

## **APPENDIX III: REFERENCE INFORMATION**

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THE SECRETARY  
OF THE INTERIOR'S  
**STANDARDS** FOR  
THE TREATMENT  
OF HISTORIC  
PROPERTIES

WITH  
**GUIDELINES** FOR  
PRESERVING,  
REHABILITATING,  
RESTORING &  
RECONSTRUCTING  
HISTORIC  
BUILDINGS



U.S. Department of the Interior  
National Park Service  
Technical Preservation Services

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## CHAPTER 332 - PURCHASING: LOCAL GOVERNMENTS

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**NOTE:** The section added to chapter 332 by section 1 of chapter 159, Statutes of Nevada 1995, has been codified as [NRS 237.020](#).

### GENERAL PROVISIONS

**NRS 332.005 Short title.** This chapter may be cited as the Local Government Purchasing Act.  
(Added to NRS by [1975, 1536](#))

**NRS 332.015 “Local government” defined.**

1. For the purpose of this chapter, unless the context otherwise requires, “local government” means:

(a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to [chapters 244, 309, 318, 379, 450, 474, 539, 541, 543](#) and [555](#) of NRS.

(b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

(c) County fair and recreation boards and convention authorities created pursuant to the provisions of [NRS 244A.597](#) to [244A.655](#), inclusive.

(d) District boards of health created pursuant to the provisions of [NRS 439.362](#) or [439.370](#).

2. The term does not include the Nevada Rural Housing Authority.

(Added to NRS by [1975, 1536](#); A [1977, 536](#); [1995, 814](#); [2003, 2261](#); [2005, 2478](#); [2015, 1917, 2229](#))

**NRS 332.025 Other terms defined.** As used in this chapter, unless the context otherwise requires:

1. “Authorized representative” means a person designated by the governing body to be responsible for the development, award and proper administration of all purchases and contracts for a local government or a department, division, agency, board or unit of a local government made pursuant to this chapter.

2. “Chief administrative officer” means the person directly responsible to the governing body for the administration of that particular entity.

3. “Evaluator” means an authorized representative, officer, employee, representative, agent, consultant or member of a governing body who has participated in:

(a) The evaluation of bids;

(b) Negotiations concerning purchasing by a local government; or

(c) The review or approval of the award, modification or extension of a contract.

4. “Governing body” means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested.

5. “Proprietary information” means:

(a) Any trade secret or confidential business information that is contained in a bid submitted to a governing body or its authorized representative on a particular contract; or

(b) Any other trade secret or confidential business information submitted to a governing body or its authorized representative by a bidder and designated as proprietary by the governing body or its authorized representative.

↳ As used in this subsection, “confidential business information” means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or the customers of a bidder which is

submitted in support of a bid. The term does not include the amount of a bid submitted to a governing body or its authorized representative.

6. "Trade secret" has the meaning ascribed to it in [NRS 600A.030](#).  
(Added to NRS by [1975, 1536](#); A [1985, 514](#); [1995, 1731](#); [2001, 1314](#))

## PROCEDURES FOR LOCAL GOVERNMENT PURCHASING

### Bidding Procedures

#### **NRS 332.039 Advertisements or requests for bid on contract.**

1. Except as otherwise provided by specific statute:
  - (a) A governing body or its authorized representative shall advertise all contracts for which the estimated annual amount required to perform the contract exceeds \$50,000.
  - (b) A governing body or its authorized representative may enter into a contract of any nature without advertising if the estimated annual amount required to perform the contract is \$50,000 or less.
  - (c) If the estimated annual amount required to perform the contract is more than \$25,000 but not more than \$50,000, requests for bids must be submitted or caused to be submitted by the governing body or its authorized representative to two or more persons capable of performing the contract, if available. The governing body or its authorized representative shall maintain a record of all requests for bids and all bids received for the contract for at least 7 years after the date of execution of the contract.
2. This section does not prohibit a governing body or its authorized representative from advertising for or requesting bids regardless of the estimated annual amount required to perform the contract.  
(Added to NRS by [1993, 2553](#); A [1999, 1682](#); [2003, 667](#); [2005, 2551](#); [2007, 496](#))

#### **NRS 332.045 Advertisement to be by notice to bid; publication; contents of notice.**

1. The advertisement required by paragraph (a) of subsection 1 of [NRS 332.039](#) must be by notice to bid and must be published:
  - (a) In a newspaper qualified pursuant to [chapter 238](#) of NRS that has a general circulation within the county wherein the local government, or a major portion thereof, is situated at least once and not less than 7 days before the opening of bids; and
  - (b) On the Internet website of the local government, if the local government maintains an Internet website, every day for not less than 7 days before the opening of bids.
2. The notice must state:
  - (a) The nature, character or object of the contract.
  - (b) If plans and specifications are to constitute part of the contract, where the plans and specifications may be seen.
  - (c) The time and place where bids will be received and opened.
  - (d) Such other matters as may properly pertain to giving notice to bid.
 (Added to NRS by [1975, 1536](#); A [1979, 172](#); [1983, 1659](#); [1993, 2554](#); [1999, 1036](#); [2003, 667](#); [2005, 2552](#); [2011, 1863](#))

#### **NRS 332.047 On-line bidding.**

1. A governing body or its authorized representative may use on-line bidding to receive bids submitted in response to a request for bids. The governing body or its authorized representative shall not use on-line bidding as the exclusive means of receiving bids for the request for bids.
2. A request for bids for which bids may be submitted pursuant to subsection 1 must designate a date and time at which bids may be submitted and may designate a date and time after which bids will no longer be received.
3. A governing body or its authorized representative may require bidders to:
  - (a) Register before the date and time at which bids may be submitted; and
  - (b) Agree to terms, conditions or requirements of the request for bids to facilitate on-line bidding.
4. The procedures established by a governing body or its authorized representative for the purposes of conducting on-line bidding must not conflict with the provisions of this chapter.
5. As used in this section, "on-line bidding" means a process by which bidders submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.  
(Added to NRS by [2001, 1314](#); A [2005, 2552](#))

#### **NRS 332.061 Limitation on disclosure of proprietary information and of bid containing provision requiring negotiation or evaluation.**

1. Except as otherwise provided in this subsection and [NRS 239.0115](#), proprietary information does not constitute public information and is confidential. A person shall not disclose proprietary information unless:
  - (a) The disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding; and
  - (b) The person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.
2. A bid which contains a provision that requires negotiation or evaluation by the governing body or an evaluator may not be disclosed until the bid is recommended for the award of a contract.  
(Added to NRS by [1995, 1731](#); A [2001, 1315](#); [2005, 2553](#); [2007, 2088](#))

#### **NRS 332.065 Award of contract for which bids have been advertised or requested: Lowest responsive and responsible bidder; preference given to recycled products; reawarding contract.**

1. If a governing body or its authorized representative has advertised for or requested bids in letting a contract, the governing body or its authorized representative must, except as otherwise provided in subsection 2, award the contract to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder may be judged on the basis of:
  - (a) Price;
  - (b) Conformance to specifications;
  - (c) Qualifications;
  - (d) Past performance;

- (e) Performance or delivery date;
  - (f) Quality and utility of services, supplies, materials or equipment offered and the adaptability of those services, supplies, materials or equipment to the required purpose of the contract;
  - (g) The best interests of the public; and
  - (h) Such other criteria as may be set forth by the governing body or its authorized representative in the advertisement or request for bids, as applicable, that pertains to the contract.
2. The governing body or its authorized representative:
- (a) Shall give preference to recycled products if:
    - (1) The product meets the applicable standards;
    - (2) The product can be substituted for a comparable nonrecycled product; and
    - (3) The product costs no more than a comparable nonrecycled product.
  - (b) May give preference to recycled products if:
    - (1) The product meets the applicable standards;
    - (2) The product can be substituted for a comparable nonrecycled product; and
    - (3) The product costs no more than 5 percent more than a comparable nonrecycled product.
  - (c) May purchase recycled paper products if the specific recycled paper product is:
    - (1) Available at a price which is not more than 10 percent higher than that of paper products made from virgin material;
    - (2) Of adequate quality; and
    - (3) Available to the purchaser within a reasonable period.
3. If after the lowest responsive and responsible bidder has been awarded the contract, during the term of the contract he or she does not supply goods or services in accordance with the bid specifications, or if he or she repudiates the contract, the governing body or its authorized representative may reaward the contract to the next lowest responsive and responsible bidder without requiring that new bids be submitted. Reawarding the contract to the next lowest responsive and responsible bidder is not a waiver of any liability of the initial bidder awarded the contract.
4. As used in this section:
- (a) "Postconsumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.
  - (b) "Recycled paper product" means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:
    - (1) Postconsumer waste; and
    - (2) Secondary waste,
- ↳ but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.
- (c) "Secondary waste" means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value.
- (Added to NRS by [1975, 1537](#); A [1991, 375, 1673, 2191](#); [1999, 1683](#); [2001, 1315](#); [2003, 618](#); [2005, 2553](#))

**NRS 332.068 Notice of protest of award of contract: Period for filing; contents; posting and disposition of bond or security; stay of action; immunity of governing body from liability to bidder.**

