



STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Nevada State Library, Archives and Public Records
100 N. Stewart Street | Carson City, NV 89701
Phone: (775) 684-3313 | TDD: (775) 687-8338 | Fax: (775) 684-3311

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the
Nevada State Library, Archives and Public Records of the Department of Administration

The Nevada State Library, Archives and Public Records will hold a public hearing at 9:00 a.m., on September 20, 2016 at the Nevada Legislative Building, 401 S. Carson St., Room 3137, Carson City, NV. Interested persons may also participate through a simultaneous videoconference conducted at the Grant Sawyer State Office Building 555 E. Washington Ave., Room 4406, Las Vegas, NV. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of the regulation that pertains to Chapter 378 of the Nevada Administrative Code ("NAC").

The following information is provided pursuant to the requirements of Nevada Revised Statute ("NRS") 233B.0603:

LCB File No. R103-16

1. The need for and the purpose of the proposed regulation or amendment. *These regulations are being proposed pursuant to Nevada Senate Bill 20 which passed in the 77th Legislative Session, 2013. NRS 378.170 requires the Administrator of the State Library, Archives and Public Records to adopt regulations prescribing the procedures for submitting an electronic version of a publication to the State Publications Distribution Center. Further, after a review of the existing regulations in NAC 378, the Administrator has determined that many of its regulations must be repealed to correct outdated terminology, procedures, and business practices.*
2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

A REGULATION relating to the Division of State Library, Archives and Public Records of the Department of Administration; requiring a state agency or local government to designate one or more employees to act as agency contacts with the State Publications Distribution Center of the Division under certain circumstances; establishing certain duties for an employee so designated; adopting by reference the Handbook for State Agency Contacts; repealing certain obsolete provisions; and providing other matters properly relating thereto.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects:

The general public will not be affected by the proposed regulation amendments.

The State Library, Archives and Public Records is not a regulatory agency with oversight over industries or small businesses. As such, the proposed regulation amendments will have no impact on small businesses.

(b) Both immediate and long-term effects:

The general public will not be affected by the proposed regulation amendments.

The State Library, Archives and Public Records is not a regulatory agency with oversight over industries or small businesses. As such, the proposed regulation amendments will have no impact on small businesses.

4. The estimated cost to the agency for enforcement of the proposed regulation.

There are no estimated costs to the State Library, Archives and Public Records for enforcement of the proposed regulation amendments. All impacts can be absorbed within existing staff and resources.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed amendments to the regulation do not overlap that of any other state, local, or federal government agency.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed amendments to the regulation are not required pursuant to any federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed amendments to the regulation do not include provisions which are more stringent than a federal regulation.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed amendments to the regulation do not establish any new fees or any increases in existing fees.

Persons wishing to comment upon the proposed action of the Nevada State Library, Archives and Public Records may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Kathy Edwards
Nevada State Library, Archives and Public Records
Government Publications
100 N. Stewart St.
Carson City, NV 89701
Fax: 775-684-3330
Email: kedwards@admin.nv.gov

Written submission must be received by the Nevada State Library, Archives and Public Records on or before Tuesday, September 13, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Library, Archives and Public Records may proceed immediately to act upon any written submissions.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements are necessary, please notify Kathy Edwards at (775)684-3329 within 72 hours of meeting date and time.

A copy of this notice and the regulation to be adopted will be on file at the State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. The regulation is also available at <http://www.leg.state.nv.us/Register/2016Register/R103-16P.pdf>.

Additional copies of the notice and regulations to be adopted will be available at the main public libraries listed, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/Register/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed. August 19, 2016

Nevada State Library, Archives and Public Records, 100 N. Stewart Street, Carson City, NV
 Administration Regulation Notices <https://www.leg.state.nv.us/App/Notice/A/>.
 Nevada Public Notice website <https://notice.nv.gov/>.

Carson City Library 900 North Roop Street Carson City, Nevada 897013-101	Lincoln County Library 63 Main Street Pioche, Nevada 89043
Churchill County Library 553 South Main Street Fallon, Nevada 89406-3306	Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399
Las Vegas-Clark County Library District Headquarters 7060 W. Windmill Lane Las Vegas, Nevada 89113	Mineral County Public Library 110 1st Street Hawthorne, Nevada 89415
Douglas County Public Library 1625 Library Lane Minden, Nevada 89423-0337	Pershing County Library 1125 Central Avenue Lovelock, Nevada 89419
Elko County Library 720 Court Street Elko, Nevada 89801-3397	Storey County Public Library Community Chest, Inc. P.O. Drawer 980 Virginia City, Nevada 89440
Esmeralda County Library Corner of Crook & 4th Street P.O. Box 430 Goldfield, Nevada 89013-0430	Tonopah Public Library (Nye County) 167 South Central Street Tonopah, Nevada 89049
Eureka County Library 10190 Monroe Street Eureka, Nevada 89316	Washoe County Library System 301 South Center Street Reno, Nevada 895012102
Humboldt County Library 85 East 5th Street Winnemucca, Nevada 89445-3095	White Pine County Library 950 Campton Street Ely, Nevada 89301

