A.B. 270

ASSEMBLY BILL NO. 270–ASSEMBLYMEN NEAL; BUSTAMANTE ADAMS, FLORES, FRIERSON, HORNE AND MUNFORD

MARCH 15, 2013

JOINT SPONSOR: SENATOR ATKINSON

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing minority affairs. (BDR 18-130)

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

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

AN ACT relating to minority affairs; requiring the Director of the Department of Business and Industry to provide investigative services to the Ombudsman of Consumer Affairs for Minorities; revising the duties of the Nevada Commission on Minority Affairs; providing a procedure for the allocation of additional money to the Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Ombudsman of Consumer Affairs for Minorities within the Office of the Director of the Department of Business and Industry. (NRS 232.845) **Section 1** of this bill requires the Director to provide the services of an investigator to the Ombudsman.

Existing law also creates the Nevada Commission on Minority Affairs, provides for the duties of the Commission and requires the Director of the Department of Administration to provide such staff assistance to the Commission as the Governor deems appropriate. (NRS 232.852, 232.860, 232.864) **Section 2** of this bill revises the duties of the Commission.

Section 3 of this bill deletes the requirement for staff assistance and authorizes the Commission to employ such staff and personnel as necessary to carry out its duties. **Section 3** also requires the Commission to submit annually to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission, and the estimated cost thereof, for the following year. The Director must review and approve or modify the proposal and submit to the Interim Finance Committee the proposal and a request for an allocation to the Commission. The Interim Finance Committee must review the proposal and request

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and may provide for an amount to be allocated to the Commission for the following fiscal year. On the July 1 after the Interim Finance Committee provides for the allocation, the State Controller must transfer to the budget account of the Commission from the budget account of each entity in the Department an amount equal to that entity's proportionate share of the allocated amount. Each entity's proportionate share is determined by dividing the number of full-time equivalent positions in the entity by the number of full-time equivalent positions in the Department.

Section 5 of this bill provides for an allocation to the Commission for the period from January 1, 2014, to June 30, 2014, according to the procedure described in **section 3**.

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

Section 1. NRS 232.845 is hereby amended to read as follows:

232.845 1. The Office of Ombudsman of Consumer Affairs for Minorities is hereby created within the Office of the Director. The Ombudsman shall:

(a) Provide for continued educational, outreach and service programs for minority groups pertaining to consumer fraud; and

(b) Assist the Nevada Commission on Minority Affairs created by NRS 232.852.

2. The Director shall ~~[appoint]~~ ***:***

(a) Appoint the Ombudsman of Consumer Affairs for Minorities ~~[.]~~ ***; and***

(b) Provide the services of an investigator to the Ombudsman.

3. The Ombudsman of Consumer Affairs for Minorities is:

(a) In the unclassified service of the State.

(b) Directly responsible to the Director.

Sec. 2. NRS 232.860 is hereby amended to read as follows:

232.860 The Commission shall, within the limits of available money:

1. Study matters affecting the social and economic welfare and well-being of minorities residing in the State of Nevada;

2. Collect and disseminate information on ***:***

(a) Business activities, programs and essential services available to minorities in the State of Nevada; ***and***

(b) The procurement of goods and services by state and local governments from businesses that are owned by minorities;

3. ***Collect information on the employment of minorities in the State of Nevada and provide that information to agencies of the State whose duties relate to training and employment;***

4. Study the:

(a) Availability of employment for minorities in this State, and the manner in which minorities are employed;

(b) Manner in which minorities can be encouraged to start and manage their own businesses successfully; and

(c) Availability of affordable housing for minorities;

~~[4.]~~ ***5.*** In cooperation with the Nevada Equal Rights Commission, act as a liaison to inform persons regarding:

(a) The laws of this State that prohibit discriminatory practices; and

(b) The procedures pursuant to which aggrieved persons may file complaints or otherwise take action to remedy such discriminatory practices;

~~[5.]~~ ***6.*** To the extent practicable, strive to create networks within the business community between businesses that are owned by minorities and businesses that are not owned by minorities;

~~[6.]~~ ***7.*** Advise the Governor on matters relating to minorities and of concern to minorities; and

~~[7.]~~ ***8.*** Recommend proposed legislation to the Governor.

Sec. 3. NRS 232.864 is hereby amended to read as follows:

232.864 1. ~~[The Director of the Department of Administration shall provide staff assistance to the Commission as the Governor deems appropriate.~~

~~2.]~~ The Commission may ~~[engage]~~ ***:***

(a) Employ such staff and personnel as necessary to carry out its duties; and

(b) Engage the services of volunteer workers and consultants without compensation as is necessary from time to time.

2. On or before March 1 of each year, the Commission shall submit to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission for the following fiscal year. The proposal must include a description of the proposed programs and the estimated cost of those programs.

3. On or before April 1 of each year, the Director shall:

(a) Review the proposal submitted pursuant to subsection 2;

(b) Approve or modify the proposal; and

(c) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee the approved or modified proposal and a request for an allocation to the Commission for the following fiscal year pursuant to subsection 5.

4. On or before June 30 of each year, the Interim Finance Committee:

(a) Shall review the proposal and request submitted pursuant to subsection 3; and

(b) May by resolution establish an amount to be allocated to the Commission for the following fiscal year pursuant to subsection 5.

5. On July 1 of each year, the State Controller shall transfer to the budget account of the Commission from the budget account of each entity listed or described in subsection 2 of NRS 232.510 an amount equal to that entity's proportionate share of the amount established pursuant to subsection 4 to be allocated to the Commission. Each entity's proportionate share must be determined by dividing the number of full-time equivalent positions in the entity as of the immediately preceding July 1 by the total number of full-time equivalent positions in the Department of Business and Industry as of the immediately preceding July 1.

6. Any amount allocated to the Commission pursuant to this section must be in addition to the amount set forth for the Commission in the legislatively approved budget for the biennium of which that fiscal year is a part.

Sec. 4. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in a regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by ***NRS 232.864,*** subsection 5 of NRS 284.115, NRS 284.1729, 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Division of the Department of Administration that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 5. 1. On or before September 1, 2013, the Nevada Commission on Minority Affairs shall submit to the Director of the Department of Business and Industry a proposal of programs to be undertaken by the Commission for the period beginning January 1, 2014, and ending June 30, 2014. The proposal must include a description of the proposed programs and the estimated cost of those programs.

2. On or before October 1, 2013, the Director shall:

(a) Review the proposal submitted pursuant to subsection 1;

(b) Approve or modify the proposal; and

(c) Submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee the approved or modified proposal and a request for an allocation to the Commission for the period beginning January 1, 2014, and ending June 30, 2014, pursuant to subsection 4.

3. On or before December 31, 2013, the Interim Finance Committee:

(a) Shall review the proposal and request submitted pursuant to subsection 2; and

(b) May by resolution establish an amount to be allocated to the Commission for the period beginning January 1, 2014, and ending June 30, 2014, pursuant to subsection 4.

4. On January 1, 2014, the State Controller shall transfer to the budget account of the Commission from the budget account of each entity listed or described in subsection 2 of NRS 232.510 an amount equal to that entity's proportionate share of the amount established pursuant to subsection 3 to be allocated to the Commission. Each entity's proportionate share must be determined by dividing the number of full-time equivalent positions in the entity as of July 1, 2013, by the total number of full-time equivalent positions in the Department of Business and Industry as of July 1, 2013.

5. Any amount allocated to the Commission pursuant to this section must be in addition to the amount set forth for the Commission in the legislatively approved budget for the biennium beginning July 1, 2013.

Sec. 6. This act becomes effective on July 1, 2013.

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