1. A person who submits a bid on a contract that is required to be advertised pursuant to paragraph (a) of subsection 1 of [NRS 332.039](#) may, after the bids are opened and within the period specified by the governing body or its authorized representative, file with the governing body or its authorized representative a notice of protest regarding the awarding of the contract.
2. A notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.
3. A person filing a notice of protest may be required by the governing body or its authorized representative, at the time the notice of protest is filed, to post a bond with a good and solvent surety authorized to do business in this State or submit other security, in a form approved by the governing body or its authorized representative, to the governing body or its authorized representative who shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with a notice of protest must be in an amount equal to the lesser of:
- (a) Twenty-five percent of the total value of the bid submitted by the person filing the notice of protest; or
  - (b) Two hundred fifty thousand dollars.
4. A notice of protest filed in accordance with the provisions of this section operates as a stay of action in relation to the awarding of any contract until a determination is made by the governing body or its authorized representative on the protest.
5. A person who submits an unsuccessful bid may not seek any type of judicial intervention until the governing body or its authorized representative has made a determination on the protest and awarded the contract.
6. A governing body or its authorized representative is not liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a person who submits a bid, whether or not the person files a notice of protest pursuant to this section.
7. If the protest is upheld, the bond posted or other security submitted with the notice of protest must be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made against the bond or other security by the governing body or its authorized representative in an amount equal to the expenses incurred by the governing body or its authorized representative because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the person who posted the bond or submitted the security.
- (Added to NRS by [2005, 2551](#))

**NRS 332.075 Rejection of bids.** Any or all bids received in response to a request for bids may be rejected by the governing body or its authorized representative if such governing body or its authorized representative determines that any such bidder is not responsive or responsible or that the quality of the services, supplies, materials, equipment or labor offered does not conform to requirements or if the public interest would be served by such a rejection.

(Added to NRS by [1975, 1537](#))



**NRS 332.085 Determination of bidder's responsibility.** In determining the responsibility of any bidder, the governing body or its authorized representative:

1. Shall consider the possession of and limit on any required license of the bidder; and
2. May consider the:
  - (a) Financial responsibility of the bidder;
  - (b) Experience of the bidder;
  - (c) Adequacy of the equipment of the bidder;
  - (d) Past performance of the bidder;
  - (e) Performance or delivery date; and
  - (f) Ability of the bidder to perform the contract.

(Added to NRS by [1975, 1537](#); A [1983, 914](#); [2001, 1316](#); [2003, 619](#))

**NRS 332.095 Assignment of contracts.**

1. No contract awarded may be assigned to any other person without the consent of the governing body or its authorized representative.

2. No contract awarded or any portion thereof may be assigned to any person who was declared by the governing body or its authorized representative not to be a responsible person to perform the particular contract.

(Added to NRS by [1975, 1537](#); A [1999, 1684](#); [2001, 1316](#))

**NRS 332.105 Bidders' bonds.**

1. A bid bond, performance bond, payment bond or any combination thereof, with sufficient surety, in such amount as may be determined necessary by the governing body or its authorized representative, may be required of each bidder or contractor on a particular contract.

2. Any such bonds may be to insure proper performance of the contract and save, indemnify and keep harmless the local government against all loss, damages, claims, liabilities, judgments, costs and expenses which may accrue against the local government in consequence of the awarding of the contract.

3. If a local government requires such a bond, it shall not also require a detailed financial statement from each bidder on the contract.

(Added to NRS by [1975, 1537](#); A [1983, 914](#))

### Exceptions to Requirements for Competitive Bidding

**NRS 332.112 Emergency contracts.**

1. For the purposes of this section, an "emergency" is one which:

- (a) Results from the occurrence of a disaster, including, but not limited to, fire, flood, hurricane, riot, power outage or disease; or
- (b) May lead to impairment of the health, safety or welfare of the public if not immediately attended to.

2. If the authorized representative, chief administrative officer or governing body of the local government determines that an emergency exists affecting the public health, safety or welfare, a contract or contracts necessary to contend with the emergency may be let without complying with the requirements of this chapter. If such emergency action was taken by the authorized representative or chief administrative officer, he or she shall report it to the governing body at its next regularly scheduled meeting.

(Added to NRS by [1975, 1537](#); A [1999, 1682](#))

**NRS 332.115 Contracts not adapted to award by competitive bidding; purchase of equipment by local law enforcement agency, response agency or other local governmental agency; purchase of goods commonly used by hospital.**

1. Contracts which by their nature are not adapted to award by competitive bidding, including contracts for:

- (a) Items which may only be contracted from a sole source;
- (b) Professional services;
- (c) Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person;
- (d) Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the local government is compatible with existing equipment;
- (e) Perishable goods;
- (f) Insurance;
- (g) Hardware and associated peripheral equipment and devices for computers;
- (h) Software for computers;
- (i) Books, library materials and subscriptions;
- (j) Motor vehicle fuel purchased by a local law enforcement agency for use in an undercover investigation;
- (k) Motor vehicle fuel for use in a vehicle operated by a local law enforcement agency or local fire department if such fuel is not available within the vehicle's assigned service area from a fueling station owned by the State of Nevada or a local government;
- (l) Purchases made with money in a store fund for prisoners in a jail or local detention facility for the provision and maintenance of a canteen for the prisoners;
- (m) Supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State;
- (n) Items for resale through a retail outlet operated in this State by a local government or the State of Nevada;
- (o) Commercial advertising within a recreational facility operated by a county fair and recreation board;
- (p) Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities; and
- (q) The design of, and equipment and services associated with, systems of communication,

↪ are not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative.



2. The purchase of equipment for use by a local law enforcement agency in the course of an undercover investigation is not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative, if:

(a) The equipment is an electronic or mechanical device which by design is intended to monitor and document in a clandestine manner suspected criminal activity; or

(b) Purchasing the equipment pursuant to such requirements would limit or compromise the use of such equipment by an agency authorized to conduct such investigations.

3. The purchase of personal safety equipment for use by a response agency or any other local governmental agency is not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative, if:

(a) The personal safety equipment will be used by personnel of the response agency or other local governmental agency in preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters in which the health, safety or welfare of those personnel may be compromised, impaired or otherwise threatened; and

(b) The cost of the personal safety equipment is comparable to the cost of similar personal safety equipment that is available for purchase by the public.

4. The governing body of a hospital required to comply with the provisions of this chapter, or its authorized representative, may purchase goods commonly used by the hospital, under a contract awarded pursuant to [NRS 332.065](#), without additional competitive bidding even if at the time the contract was awarded:

(a) The vendor supplying such goods to the person awarded the contract was not identified as a supplier to be used by the person awarded the contract; or

(b) The vendor was identified as a supplier but was not identified as the supplier of such goods.

↪ The governing body of the hospital shall make available for public inspection each such contract and records related to those purchases.

5. This section does not prohibit a governing body or its authorized representative from advertising for or requesting bids.

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in [NRS 239C.030](#).

(b) "Personal safety equipment" means safety equipment that personnel of a response agency or other local governmental agency:

(1) Use in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters; or

(2) Wear or otherwise carry on a regular basis.

↪ The term includes, without limitation, firearms, boots, bulletproof vests or other types of body armor, protective garments, protective eyewear, gloves, helmets, and any specialized apparatus, equipment or materials approved or recommended by the United States Department of Homeland Security.

(c) "Response agency" means an agency of a local government that provides services related to law enforcement, firefighting, emergency medical care or public safety.

(Added to NRS by [1975, 1538](#); A [1987, 296, 1484](#); [1991, 337, 349, 648, 1934, 1935](#); [1997, 132](#); [1999, 889, 1684](#); [2001, 1317, 2003, 620, 2262](#); [2005, 226, 2554](#))

#### **NRS 332.117 Award of contract to nonprofit organization or agency for training and employment of persons with mental or physical disabilities.**

1. In accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to [NRS 334.025](#), a governing body of a local government or its authorized representative may award, without complying with the requirements for competitive bidding set forth in this chapter, a contract for services or for the purchase of supplies, materials, equipment or labor to a nonprofit organization or agency whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a provider of jobs and day training services certified pursuant to [NRS 435.130](#) to [435.310](#), inclusive.

2. A nonprofit organization or agency that:

(a) Wishes to submit a bid for such a contract must:

(1) Register with the Rehabilitation Division of the Department of Employment, Training and Rehabilitation as required pursuant to [NRS 334.025](#); and

(2) Establish a fair-market price for those services, supplies, materials, equipment or labor by conducting a market survey and must include the survey with the bid submitted to the local government.

(b) Is awarded such a contract must report quarterly to the Rehabilitation Division as required pursuant to [NRS 334.025](#).

3. As used in this section, "nonprofit organization or agency" means an organization or agency that is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3).

(Added to NRS by [2001, 1535](#); A [2007, 2493](#); [2009, 2237](#))

#### **NRS 332.135 Contracts with carriers; solicitation of informal rate quotations; contracts with Purchasing Division of Department of Administration.**

1. Nothing in this chapter prohibits a governing body or its authorized representative from contracting for interstate or intrastate carriage of persons or property with a certificated common or contract carrier at the rates set forth in the officially approved tariff of such carrier.

2. Nothing in this section prohibits a governing body or its authorized representative from soliciting informal rate quotations.