Battle Mountain Branch Library 625 South Broad Street Battle Mountain, NV 89820	
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**PROPOSED REGULATION OF THE STATE LIBRARY,
ARCHIVES AND PUBLIC RECORDS ADMINISTRATOR**

LCB File No. R103-16

August 8, 2016

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

AUTHORITY: §§1-3, NRS 378.170; §4, NRS 378.080, 378.255 and section 3 of Senate Bill No. 359, chapter 328, Statutes of Nevada 1983, at page 801.

A REGULATION relating to the Division of State Library, Archives and Public Records of the Department of Administration; requiring a state agency or local government to designate one or more employees to act as agency contacts with the State Publications Distribution Center of the Division under certain circumstances; establishing certain duties for an employee so designated; adopting by reference the *Handbook for State Agency Contacts*; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

It is the intent of the Legislature that all state and local government publications be distributed to designated depository libraries for use by all inhabitants of the State. (NRS 378.150) Existing law creates the State Publications Distribution Center within the Division of State Library, Archives and Public Records of the Department of Administration. (NRS 378.170) Under existing law, a state agency or local government that releases a publication is required to provide the Center with an electronic version of the publication or, if the publication is available only in paper form, to deposit a certain number of paper copies of the publication with the Center. (NRS 378.180) After the receipt of any such publication, the Center is required to distribute the publication to the designated depository libraries. (NRS 378.200) Existing law authorizes the State Library, Archives and Public Records Administrator to adopt regulations to carry out the purposes of the Center and requires the Administrator to prescribe the procedures for submitting an electronic version of a publication to the Center. (NRS 378.170)

Section 2 of this regulation requires each state agency or local government that is required to provide the Center with an electronic version of a publication or to deposit paper copies of a publication with the Center to designate one or more employees who have responsibilities relating to the production or distribution of publications by the state agency or local government to act as an agency contact with the Center. **Section 2** also requires each employee of a state agency or local government who is designated to act as an agency contact with the Center to: (1) act as a liaison between his or her employer and the Center; and (2) carry out the statutory duties imposed on the state agency or local government in accordance with the provisions of the *Handbook for State Agency Contacts*.

Section 3 of this regulation adopts by reference the *Handbook for State Agency Contacts*, published by the Center, which prescribes detailed procedures for submitting electronic versions of publications to the Center and for depositing paper copies of publications with the Center.

Section 4 of this regulation repeals certain duplicative or obsolete provisions relating to public records, archives, the office of the State Archivist and public libraries.

Section 1. Chapter 378 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A state agency or local government that is required, pursuant to NRS 378.180, to provide the Center with an electronic version of a publication or to deposit paper copies of a publication with the Center shall designate one or more employees who have responsibilities relating to the production or distribution of publications by the state agency or local government to act as an agency contact with the Center.*

2. An employee of a state agency or local government who is designated to act as an agency contact with the Center pursuant to subsection 1 shall:

(a) Act as a liaison between the state agency or local government that designated him or her and the Center with respect to publications produced or distributed by the state agency or local government; and

(b) Carry out the duties imposed on the state agency or local government pursuant to NRS 378.180 in accordance with the provisions of the Handbook for State Agency Contacts adopted by reference in section 3 of this regulation.

Sec. 3. 1. *The Administrator hereby adopts by reference the Handbook for State Agency Contacts, April 2016 edition, and any subsequent edition that is published by the Center and approved by the Administrator. The Administrator will review each new edition, which shall be deemed to be approved by the Administrator unless disapproved by the Administrator within 30 days after the date of publication. The most recent edition that has*

been approved by the Administrator may be obtained, at no cost, from the Division of State Library, Archives and Public Records of the Department of Administration, 100 North Stewart Street, Carson City, Nevada 89701, or at the Internet address [http://nsla.nv.gov/Library/GovPubs/State Publications Distribution Center/](http://nsla.nv.gov/Library/GovPubs/State_Publications_Distribution_Center/).

2. The Center shall make available on the Internet website of the Division the most recently published edition of the Handbook for State Agency Contacts that has been approved by the Administrator.

