created as a trust fund in the State Treasury.

2. The State Treasurer shall deposit in the Fund:

(a) Any money received from any commercial or correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison ~~;~~ and

(b) Any ~~other~~ gifts, grants or donations of money the State Treasurer receives from any person who wishes to contribute to the Fund.

↳ The money described in paragraphs (a) and (b) must be accounted for separately.

3. The interest and income earned on the money in the Fund must be credited to the Fund.

4. The Fund must be administered by the Silver State Industries Division of the Department ~~of Corrections.~~

~~4. 5. Except as otherwise provided in subsection ~~5.1~~ 6, the money in the Fund must only be used for the purposes set forth in this subsection. ~~Any~~ interest earned on money in the Fund must be credited to the Fund.~~ The money which represents the reserved principal of the Fund, in an amount not to exceed \$100,000, must not be spent ~~;~~ and, except as otherwise provided in subsection ~~5.1~~ 6, only the money which represents the principal in excess of \$100,000 and the interest earned on the principal may be used to carry out the provisions of this section. The Silver State Industries Division may use:

(a) In addition to any interest earned on the principal of the Fund, not more than 50 percent of the money received during a fiscal year from any commercial or correctional activities relating to the use of the modern structures, buildings and other property of the Nevada State Prison for the maintenance of the modern structures, buildings and other property of the Nevada State Prison; and

(b) Not more than 10 percent of the interest earned on the principal of the Fund to pay administrative costs.

~~5.1~~ 6. At the end of each fiscal year, the State Treasurer shall transfer from the Silver State Industries Endowment Fund to the Endowment Fund for the Historic Preservation of the Nevada State Prison created by section ~~4.1~~ 6 of this act 50 percent of all the money received during the fiscal year from any commercial or correctional activities relating to the use of the modern structures,

1 buildings and other property of the Nevada State Prison and deposited into and
2 remaining in the Silver State Industries Endowment Fund . ~~f, other than the~~
3 ~~money which represents the~~ The State Treasurer shall not transfer the reserved
4 principal of the Silver State Industries Endowment Fund ~~f~~
5 ~~6-f~~ or any interest earned on the principal.

6 7. As used in this section, “modern structures, buildings and other property
7 of the Nevada State Prison” means the structures, buildings and other property
8 ~~of the Nevada State Prison which the State Land Registrar assigns for~~
9 ~~administration to the Silver State Industries Division of the Department of~~
10 ~~Corrections pursuant to~~ described in paragraph (a) of subsection 1 of section 2
11 of this act.

12 Sec. 5. Chapter 381 of NRS is hereby amended by adding thereto the
13 provisions set forth as sections 6, 7 and 8 of this act.

14 Sec. 6. 1. The Endowment Fund for the Historic Preservation of the
15 Nevada State Prison is hereby created as a trust fund in the State Treasury.

16 2. The State Treasurer shall deposit in the Fund:

17 (a) Any money received from any commercial or tourist enterprises relating
18 to the use of the historic structures, buildings and other property of the Nevada
19 State Prison as a historical, cultural, educational and scientific resource, except
20 for any administrative expenses of a nonprofit corporation retained by the
21 corporation pursuant to section 7 of this act.

22 (b) At the end of each fiscal year, the money required by subsection 6 of
23 section 4 of this act to be transferred from the Silver State Industries Endowment
24 Fund created by that section, other than the money which represents the reserved
25 principal of the Silver State Industries Endowment Fund.

26 (c) Any other gifts, grants or donations of money the State Treasurer receives
27 from any person who wishes to contribute to the Fund.

28 3. The interest and income earned on the money in the Fund must be
29 credited to the Fund.

30 4. The Fund must be administered by the agency to which the historic
31 structures, buildings and other property of the Nevada State Prison are assigned
32 for administration pursuant to section 2 of this act, in consultation with the
33 Board and the Nevada State Prison Preservation Society or its successor.