3. Nothing in this chapter prohibits a governing body or its authorized representative from obtaining supplies, materials, equipment or services on a voluntary basis from the Purchasing Division of the Department of Administration pursuant to [NRS 333.470](#).

(Added to NRS by [1975, 1538](#); A [1991, 618](#); [1993, 1564](#))

#### **NRS 332.146 Auction, closeout and bankruptcy sales; sale of merchandise left after exhibition.**

1. Except as otherwise provided by law, if the governing body or its authorized representative determines that the supplies, materials or equipment can be purchased at any public auction, closeout sale, bankruptcy sale, sale of merchandise left after an exhibition, or other similar sale at a reasonable savings over the cost of like merchandise and below the market cost in the community, a contract or contracts may be let or the purchase made without complying with the requirements of this chapter for competitive bidding.

2. The documentation for the purchase or acquisition must be summarized for the next regularly scheduled meeting of the governing body, together with written justification showing the savings involved.

(Added to NRS by [1975, 1538](#); A [1983, 845](#); [2001, 1318](#))

**NRS 332.148 Failure to receive responsible bids.**

1. Except as otherwise provided in subsection 2, when a governing body or its authorized representative has advertised for or requested bids in letting a contract and no responsible bids are received, the governing body or its authorized representative may let the contract without competitive bidding not less than 7 days after it publishes a notice stating that no bids were received on the contract and that the contract may be let without further bidding.

2. A governing body or its authorized representative shall entertain any bid which is submitted after it publishes such notice and before the expiration of the waiting period.

(Added to NRS by [1977, 463](#); A [1999, 1685](#))

**GENERAL POWERS AND DUTIES OF LOCAL GOVERNMENTS**

**NRS 332.175 Trade-in allowances for personal property.** A governing body or its authorized representative may solicit and accept trade-in allowances for personal property of the public entity which has been determined by the governing body or its authorized representative to be no longer required for public use in any manner authorized by law.

(Added to NRS by [1975, 1539](#); A [1999, 1685](#); [2001, 1319](#))

**NRS 332.185 Sale of personal property of public entity; public auctions; donation of surplus personal property by school district; chapter inapplicable to transactions regarding real property. [Effective through June 30, 2016.]**

1. Except as otherwise provided in subsection 2 and [NRS 244.1505](#) and [334.070](#), all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State or to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

(Added to NRS by [1975, 1539](#); A [1983, 1248](#); [1999, 1685, 3320, 3322](#); [2001, 238, 1319](#); [2013, 1488](#))

**NRS 332.185 Sale of personal property of public entity; public auctions; donation of surplus personal property by school district; chapter inapplicable to transactions regarding real property. [Effective July 1, 2016.]**

1. Except as otherwise provided in subsection 2 and [NRS 244.1505](#) and [334.070](#), all sales of personal property of the local government must be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of personal property. The governing body or its authorized representative may dispose of personal property of the local government by any manner, including, without limitation, at public auction, if the governing body or its authorized representative determines that the property is no longer required for public use and deems such action desirable and in the best interests of the local government.

2. The board of trustees of a school district may donate surplus personal property of the school district to any other school district in this State, to the Achievement School District or to a charter school that is located within the school district without regard to:

(a) The provisions of this chapter; or

(b) Any statute, regulation, ordinance or resolution that requires:

(1) The posting of notice or public advertising.

(2) The inviting or receiving of competitive bids.

(3) The selling or leasing of personal property by contract or at a public auction.

3. The provisions of this chapter do not apply to the purchase, sale, lease or transfer of real property by the governing body.

(Added to NRS by [1975, 1539](#); A [1983, 1248](#); [1999, 1685, 3320, 3322](#); [2001, 238, 1319](#); [2013, 1488](#); [2015, 3818](#), effective July 1, 2016)

**NRS 332.195 Joinder or mutual use of contracts by governmental entities.**

1. Except as otherwise provided in this section:

(a) A governing body or its authorized representative and the State of Nevada may join or use the contracts of local governments located within or outside this State with the authorization of the contracting vendor. The originally contracting local government is not liable for the obligations of the governmental entity which joins or uses the contract.

(b) A governing body or its authorized representative may join or use the contracts of the State of Nevada or another state with the authorization of the contracting vendor. The State of Nevada or other state is not liable for the obligations of the local government which joins or uses the contract.



2. A governing body or its authorized representative or the State of Nevada shall not join or use a contract pursuant to this section if a contractor's license issued pursuant to [chapter 624](#) of NRS is required for any portion of the work to be performed under the contract.

(Added to NRS by [1975, 1539](#); A [1985, 357](#); [1999, 1686](#); [2001, 1320](#); [2003, 2263](#); [2005, 2556](#); [2013, 69](#))

**NRS 332.201 Duty of governing body of certain counties to report to Office of Economic Development concerning local emerging small businesses.**

1. The governing body or its authorized representative in a county whose population is 100,000 or more shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the governing body or its authorized representative solicited to submit a bid or proposal to the governing body or its authorized representative for a local purchasing contract;

(b) The number of local emerging small businesses that submitted a bid or proposal to the governing body or its authorized representative for a local purchasing contract;

(c) The number of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses;

(d) The total number of dollars' worth of local purchasing contracts that were awarded by the governing body or its authorized representative to local emerging small businesses; and

(e) Any other information deemed relevant by the Office.

2. The report required pursuant to subsection 1 must be submitted within 90 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in [NRS 231.1402](#).

(b) "Local purchasing contract" means a contract awarded pursuant to the provisions of this chapter for which the estimated cost is \$50,000 or less. The term does not include a contract for which a procurement card is used.

(c) "Office" means the Office of Economic Development.

(d) "Procurement card" means a charge card issued to a governing body or its authorized representative for the purpose of purchasing goods and services pursuant to the provisions of this chapter.

(Added to NRS by [2013, 3689](#))

**NRS 332.215 Commission to Study Governmental Purchasing: Members; meetings; duties.**

1. Each county of this state whose population is 100,000 or more, must be a member of the Commission to Study Governmental Purchasing which is composed of all purchasing agents of the local governments within those counties. Each county whose population is less than 100,000 may participate as a voting member of the Commission. The members shall select a Chair from among their number.

2. The Commission shall meet no less than quarterly or at the call of the Chair to study practices in governmental purchasing and laws relating thereto and shall make recommendations with respect to those laws to the next regular session of the Legislature.

(Added to NRS by [1975, 1540](#); A [1979, 537](#); [1985, 358](#))

**NRS 332.221 Provision of maintenance services and purchase of motor vehicle fuel for sale to public agencies or nonprofit corporations; regulations.**

1. A governing body may provide maintenance services for vehicles which belong to, and may purchase motor vehicle fuel to sell to:

(a) Any public agency or organization which is supported by tax money; and

(b) Any private agency or organization which is incorporated as a nonprofit corporation pursuant to [chapter 81](#) or [82](#) of NRS, and which uses the vehicles and fuel in specially providing transportation to the elderly or persons with disabilities.

2. The governing body shall establish regulations for determining the eligibility of applicants for maintenance services and fuel pursuant to this section.

3. The costs of all maintenance services and fuel provided pursuant to this section must be paid for by the agency or organization which receives the service or fuel.

(Added to NRS by [1979, 88](#); A [1981, 239](#); [1991, 1313](#))

**NRS 332.223 Use of facilities of local government by nonprofit corporation that provides ambulance services pursuant to franchise agreement.** A nonprofit corporation that provides ambulance services pursuant to a franchise agreement with a local government may obtain supplies, materials and equipment on a voluntary basis through the facilities of the local government.

(Added to NRS by [1995, 1731](#))

**NRS 332.225 Requirements of chapter unaffected by approval by governing body of application for federal grant.** Approval by a governing body of an application for a federal categorical grant does not dispense with the requirements of this chapter for approval by the governing body of the letting of any contract.

(Added to NRS by [1975, 1540](#))

**PERFORMANCE CONTRACTS FOR OPERATING COST-SAVINGS MEASURES**

**NRS 332.300 Definitions.** As used in [NRS 332.300](#) to [332.440](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 332.310](#) to [332.350](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2003, 3049](#); A [2009, 965](#); [2013, 2119](#))

**NRS 332.310 "Building" defined.** "Building" means any existing structure, building or facility, including any equipment, furnishings or appliances within the existing structure, building or facility, that is owned or operated by a local government. The



term includes, without limitation, occupied and unoccupied existing structures, buildings and facilities, and any other existing improvements owned or operated by a local government that incur operating costs.

(Added to NRS by [2003, 3049](#); A [2009, 965](#))

**NRS 332.320 “Operating cost savings” defined.** “Operating cost savings” means any expenses that are eliminated or avoided on a long-term basis as a result of the installation or modification of equipment, or services performed by a qualified service company. The term does not include any savings that are realized solely because of a shift in the cost of personnel or other similar short-term cost savings.

(Added to NRS by [2003, 3049](#))

**NRS 332.330 “Operating cost-savings measure” defined.** “Operating cost-savings measure”:

1. Means any improvement, repair or alteration to a building, or any equipment, fixture or furnishing to be added or used in a building that is designed to reduce operating costs, including, without limitation, those costs related to electrical energy and demand, thermal energy, water consumption, waste disposal and contract-labor costs, and increase the operating efficiency of the building for the appointed functions that are cost-effective.