Sec. 4. NAC 378.005, 378.010, 378.020, 378.030, 378.040, 378.050, 378.060, 378.070 and 378.080 are hereby repealed.

TEXT OF REPEALED SECTIONS

378.005 “Historical value” defined. (NRS 239.125, 378.255, 378.280) For the purposes of this chapter and chapter 378 of NRS, “historical value” has the meaning ascribed to it in NAC 239.597.

378.010 State Archivist: Appointment. (NRS 378.255, 378.280) The State Library, Archives and Public Records Administrator will appoint a State Archivist, who will be in the classified service of the State.

378.020 State Archivist: Duties. (NRS 378.255, 378.280)

1. The State Archivist shall, subject to the control of the State Library, Archives and Public Records Administrator, carry out the archival record function of the Division of State Library,

Archives and Public Records of the Department of Administration and manage the material in the archives.

2. The State Archivist shall assist state agencies and local governments in developing systems for:

(a) The preservation of governmental records having historical value; and

(b) The retrieval of information not declared by law to be confidential from those records for the benefit of researchers and other members of the general public.

378.030 Division of State Library, Archives and Public Records: Duties. (NRS 378.255, 378.280)

1. The Division of State Library, Archives and Public Records of the Department of Administration shall provide the general public with the services of research and retrieval of information for materials which are deposited within the archives and referrals for materials which are deposited outside the archives.

2. The Division may preserve the private material of any public officer of this State or any of its political subdivisions if the material has been made available to the Division for that purpose.

378.040 Division of State Library, Archives and Public Records: Receipt of records. (NRS 378.255, 378.280) The State Library, Archives and Public Records Administrator will receive into the archives any record generated by the State or any of its political subdivisions if the record:

1. Has a sufficient administrative, fiscal, legal or other value or is necessary in conducting research;

2. Documents an agency's organization, function, policies, decisions, procedures, operations and essential transactions; or

3. Is necessary to protect the financial and legal rights of persons directly affected by an agency's activities.

378.050 Proposal for grant: Submission; contents. (§ 3 of ch. 328, Stats. 1983) A local governmental entity that desires a grant to build or expand a public library shall submit its proposal to the State Library, Archives and Public Records Administrator. The proposal must include:

1. A statement of the source of the local share of financing based on the formula specified in section 4 of chapter 328, Statutes of Nevada 1983.

2. Verification that sufficient local resources are available to meet the local share of the cost of the project.

3. An estimate of the total cost of the project.

4. Certified copies of all deeds or other evidences of title to real property for the project if the property has already been acquired.

5. A program for construction developed by a librarian.

6. A description of the project and proposals for its management.

7. Preliminary architectural plans if they have been drawn.

8. A description of the location of the project, including its relationship to existing facilities.

378.060 Evaluation of proposal. (§ 3 of ch. 328, Stats. 1983) The State Library, Archives and Public Records Administrator will evaluate each proposal to determine if the:

1. Proposed project corresponds to the needs of the community.

2. Proposed project conforms to the local master plan for the library and the statewide master plan.
3. Proposed facility is designed for ease of access and use by the public.
4. Applicant demonstrates that there is local support sufficient to maintain the programs for which the facility is intended.
5. Proposal includes using an experienced librarian to develop a program for construction of the project and to communicate with the architects and contractors throughout the period of construction.
6. Project will conform to all applicable local and state requirements for construction.
7. Cost per square foot corresponds to standard costs in that area for similar buildings.

378.070 Approval or disapproval of proposal. (§ 3 of ch. 328, Stats. 1983)

1. If the State Library, Archives and Public Records Administrator approves the proposal, it will be forwarded to the State Council on Libraries and Literacy for its recommendation.
2. If an application submitted by the State Library, Archives and Public Records Administrator is approved by the Interim Finance Committee, the State Library, Archives and Public Records Administrator will send the applicant a letter:
 - (a) Stating the intention of the State of Nevada to approve the project subject to the applicant's continuing ability to meet local, state and federal requirements.
 - (b) Specifying the sources of financing for the project including the share from general obligation bonds of the State of Nevada.
3. If a proposal is not approved by the State Library, Archives and Public Records Administrator, the applicant will be provided an opportunity to discuss the reasons for denial and, if possible, to amend the proposal so that it may be approved.

378.080 Inspections, reports and examinations. (§ 3 of ch. 328, Stats. 1983)

1. A local governmental entity which receives a grant shall:

(a) Make available for inspection during regular business hours all of its books, accounts and other records relating to the project; and

(b) Submit quarterly reports on the progress of the project.

2. The State Library, Archives and Public Records Administrator will conduct such examinations of the records as necessary to determine compliance with federal, state and local requirements.