34 5. The money in the Fund must only be used for the purposes of the
35 operation, maintenance and preservation of the historic structures, buildings and
36 other property of the Nevada State Prison as a historical, cultural, educational
37 and scientific resource. The money which represents the reserved principal of the
38 Fund, in an amount not to exceed \$100,000, must not be spent, and only the
39 money which represents the principal in excess of \$100,000 and the interest
40 earned on the principal may be used to carry out the provisions of this section.
41 The agency that administers the Fund may use not more than 10 percent of the
42 interest earned on the principal of the Fund to pay administrative costs.

43 Sec. 7. 1. The Department of Corrections and, as soon as practicable
44 after the date of the assignment, any other state agency that receives an
45 assignment from the State Land Registrar of the historic structures, buildings
46 and other property of the Nevada State Prison pursuant to section 2 of this act
47 may grant a special use permit to or enter into an agreement with the Nevada
48 State Prison Preservation Society, or any successor or similar nonprofit
49 corporation, authorizing the corporation to conduct tours and engage in other
50 commercial and tourist activities relating to the historic structures, buildings and
51 other property of the Nevada State Prison.

52 2. Any permit or agreement granted or entered into pursuant to this section
53 must:

- 1 (a) Be for a term of 2 years;
- 2 (b) Be renewable as provided in the permit or agreement;
- 3 (c) Authorize the corporation to charge and collect reasonable fees or solicit
- 4 and collect donations for its activities;
- 5 (d) Require the corporation to pay the income from such fees and donations,
- 6 less the reasonable administrative expenses incurred by the corporation, to the
- 7 State Treasurer for deposit in the Endowment Fund for the Historic Preservation
- 8 of the Nevada State Prison created by section 6 of this act; and
- 9 (e) Provide that any income received by the corporation from membership
- 10 fees, the sale of merchandise of the corporation or donations made to the
- 11 corporation for purposes other than entry into or tours of the historic structures,
- 12 buildings and other property at the Nevada State Prison belong solely to the
- 13 corporation.

14 Sec. 8. 1. The Board shall establish a dedicated trust fund for the deposit

15 of any money that becomes available from any public or private donation,

16 sponsorship, gift or grant, other than:

- 17 (a) A grant of federal money; or
- 18 (b) Any money described in section 6 of this act.

19 2. The money in the trust fund established pursuant to this section must be

20 used only for the further study and development of the historic structures,

21 buildings and other property of the Nevada State Prison.

22 3. The trust fund established pursuant to this section must be administered

23 by the Board in the manner provided by NRS 381.002 to 381.0037, inclusive, for

24 the Division of Museums and History Dedicated Trust Fund established pursuant

25 to NRS 381.0031, except that the trust fund established pursuant to this section

26 must be administered in consultation with the agency to which the administration

27 of the historic structures, buildings and other property of the Nevada State Prison

28 is assigned pursuant to section 2 of this act and the Nevada State Prison

29 Preservation Society or its successor.

30 Sec. 9. NRS 381.001 is hereby amended to read as follows:

31 381.001 As used in this chapter, unless the context otherwise requires:

- 32 1. "Administrator" means the Administrator of the Division.
- 33 2. "Board" means the Board of Museums and History.
- 34 3. "Department" means the Department of Tourism and Cultural Affairs.
- 35 4. "Director" means the Director of the Department.
- 36 5. "Division" means the Division of Museums and History of the Department.
- 37 6. "Historic structures, buildings and other property of the Nevada State
- 38 Prison" means the structures, buildings and other property described in
- 39 paragraph (b) of subsection 1 of section 2 of this act.

40 7. "Institution" means an institution of the Division established pursuant to

41 NRS 381.004.

42 ~~7~~ 8. "Museum director" means the executive director of an institution of

43 the Division appointed by the Administrator pursuant to NRS 381.0062.

44 Sec. 10. As soon as practicable after July 1, 2015, the Department of

45 Corrections:

46 1. Shall begin to consult periodically with Carson City, the Department

47 of Tourism and Cultural Affairs, the State Department of Conservation and

48 Natural Resources and the Nevada State Prison Preservation Society to plan

49 for the conversion of the Nevada State Prison located on East Fifth Street in

50 Carson City into a historical, cultural, educational and scientific destination.

51 2. May grant a special use permit or enter into an agreement pursuant to

52 section 7 of this act.

53 ~~Sec. 5.~~ Sec. 11. This act becomes effective on July 1, 2015.