2. Includes, without limitation:

(a) Operational or maintenance labor savings resulting from reduced costs for maintenance contracts as provided through reduction of required maintenance or operating tasks, including, without limitation, replacement of filters and lighting products, and equipment failures.

(b) Investment in equipment, products and materials, and strategies for building operation, or any combination thereof, designed to reduce energy and other utility expenses, including, without limitation:

(1) Costs for materials and labor required to replace old equipment with new, more efficient equipment.

(2) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated windows or doors, reductions in glass area, and other modifications to windows and doors that will reduce energy consumption.

(3) Automated or computerized energy control systems.

(4) Replacement of, or modifications to, heating, ventilation or air-conditioning systems.

(5) Replacement of, or modifications to, lighting fixtures.

(6) Improvements to the indoor air quality of a building that conform to all requirements of an applicable building code.

(7) Energy recovery systems.

(8) Systems for combined cooling, heating and power that produce steam or other forms of energy, for use primarily within the building or a complex of buildings.

(9) Installation of, or modifications to, existing systems for daylighting, including lighting control systems.

(10) Installation of, or modification to, technologies that use renewable or alternative energy sources.

(11) Programs relating to building operation that reduce operating costs, including, without limitation, computerized programs, training and other similar activities.

(12) Programs for improvement of steam traps to reduce operating costs.

(13) Devices that reduce water consumption in buildings, for lawns and for other irrigation applications.

(14) Any additional improvements to building infrastructures that produce energy and operating cost savings, significantly reduce energy consumption or increase the operating efficiency of the buildings for their appointed functions, provided that such improvements comply with applicable building codes.

(15) Trash compaction and waste minimization.

(16) Ground source systems for heating and cooling.

(c) Investment in educational programs relating to the operation and maintenance of any equipment installed to reduce operating costs.

3. Does not include the construction of a new building or any addition to a building that increases the square footage of the building.

(Added to NRS by [2003, 3049](#); A [2009, 965](#))

**NRS 332.340 “Performance contract” defined.** “Performance contract” means a written contract between a local government and a qualified service company for the evaluation, recommendation and implementation of one or more operating cost-savings measures.

(Added to NRS by [2003, 3050](#); A [2009, 966](#))

**NRS 332.350 “Qualified service company” defined.** “Qualified service company” means a person who is qualified to bid on a performance contract pursuant to [NRS 332.351](#) or [332.353](#).

(Added to NRS by [2003, 3050](#); A [2009, 966](#))

**NRS 332.351 Qualification as qualified service company; investigation and determination by local governments; confidentiality of certain information.**

1. Except as otherwise provided in [NRS 332.353](#), a person who wishes to qualify as a qualified service company and submit a proposal for a performance contract with a local government must file an application with the local government.

2. Upon receipt of an application pursuant to subsection 1, the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a performance contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a performance contract.

3. The local government shall notify each applicant in writing of its determination.

4. The local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the local government.

5. Except as otherwise provided in [NRS 332.353](#), the local government shall use only the criteria described in [NRS 332.352](#) in determining whether to approve or deny an application.

6. Except as otherwise provided in [NRS 239.0115](#), financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

(Added to NRS by [2009, 962](#))

**NRS 332.352 Criteria for qualification as qualified service company.**

1. Except as otherwise provided in [NRS 332.353](#), a local government shall use the following criteria for determining whether a person satisfies the requirements to be a qualified service company pursuant to [NRS 332.360](#):

- (a) The financial ability of the applicant to perform the work required by the local government;
  - (b) Whether the applicant possesses a state business registration issued pursuant to [chapter 76](#) of NRS;
  - (c) Whether the applicant possesses a valid contractor's license issued pursuant to [chapter 624](#) of NRS of a class corresponding to the work required by the local government and, if engineering work is required, whether the applicant possesses a valid license as a professional engineer issued pursuant to [chapter 625](#) of NRS;
  - (d) Whether the applicant has the ability to obtain the necessary bonding for the work required by the local government;
  - (e) Whether the applicant has successfully completed an appropriate number of projects as determined by the local government, but not to exceed five projects, during the 5 years immediately preceding the date of application of similar size, scope or type as the work required by the local government;
  - (f) Whether the principal personnel employed by the applicant have the necessary professional qualifications and experience for the work required by the local government;
  - (g) Whether the applicant has breached any contracts with a public agency or person in this State or any other state during the 5 years immediately preceding the date of application;
  - (h) Whether the applicant has been disqualified from being awarded a contract by any governing body in the State of Nevada;
  - (i) Whether the applicant has been convicted of a violation for discrimination in employment during the 2 years immediately preceding the date of application;
  - (j) Whether the applicant has the ability to obtain and maintain insurance coverage for public liability and property damage within limits sufficient to protect the applicant and all the subcontractors of the applicant from claims for personal injury, accidental death and damage to property that may arise in connection with the work required by the local government;
  - (k) Whether the applicant has established a safety program that complies with the requirements of [chapter 618](#) of NRS;
  - (l) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the work required by the local government;
  - (m) Whether, during the 5 years immediately preceding the date of application, the applicant has filed as a debtor under the provisions of the United States Bankruptcy Code;
  - (n) Whether the application is truthful and complete; and
  - (o) Whether, during the 5 years immediately preceding the date of the application, the applicant has, as a result of causes within the control of the applicant or a subcontractor or supplier of the applicant, failed to perform any contract:
    - (1) In the manner specified by the contract and any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative;
    - (2) Within the time specified by the contract unless extended by the person or governmental entity that awarded the contract or its authorized representative; or
    - (3) For the amount of money specified in the contract or as modified by any change orders initiated or approved by the person or governmental entity that awarded the contract or its authorized representative.
- ↳ Evidence of the failures described in this subsection may include, without limitation, the assessment of liquidated damages against the applicant, the forfeiture of any bonds posted by the applicant, an arbitration award granted against the applicant or a decision by a court of law against the applicant.

2. Except as otherwise provided in [NRS 332.353](#), in addition to the criteria described in subsection 1, the local government may use any other relevant criteria that are necessary to determine whether a person satisfies the requirements to be a qualified service company pursuant to [NRS 332.360](#).

(Added to NRS by [2009, 963](#))

**NRS 332.353 Additional circumstance in which person may be deemed qualified service company.** Notwithstanding the provisions of [NRS 332.352](#), a governing body may deem a person a qualified service company if the person has been determined by:

1. The State Public Works Division of the Department of Administration or a local government pursuant to [NRS 338.1379](#) to be qualified to bid on a public work; or
  2. Another local government pursuant to [NRS 332.351](#) to be qualified as a qualified service company.
- (Added to NRS by [2009, 964](#))

**NRS 332.357 Duty of Office of Energy to provide information and educational resources; authority of Office of Energy to provide support to local government; fees; administration of account for fees; application for and receipt of other money for account; regulations.**

1. The Office of Energy shall:
  - (a) Provide to local governments information and educational resources relating to operating cost-savings measures and performance contracts.
  - (b) Include on the Internet website maintained by the Office, if any, information and educational resources relating to operating cost-savings measures and performance contracts.
2. The Office of Energy may, upon receiving a request from a local government for support relating to operating cost-savings measures:
  - (a) Provide to the local government support relating to operating cost-savings measures; and
  - (b) Charge and collect a fee from the local government for the provision of any support described in paragraph (a).
3. All fees charged and collected by the Office of Energy pursuant to subsection 2 must be accounted for separately in the State General Fund. The Director of the Office of Energy shall administer the account. Money in the account must be used only to



pay the costs incurred by the Office of Energy to provide support to local governments pursuant to subsection 2 and is hereby authorized for expenditure as a continuing appropriation for this purpose.

4. The Director of the Office of Energy may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the account. The interest and income earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of the fiscal year does not revert to the State General Fund, and the balance in the account must be carried forward to the next fiscal year.

5. A local government may include in a performance contract the amount of any fee charged by the Office of Energy pursuant to subsection 2.

6. The Director of the Office of Energy may adopt regulations to carry out the provisions of this section, including, without limitation, regulations which establish the amount of the fees to be charged and collected by the Office of Energy pursuant to subsection 2.

(Added to NRS by [2013, 2119](#))

**NRS 332.360 Authority of local government to enter into performance contract; purpose of performance contract; operational audits; third-party consultants.**

1. Notwithstanding any provision of this chapter and [chapter 338](#) of NRS to the contrary, a local government may enter into a performance contract with a qualified service company for the purchase and installation of an operating cost-savings measure to reduce costs related to energy, water and the disposal of waste, and related labor costs. Such a performance contract may be in the form of an installment payment contract or a lease-purchase contract. Any operating cost-savings measures put into place as a result of a performance contract must comply with all applicable building codes.

2. If a local government is interested in entering into a performance contract, the local government shall notify each appropriate qualified service company and coordinate an opportunity for each such qualified service company to:

(a) Perform a preliminary and comprehensive audit and assessment of all potential operating cost-savings measures that might be implemented within the buildings of the local government, including any operating cost-savings measures specifically requested by the local government; and

(b) Submit a proposal and make a related presentation to the local government for all such operating cost-savings measures that the qualified service company determines would be practicable to implement.

3. The local government shall:

(a) Evaluate the proposals and presentations made pursuant to subsection 2; and

(b) Select a qualified service company,

↪ pursuant to the provisions of [NRS 332.300](#) to [332.440](#), inclusive.

4. The local government may enter into a contract with the Office of Energy or retain the professional services of a third-party consultant with the requisite technical expertise to assist the local government in evaluating the proposals and presentations pursuant to subsection 3. If the local government retains the professional services of a third-party consultant, the third-party consultant must possess a state business registration issued pursuant to [chapter 76](#) of NRS and any other applicable licenses issued by a licensing board in this State in the same discipline in which the consultant will be advising the local government.

5. The qualified service company selected by the local government pursuant to subsection 3 shall prepare a financial-grade operational audit. Except as otherwise provided in this subsection, the audit prepared by the qualified service company becomes, upon acceptance, a part of the final performance contract and the costs incurred by the qualified service company in preparing the audit shall be deemed to be part of the performance contract. If, after the audit is prepared, the local government decides not to execute the performance contract, the local government shall pay the qualified service company that prepared the audit the costs incurred by the qualified service company in preparing the audit if the local government has specifically appropriated money for that purpose.

6. The local government shall enter into a contract with the Office of Energy or retain the professional services of a third-party consultant with the requisite technical expertise to assist the local government in reviewing the operating cost-savings measures proposed by the qualified service company and may procure sufficient funding from the qualified service company, through negotiation, to pay for the costs incurred by the Office of Energy or the third-party consultant. If the local government retains the professional services of a third-party consultant, the third-party consultant must be licensed pursuant to [chapter 625](#) of NRS and certified by the Association of Energy Engineers as a "Certified Energy Manager" or hold similar credentials from a comparable nationally recognized organization. The Office of Energy or a third-party consultant retained pursuant to this subsection shall work on behalf and for the benefit of the local government in coordination with the qualified service company.

(Added to NRS by [2003, 3051](#); A [2009, 967](#); [2013, 2120](#))

**NRS 332.362 Duty of board of trustees of school district to adopt policy concerning performance contracts; requirements for policy; annual report.**

1. The board of trustees of a school district shall adopt a policy setting forth the process for evaluating whether work to be performed on a building will be performed pursuant to a performance contract. The policy must include, without limitation:

(a) The criteria for determining the work which will be evaluated pursuant to the policy;

(b) The requirement that the board of trustees or its designee evaluate whether the work to be performed:

(1) Consists primarily of one or more operating cost-savings measures;

(2) Qualifies to be performed pursuant to a performance contract with a return on investment that the board of trustees determines would make entering into a performance contract in the best interest of the school district; and

(3) Would be more reasonably included under an existing performance contract rather than a new performance contract;

and

(c) The requirement that the board of trustees or its designee, if it determines not to enter into a performance contract, document the reasons for that determination.

2. The board of trustees of a school district shall cause to be prepared an annual report which sets forth the operating cost-savings measures, if any, that:

(a) Were identified in a financial-grade operational audit submitted to the board of trustees pursuant to subsection 5 of [NRS 332.360](#) during the immediately preceding year; and

(b) Were not included in a performance contract during the immediately preceding year.



3. As used in this section, “operating cost-savings measure” means an investment in equipment, products and materials, and strategies for building operation, or any combination thereof, designed to reduce energy and other utility expenses, including, without limitation:

- (a) Costs for materials and labor required to replace old equipment with new, more efficient equipment.
  - (b) Storm windows or doors, caulking or weather stripping, multiglazed windows or doors, heat-absorbing or heat-reflective glazed or coated windows or doors, reductions in glass area, and other modifications to windows and doors that will reduce energy consumption.
  - (c) Automated or computerized energy control systems.
  - (d) Replacement of, or modifications to, heating, ventilation or air-conditioning systems.
  - (e) Replacement of, or modifications to, lighting fixtures.
  - (f) Improvements to the indoor air quality of a building that conform to all requirements of an applicable building code.
  - (g) Energy recovery systems.
  - (h) Systems for combined cooling, heating and power that produce steam or other forms of energy, for use primarily within the building or a complex of buildings.
  - (i) Installation of, or modifications to, existing systems for daylighting, including lighting control systems.
  - (j) Installation of, or modification to, technologies that use renewable or alternative energy sources.
  - (k) Programs relating to building operation that reduce operating costs, including, without limitation, computerized programs, training and other similar activities.
  - (l) Programs for improvement of steam traps to reduce operating costs.
  - (m) Devices that reduce water consumption in buildings, for lawns and for other irrigation applications.
  - (n) Trash compaction and waste minimization.
  - (o) Ground source systems for heating and cooling.
- (Added to NRS by [2013, 2118](#))

**NRS 332.370 Financing and structure of performance contract.**

1. A performance contract may be financed through a person other than the qualified service company.
  2. A performance contract must be structured to guarantee operating cost savings, which includes, without limitation, the design and installation of equipment, the operation and maintenance, if applicable, of any of the operating cost-savings measures and the guaranteed annual savings which must meet or exceed the total annual contract payments to be made by the local government, including any financing charges to be incurred by the local government over the life of the performance contract. The local government may require that these savings be verified annually or over a sufficient period that demonstrates savings.
- (Added to NRS by [2003, 3052](#); A [2009, 968](#))

**NRS 332.371 Requirements for performance contract that guarantees operating cost savings.** A performance contract that guarantees operating cost savings must identify the specific dollar amount and units or percentages of consumption that the qualified service company anticipates will be eliminated or avoided on a long-term basis as a result of the operating cost-savings measures that the local government is implementing.

(Added to NRS by [2009, 965](#))

**NRS 332.380 Period over which payments become due.**

1. A performance contract must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, must be made over time.
2. Except as otherwise provided in this subsection, a performance contract, and the payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective for costs incurred in future fiscal years. The performance contract may extend for a term not to exceed 25 years. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.
3. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized. Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.

(Added to NRS by [2003, 3053](#); A [2015, 1917](#))

**NRS 332.390 Prevailing wage requirement; duty of qualified service company to furnish bonds before entering into certain performance contracts.**

1. If a performance contract entered into pursuant to [NRS 332.300](#) to [332.440](#), inclusive, requires the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor to perform the performance contract, the performance contract must include a provision relating to the prevailing wage as required pursuant to [NRS 338.020](#) to [338.090](#), inclusive.

2. Before a qualified service company enters into a performance contract pursuant to [NRS 332.300](#) to [332.440](#), inclusive, that exceeds \$100,000, the qualified service company must furnish to the contracting body any bonds required pursuant to [NRS 339.025](#). The provisions of [chapter 339](#) of NRS apply to any performance contract described in this subsection.

(Added to NRS by [2003, 3053](#); A [2009, 969](#))

**NRS 332.400 Rights of local government and qualified service company if insufficient money appropriated by local government to make payments.** Notwithstanding any provision of [NRS 332.300](#) to [332.440](#), inclusive, to the contrary, a performance contract entered into pursuant to [NRS 332.300](#) to [332.440](#), inclusive, must include a clause that sets out the rights of the local government and the qualified service company if the local government does not appropriate sufficient money for payments to be continued under the performance contract.

(Added to NRS by [2003, 3053](#))

**NRS 332.410 Reinvestment of savings realized under contract.** A local government may reinvest any savings realized under a performance contract whenever practical into other operating cost-savings measures provided the local government:

1. Is satisfying all its other obligations under the performance contract; and

2. Complies with the requirements of [NRS 332.300](#) to [332.440](#), inclusive, when reinvesting the savings into other operating cost-savings measures.

(Added to NRS by [2003, 3053](#); A [2009, 969](#))

**NRS 332.420 Monitoring of cost savings attributable to operating cost-savings measures.**

1. During the term of a performance contract, the qualified service company shall monitor the reductions in energy or water consumption and other operating cost savings attributable to the operating cost-savings measure purchased or installed under the performance contract, and shall, at least once a year or at such other intervals specified in the performance contract, prepare and provide a report to the local government documenting the performance of the operating cost-savings measures.

2. A performance contract must identify the methodology that the local government will use to validate the cost savings identified by the qualified service company.

3. A qualified service company and the local government may agree to make modifications in the calculation of savings based on:

(a) Subsequent material changes to the baseline consumption of energy or water identified at the beginning of the term of the performance contract.

(b) A change in utility rates.

(c) A change in the number of days in the billing cycle of a utility.

(d) A change in the total square footage of the building.

(e) A change in the operational schedule, and any corresponding change in the occupancy and indoor temperature, of the building.

(f) A material change in the weather.

(g) A material change in the amount of equipment or lighting used at the building.

(h) Any other change which reasonably would be expected to modify the use of energy or the cost of energy.

(Added to NRS by [2003, 3053](#))

**NRS 332.430 Qualified service company to provide information concerning performance contract to Office of Energy.**

A qualified service company shall provide to the Office of Energy information concerning each performance contract which the qualified service company enters into pursuant to [NRS 332.300](#) to [332.440](#), inclusive, including, without limitation, the name of the project, the local government for which the project is being carried out and the expected operating cost savings. The Office of Energy may report any energy savings realized as a result of such performance contracts to the United States Department of Energy pursuant to 42 U.S.C. § 13385.

(Added to NRS by [2003, 3054](#); A [2009, 1405](#); [2011, 2078](#))

**NRS 332.431 Duty of local governments to report to Legislature.**

1. Each local government that enters into a performance contract pursuant to [NRS 332.300](#) to [332.440](#), inclusive, shall, on or before February 1 of each year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature if the Legislature is in session, or to the Interim Finance Committee if the Legislature is not in session.

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The status of the construction and financing of the operating cost-savings measures described in the performance contract.

(b) The cumulative amount of operating cost-savings that have resulted from the operating cost-savings measures.

(c) The amount of operating cost-savings that are projected for the future.

(d) Any other information required by the Legislature or Interim Finance Committee.

(Added to NRS by [2009, 965](#))

**NRS 332.440 Financial mechanisms to guarantee operational cost savings are realized.** A performance contract must include appropriate financial mechanisms determined to be necessary by the city or county treasurer, as appropriate, to guarantee that operating cost savings are realized by the local government if the actual cost savings do not meet the predicted cost savings.

(Added to NRS by [2003, 3054](#))

## PROHIBITIONS AND PENALTIES

**NRS 332.800 Interest of member of governing body or evaluator in contract prohibited; exception; penalty.**

1. Except as otherwise provided in [NRS 281.230](#) and [281A.430](#), a member of the governing body may not be interested, directly or indirectly, in any contract entered into by the governing body, but the governing body may purchase supplies, not to exceed \$1,500 in the aggregate in any 1 calendar month, from a member of such governing body when not to do so would be of great inconvenience due to a lack of any other local source.

2. An evaluator may not be interested, directly or indirectly, in any contract awarded by such governing body or its authorized representative.

3. A member of a governing body who furnishes supplies in the manner permitted by subsection 1 may not vote on the allowance of the claim for such supplies.

4. A person who violates this section is guilty of a misdemeanor and, in the case of a member of a governing body, a violation is cause for removal from office.

(Added to NRS by [1975, 1539](#); A [2001, 1318](#); [2003, 891](#); [2013, 3786](#))

**NRS 332.810 Prohibited acts by bidders before award of contract; penalty.**

1. Before a contract is awarded, a person who has bid on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, an evaluator or member of the governing body offering the contract;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to an evaluator or member of the governing body offering the contract; or

(c) Solicit or obtain from an officer, employee or member of the governing body offering the contract:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not less than \$2,000 nor more than \$50,000, or by both fine and imprisonment.

(Added to NRS by [1995, 1731](#); A [2001, 1318](#); [2007, 2468](#); [2013, 982](#))

**NRS 332.820 Effect of collusion among bidders or advance disclosures.**

1. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void.

2. Advance disclosures of proprietary information or any other information to any particular bidder which would give that particular bidder any advantage over any other interested bidder in advance of the opening of bids, whether in response to advertising or an informal request for bids, made or permitted by a member of the governing body or an employee or representative thereof, shall operate to void all bids received in response to that particular request for bids.

(Added to NRS by [1975, 1539](#); A [2001, 1319](#); [2005, 2556](#))

**NRS 332.830 Purchase of information system or system of communication for use by response agency.**

1. On and after October 1, 2005, a governing body or its authorized representative shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection 6 of [NRS 239C.160](#).

2. On and after October 1, 2005, any grant or other money received by a local government from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection 6 of [NRS 239C.160](#).

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in [NRS 239C.060](#).

(b) "Response agency" has the meaning ascribed to it in [NRS 239C.080](#).

(c) "System of communication" has the meaning ascribed to it in [NRS 239C.100](#).

(Added to NRS by [2003, 2463](#); A [2005, 932](#); [2011, 2886](#))



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## CHAPTER 383 - HISTORIC PRESERVATION AND ARCHEOLOGY

### GENERAL PROVISIONS

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<a href="#">NRS 383.435</a>	Prohibited acts; penalties; exceptions; civil remedy.
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<a href="#">NRS 383.530</a>	Determination of annual amount of financial assistance to be granted by Commission; notice to State Board of Examiners and State Board of Finance; issuance of bonds.
<a href="#">NRS 383.540</a>	Fund for the Preservation and Promotion of Cultural Resources.

### GENERAL PROVISIONS

- NRS 383.011 Definitions.** As used in this chapter, unless the context otherwise requires:
1. "Administrator" means the Administrator of the Office.
  2. "Advisory Board" means the Board of Museums and History.
  3. "Commission" means the Commission for Cultural Centers and Historic Preservation created by [NRS 383.500](#).
  4. "Cultural resources" means any objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance.
  5. "Department" means the State Department of Conservation and Natural Resources.
  6. "Director" means the Director of the Department.
  7. "Office" means the Office of Historic Preservation of the Department.
- (Added to NRS by [1977, 1357](#); A [1993, 1592](#); [2001, 934](#); [2005, 1576](#); [2011, 2981](#); [2015, 73](#))

**NRS 383.021 Creation of Office of Historic Preservation; duties; inclusion of Comstock Historic District Commission within Office.**

1. The Office of Historic Preservation is hereby created.
2. The Office shall:
  - (a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.
  - (b) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.
  - (c) Designate repositories for the materials that comprise the inventory.
  - (d) Provide staff assistance to the Commission.
3. The Comstock Historic District Commission is within the Office.  
(Added to NRS by [1977, 1357](#); A [1985, 716](#); [1989, 504](#); [1993, 1592](#); [2005, 1576](#); [2011, 2981](#); [2015, 73](#))

**NRS 383.031 Administrator: Qualifications.** The Administrator of the Office:

1. Must be selected by the Director with special reference to his or her training, experience, capacity and interest in historic preservation or archeology, or both.
2. Must have an advanced degree in history, archeology, architectural history, historic preservation or a related field or in public administration with course work and experience in one of the fields of historic preservation and archeology.  
(Added to NRS by [1977, 1357](#); A [1985, 418](#); [1993, 1592](#))

**NRS 383.041 Administrator: Duties; employment of personnel.** The Administrator, subject to administrative supervision by the Director, is responsible for carrying out all provisions of law relating to the functions of the Office. The Administrator may employ, within the limits of available money, any clerical and operational personnel necessary for the administration of the Office.

(Added to NRS by [1977, 1357](#); A [1993, 1592](#))

**NRS 383.075 Administrator: Establishment of stewardship program; selection and training of volunteers; powers of program; acceptance of gifts and grants.**

1. The Administrator shall, by regulation, establish a stewardship program to:
  - (a) Protect cultural resources located on public land in this State;
  - (b) Increase public awareness of the significance and value of cultural resources and the damage done to cultural resources by an act of vandalism;
  - (c) Discourage acts of vandalism and the unlawful sale and trade of artifacts, including, without limitation, archeological and paleontological materials;
  - (d) Support and encourage improved standards for investigating and researching cultural resources in this State;
  - (e) Promote cooperation among governmental agencies, organizations, private industries, Native American tribes and persons who wish to protect cultural resources and enter into agreements with those agencies, organizations, private industries, Native American tribes and persons to promote the protection of cultural resources; and
  - (f) Increase the inventory of cultural resources maintained pursuant to [NRS 383.021](#).
2. The Administrator shall select, train and certify volunteers to serve in the stewardship program based upon the requirements established by the Administrator.
3. The stewardship program may:
  - (a) In cooperation with governmental agencies, organizations, private industries, Native American tribes and persons specified in paragraph (e) of subsection 1, submit a proposed list to the Administrator for approval setting forth any sites that are or may include cultural resources located on public land in this State;
  - (b) Schedule periodic monitoring activities by volunteers of sites included on the list approved pursuant to paragraph (a);
  - (c) Establish requirements for reporting any act of vandalism to appropriate authorities as determined by the Administrator; and
  - (d) Establish programs for educating the members of the public concerning the significance and value of cultural resources and the loss to the members of the public resulting from damage to cultural resources.
4. The Administrator shall coordinate the activities of federal agencies, private industries, Native American tribes and state and local governmental agencies, as necessary, to carry out the stewardship program.
5. The Administrator and the Office shall provide administrative services to assist in carrying out the stewardship program.
6. Volunteers selected for the stewardship program serve without compensation and are not entitled to receive any per diem allowance or travel expenses.
7. The Administrator may accept gifts, grants, donations or contributions from any source to assist the Administrator in carrying out the stewardship program.
8. As used in this section, "act of vandalism" means to damage, destroy or commit or threaten to commit any other act that defaces or harms any cultural resources without the consent of the owner or appropriate governmental agency, including, without limitation, inscribing, marking, etching, scratching, drawing, painting on or affixing to the cultural resources any mark, figure or design.

(Added to NRS by [2005, 1575](#))

**NRS 383.081 Preparation and contents of plan for statewide historic preservation; federal financial assistance.**

1. The Administrator shall prepare and maintain a comprehensive statewide historic preservation plan. The plan must 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 must:
  - (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.

4. The Administrator, subject to approval by the Director, may administer and disburse to other state agencies, political subdivisions, eleemosynary organizations, nonprofit organizations and private persons and enterprises 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 that 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 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.

(Added to NRS by [1977, 1358](#); A [1979, 159](#))

**NRS 383.085 State Register of Historic Places.**

1. The Office shall prepare and maintain the State Register of Historic Places.
2. The Office shall establish procedures, qualifications and standards for listing historic places in the State Register.
3. The Office shall prepare a list of eligible sites, structures, objects and districts on public and private land.
4. The Administrator may, by agreement with the appropriate state agency or private owner, place any site, structure, object or district which is located on state or private land in the State Register. The Administrator may by agreement with the appropriate federal agency place any site, structure, object or district which is located on federal land in the State Register.

(Added to NRS by [1979, 272](#); A [1993, 1593](#))

**NRS 383.091 Program for historical markers.**

1. The Administrator shall:

(a) Establish the qualifications and standards for a 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) Except as otherwise provided in subsection 3, install, maintain and protect all registered historical 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.

3. When the owner of private property consents to the placement by a nonprofit organization of a historical marker in or on a structure located on his or her property, the owner shall be deemed to have consented to the maintenance of the historical marker in or on the structure for as long as the structure remains standing unless the owner notifies the nonprofit organization and requests the organization to remove the historical marker. The owner shall notify any person to whom he or she sells or otherwise transfers ownership of the structure of the duty to maintain the historical marker. The purchaser of a structure in or on which a historical marker has been placed by a nonprofit organization shall maintain the historical marker on the structure for as long as he or she owns the structure and shall notify any person to whom he or she sells or otherwise transfers ownership of the structure of the duty to maintain the historical marker unless the purchaser notifies the nonprofit organization and requests the organization to remove the historical marker. If the structure in or on which a historical marker is placed by a nonprofit organization is renovated or remodeled in such a manner as to require the removal of the historical marker, the owner shall ensure that the marker is reattached to the structure in the same place or in a place of similar prominence as soon as practicable after the completion of the renovation or remodeling project.

(Added to NRS by [1977, 1358](#); A [1997, 3127](#))

**NRS 383.101 Grants, gifts and donations; payment for services rendered.** The Administrator, subject to the approval of the Director, may:

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

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

(Added to NRS by [1977, 1358](#); A [1979, 618](#))

**NRS 383.111 Contracts: Historic preservation and archeological activities; expenses for overhead.**

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.

(Added to NRS by [1977, 1358](#))

**NRS 383.121 Intergovernmental cooperation required.**

1. All departments, commissions, boards and other agencies of the State and its political subdivisions shall cooperate with the Office in order to salvage or preserve historic, prehistoric or paleoenvironmental 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 paleoenvironmental 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 Office and cooperate with the Office to the fullest extent practicable, within the appropriations available to the agency or political subdivision for that purpose, to preserve or permit study of such evidence before its destruction, displacement or removal.

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

(Added to NRS by [1977, 1359](#); A [1993, 1593](#))

**NRS 383.125 Programs by certain nonprofit organizations to raise money to benefit historic places; prohibitions; regulations.**

1. A nonprofit organization that has as its primary purpose the raising of money to benefit historic places in this State that are listed in the State Register of Historic Places or the National Register of Historic Places, or programs conducted pursuant thereto, may, with the approval of the Administrator, engage in a program to raise money to benefit such a historic place or program pursuant to which a donor of money is allowed to name such a historic place, or any portion thereof, that receives any part of its funding from or through this State.

2. The Administrator shall not approve a program pursuant to which a donor is allowed to rename a historic place or any portion thereof.

3. The Administrator may adopt such regulations as he or she determines are necessary to carry out the provisions of this section.

(Added to NRS by [2001, 1653](#))

**PROTECTION OF INDIAN BURIAL SITES**

**NRS 383.150 Definitions.** As used in [NRS 383.150](#) to [383.190](#), inclusive, unless the context otherwise requires:

1. "Cairn" means stones or other material placed in a pile as a memorial or monument to the dead.
2. "Grave" means an excavation for burial of a human body.
3. "Indian burial site" means the area including and immediately surrounding the cairn or grave of a native Indian.
4. "Indian tribe" means a Nevada Indian tribe recognized by the Secretary of the Interior.
5. "Professional archeologist" means a person who holds a graduate degree in archeology, anthropology or a closely related field as determined by the Administrator.

(Added to NRS by [1989, 573](#))

**NRS 383.160 Duties of Office of Historic Preservation.** The Office shall:

1. Upon application by:

(a) An interested landowner, assist the landowner in negotiating an agreement with an Indian tribe for the treatment and disposition of an Indian burial site and any artifacts and human remains associated with the site; and

(b) Either party, mediate a dispute arising between a landowner and an Indian tribe relating to the treatment and disposition of an Indian burial site and any artifacts and human remains associated with the site.

2. In performing its duties pursuant to [NRS 383.150](#) to [383.190](#), inclusive, endeavor to:

(a) Protect Indian burial sites and any associated artifacts and human remains from vandalism and destruction; and

(b) Provide for the sensitive treatment and disposition of Indian burial sites and any associated artifacts and human remains consistent with the planned use of land.

(Added to NRS by [1989, 575](#); A [1993, 1593](#))

**NRS 383.170 Procedure upon discovery of Indian burial site; permissible excavation.**

1. A person who disturbs the cairn or grave of a native Indian through inadvertence while engaged in a lawful activity such as construction, mining, logging or farming or any other person who discovers the cairn or grave of a native Indian that has not been previously reported to the Office shall immediately report the discovery and the location of the Indian burial site to the Office. The Office shall immediately consult with the Nevada Indian Commission and notify the appropriate Indian tribe. The Indian tribe may, with the permission of the landowner, inspect the site and recommend an appropriate means for the treatment and disposition of the site and all artifacts and human remains associated with the site.

2. If the Indian burial site is located on private land and:

(a) The Indian tribe fails to make a recommendation within 48 hours after it receives notification pursuant to subsection 1; or

(b) The landowner rejects the recommendation and mediation conducted pursuant to [NRS 383.160](#) fails to provide measures acceptable to the landowner,

↪ the landowner shall, at his or her own expense, reinter with appropriate dignity all artifacts and human remains associated with the site in a location not subject to further disturbance.

3. If the Indian burial site is located on public land and action is necessary to protect the burial site from immediate destruction, the Office may cause a professional archeologist to excavate the site and remove all artifacts and human remains associated with the site for subsequent reinterment, following scientific study, under the supervision of the Indian tribe.

4. Any other excavation of an Indian burial site may be conducted only:

(a) By a professional archeologist;

(b) After written notification to the Administrator; and

(c) With the prior written consent of the appropriate Indian tribe. Failure of a tribe to respond to a request for permission within 60 days after its mailing by certified mail, return receipt requested, shall be deemed consent to the excavation.

↪ All artifacts and human remains removed during such an excavation must, following scientific study, be reinterred under the supervision of the Indian tribe, except that the Indian tribe may, by explicit written consent, authorize the public display of a particular artifact. The archeologist, Indian tribe and landowner shall negotiate an agreement to determine who will pay the expenses related to the interment.

(Added to NRS by [1989, 574](#); A [1993, 928, 1594](#); [1995, 579](#))

**NRS 383.180 Prohibited acts; penalties; exceptions.**

1. Except as otherwise provided in [NRS 383.170](#), a person who willfully removes, mutilates, defaces, injures or destroys the cairn or grave of a native Indian is guilty of a gross misdemeanor and shall be punished by a fine of \$500 for the first offense, or by a fine of not more than \$3,000 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than 364 days.

2. A person who fails to notify the Office of the discovery and location of an Indian burial site in violation of [NRS 383.170](#) is guilty of a gross misdemeanor and shall be punished by a fine of \$500 for the first offense, or by a fine of not more than \$1,500 for a second or subsequent offense, and may be further punished by imprisonment in the county jail for not more than 364 days.

3. A person who:

(a) Possesses any artifact or human remains taken from the cairn or grave of a native Indian on or after October 1, 1989, in a manner other than that authorized by [NRS 383.170](#);

(b) Publicly displays or exhibits any of the human remains of a native Indian, except during a funeral ceremony; or

(c) Sells any artifact or human remains taken from the cairn or grave of a native Indian,

is guilty of a category D felony and shall be punished as provided in [NRS 193.130](#).

4. This section does not apply to:

(a) The possession or sale of an artifact:

(1) Discovered in or taken from a location other than the cairn or grave of a native Indian; or

(2) Removed from the cairn or grave of a native Indian by other than human action; or

(b) Action taken by a peace officer in the performance of his or her duties.

(Added to NRS by [1989, 574](#); A [1993, 929](#); [1995, 1271](#); [2013, 983](#))

**NRS 383.190 Civil remedy.**

1. In addition to the imposition of any criminal penalty, an Indian tribe or an enrolled member of an Indian tribe may bring a civil action to secure an injunction, damages and other appropriate relief against a person who violates [NRS 383.170](#) or [383.180](#). The action must be brought within 2 years after the discovery of the action by the plaintiff. The action may be filed in the district court for the county in which the cairn, grave, artifacts or remains are located, or within which the defendant resides.

2. If the plaintiff prevails in the action:

(a) The court may award reasonable attorney fees to the plaintiff.

(b) The court may grant injunctive or such other equitable relief as is appropriate, including forfeiture of any artifacts or human remains acquired or equipment used in the violation. The court shall order the disposition of any forfeited equipment as it sees fit, and order the reinterment of the artifacts and human remains at the defendant's expense under the supervision of the Indian tribe.

(c) The plaintiff may recover actual damages.

3. If the defendant prevails in the action, the court may award reasonable attorney fees to the defendant.

(Added to NRS by [1989, 575](#))

**PROTECTION OF HISTORIC AND PREHISTORIC SITES**

**NRS 383.400 Definitions.** As used in [NRS 383.400](#) to [383.440](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 383.405](#) to [383.425](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2005, 569](#))

**NRS 383.405 "Historic site" defined.** "Historic site" has the meaning ascribed to it in [NRS 381.195](#).

(Added to NRS by [2005, 569](#))

**NRS 383.410 "Political subdivision" defined.** "Political subdivision" means a county, city, irrigation district or any other local government as defined in [NRS 354.474](#).

(Added to NRS by [2005, 569](#))

**NRS 383.415 "Prehistoric site" defined.** "Prehistoric site" has the meaning ascribed to it in [NRS 381.195](#).

(Added to NRS by [2005, 569](#))

**NRS 383.420 "State agency" defined.** "State agency" means the State of Nevada or any board, commission, department, division or other public agency of this State.

(Added to NRS by [2005, 569](#))

**NRS 383.425 "State land" defined.** "State land" means land that is owned by or under the control of a state agency or political subdivision.

(Added to NRS by [2005, 569](#))

**NRS 383.430 Office of Historic Preservation authorized to enter into agreement with state agency or political subdivision regarding acquisition of land from Federal Government; requirements of agreement; submission of information to Office required for changes to use of land or new project on land.**

1. Upon request by any state agency or political subdivision, the Office may enter into an agreement with that state agency or political subdivision regarding any land which the state agency or political subdivision intends to acquire from an agency of the Federal Government. The agency of the Federal Government may be a party to the agreement.

2. An agreement made pursuant to subsection 1 must:

(a) Include provisions that are sufficient to ensure that the land, when acquired, will receive protection for any historic or prehistoric site at a level equivalent to the protection provided if the land had remained under federal ownership;

(b) Require the state agency or political subdivision to submit a proposal and consult with the Office before changing the use of the land or initiating a project on any portion of the land; and

(c) Require that any expenses associated with carrying out the agreement are the responsibility of the state agency or political subdivision.

3. If a state agency or political subdivision submits a proposal to change the use of the land or initiate a project on any portion of the land pursuant to paragraph (b) of subsection 2, the state agency or political subdivision shall:

(a) Provide to the Office a written statement:

(1) Identifying any Indian tribes that may be concerned with the religious or cultural importance of the site and other interested persons for inclusion in the consultation required pursuant to paragraph (b) of subsection 2;

(2) Identifying any historic or prehistoric sites in accordance with the requirements of the Office for recording and reporting for those sites;

(3) Evaluating any historic or prehistoric sites for inclusion in the State Register of Historic Places, including any text excavations or other research;

(4) Evaluating the effect of the change in use of the land or the project on a historic or prehistoric site that is eligible for inclusion in the State Register of Historic Places; and

(5) Evidencing the preparation and carrying out of treatment plans that comply with the requirements of the Office for those plans; and

(b) Any other information relating to the proposed change of use required by the Office.

(Added to NRS by [2005, 569](#))

#### **NRS 383.435 Prohibited acts; penalties; exceptions; civil remedy.**

1. Except as otherwise provided in this section, a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on state land or who receives, traffics in or sells cultural property appropriated from state land without a valid permit, unless a greater penalty is provided by a specific statute:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of \$500.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days or by a fine of not more than \$3,000, or by both fine and imprisonment.

2. This section does not apply to any action taken:

(a) In accordance with an agreement with the Office entered into pursuant to [NRS 383.430](#); or

(b) In accordance with the provisions of [NRS 381.195](#) to [381.227](#), inclusive, by the holder of a permit issued pursuant to those sections.

3. In addition to any other penalty, a person who violates a provision of this section is liable for civil damages to the state agency or political subdivision which has jurisdiction over the state land in an amount equal to the cost or, in the discretion of the court, an amount equal to twice the cost of the restoration, stabilization and interpretation of the site plus any court costs and fees.

(Added to NRS by [2005, 570](#); A [2013, 983](#))

**NRS 383.440 Regulations.** The Office may adopt regulations to carry out the provisions of [NRS 383.400](#) to [383.440](#), inclusive.

(Added to NRS by [2005, 570](#))

### **COMMISSION FOR CULTURAL CENTERS AND HISTORIC PRESERVATION**

#### **NRS 383.500 Creation; members; meetings; quorum; compensation and reimbursement; administrative services.**

1. The Commission for Cultural Centers and Historic Preservation is hereby created. The Commission is advisory to the Department and consists of:

(a) The Chair of the Board of Trustees of Nevada Humanities or a member of the Board of Trustees of Nevada Humanities designated by the Chair;

(b) The Chair of the Board of the Nevada Arts Council of the Department of Tourism and Cultural Affairs or a member of the Board of the Nevada Arts Council designated by the Chair;

(c) The Chair of the Advisory Board or a member of the Advisory Board designated by the Chair;

(d) A member of the Advisory Board appointed by the Governor;

(e) One representative of the general public who has a working knowledge of the promotion of tourism in Nevada appointed by the Governor; and

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

2. The Commission shall:

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

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

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

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

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

(Added to NRS by [2015, 70](#); A [2015, 138](#))

#### **NRS 383.510 Plan for preservation and promotion of cultural resources.**

1. The Commission shall maintain, and revise at least once every 2 years, a 10-year plan to:

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

(b) Develop a network of cultural centers and activities in this State.

2. The plan must include:

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



- (b) A program for awarding financial assistance to pay the actual expenses of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities; and
  - (c) A detailed list of the initial projects to be undertaken.
3. The plan must be submitted to:
- (a) The Governor;
  - (b) The Legislative Commission; and
  - (c) The State Board of Examiners.
- (Added to NRS by [2015, 71](#))

**NRS 383.520 Program for awarding financial assistance.** The Commission may, in establishing the program for awarding financial assistance described in paragraph (b) of subsection 2 of [NRS 383.510](#):

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

2. Establish the conditions an applicant must satisfy to receive an award of financial assistance. Financial assistance may only be awarded for the actual expense of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities.

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

- (a) May become a recurring event without the necessity of future state financial support;
- (b) Will be accessible to the community;
- (c) Will promote tourism in the State;
- (d) Will promote or preserve some historic or prehistoric feature of Nevada;
- (e) Will have multiple uses for many types of cultural organizations;
- (f) Will supplement training in the classroom in the arts and humanities; and
- (g) Incorporates the various disciplines directly associated with cultural resources.

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

(Added to NRS by [2015, 71](#))

**NRS 383.530 Determination of annual amount of financial assistance to be granted by Commission; notice to State Board of Examiners and State Board of Finance; issuance of bonds.**

1. The Commission shall determine annually the total amount of financial assistance it will grant from the proceeds of bonds issued pursuant to this section in that calendar year pursuant to [NRS 383.500](#) to [383.540](#), inclusive. The Commission shall notify the State Board of Examiners and the State Board of Finance of that amount.

2. After receiving the notice given pursuant to subsection 1, the State Board of Finance shall issue general obligation bonds of the State of Nevada in the amount necessary to generate the amount to be granted by the Commission from the proceeds of the bonds issued pursuant to this section, to pay the expenses related to the issuance of the bonds and to pay for the administrative services of the Commission. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold. In no case may the total face amount of the bonds issued pursuant to this section exceed \$3,000,000 per year. No public debt is created, within the meaning of [Section 3 of Article 9](#) of the Nevada Constitution, until the issuance of the bonds.

3. The proceeds from the sale of the bonds authorized by this section, after deducting the expenses relating to the issuance of the bonds, must be deposited with the State Treasurer and credited to the Fund for the Preservation and Promotion of Cultural Resources created by [NRS 383.540](#).

4. The provisions of the State Securities Law, contained in [chapter 349](#) of NRS, apply to the issuance of bonds pursuant to this section.

(Added to NRS by [2015, 72](#); A [2015, 139](#))

**NRS 383.540 Fund for the Preservation and Promotion of Cultural Resources.**

1. There is hereby created in the State Treasury the Fund for the Preservation and Promotion of Cultural Resources. The Commission is responsible for the administration of the Fund. All money received and held by the State Treasurer for that purpose must be deposited in the Fund. The Commission shall account separately for money received from the proceeds of bonds issued pursuant to [NRS 383.530](#).

2. The Commission may expend money in the Fund only:

(a) For projects identified in the Commission's plan to promote and preserve the State's cultural resources pursuant to [NRS 383.500](#) to [383.540](#), inclusive. In addition to the amount of financial assistance granted from the proceeds of bonds issued pursuant to [NRS 383.530](#), the Commission may grant as financial assistance not more than \$750,000 each calendar year of the interest earned on the deposit or investment of the money in the Fund; and

(b) For any administrative services provided by the Commission. The Commission may not use more than 5 percent of the proceeds from any particular issuance of bonds to pay for the administrative services.

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

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

(Added to NRS by [2015, 72](#); A [2015, 140](#))