

ASSEMBLY BILL NO. 445—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

MARCH 29, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to financial administration. (BDR 18-862)

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 financial administration; transferring the Office of Grant Procurement, Coordination and Management in the Department of Administration to the Office of the Governor; renaming the Office as the Office of Federal Assistance; requiring the Governor to appoint a Director of the Office; requiring the Director to develop a State Plan for Maximizing Federal Assistance; revising the duties of the Office relating to the procurement, coordination and management of federal assistance; creating the Nevada Grant Matching Program to provide funds to certain public agencies, tribal governments and nonprofit organizations as matching funds for federal grants; requiring that certain money from the Abandoned Property Trust Account be transferred to a trust fund established as part of the Program; revising the membership and duties of the Nevada Advisory Council on Federal Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law creates the Office of Grant Procurement, Coordination and
- 2 Management of the Department of Administration to assist state agencies with
- 3 identifying, obtaining and managing federal grants. (NRS 232.213, 232.222-
- 4 232.227) **Sections 2-25** of this bill transfer the Office of Grant Procurement,
- 5 Coordination and Management into the Office of the Governor. **Section 8** of this
- 6 bill renames the Office as the Office of Federal Assistance. **Sections 17-19, 23-25**
- 7 **and 29** of this bill make conforming changes relating to the transfer and renaming



of this Office. **Section 8** also requires: (1) the Governor to propose a budget for the Office; and (2) the Office to maintain an office in northern Nevada and southern Nevada. **Section 20** of this bill requires the Governor to appoint a Director of the Office, who serves in the nonclassified service of the State. Subject to the limits of available funding, **section 21** of this bill: (1) authorizes the Director to employ such persons as are necessary to carry out the duties of the Office; and (2) provides that such persons serve in the nonclassified service of the State. **Section 16** of this bill makes a conforming change relating to the employment by the Director of certain persons in the nonclassified service of the State.

Section 9 of this bill requires the Director to develop a State Plan for Maximizing Federal Assistance and post the plan on the Internet website maintained by the Office. **Section 22** of this bill requires the Director to: (1) carry out the State Plan developed pursuant to **section 9**; (2) administer a grant management system; (3) develop a manual of policies and procedures relating to federal assistance and post the manual on the Internet website maintained by the Office; (4) serve as the designated entity to perform certain duties for purposes of an Executive Order; and (5) perform certain duties previously performed by the Administrator of the Office of Grant Procurement, Coordination and Management.

Existing law directs the Administrator of the Office of Grant Procurement, Coordination and Management to create a pilot program to provide funds to state agencies, local governments, tribal governments and nonprofit organizations for the purpose of satisfying the matching requirement for a federal or nongovernmental organization grant. (Section 2 of chapter 575, Statutes of Nevada 2019, at page 3709) **Section 11** of this bill creates the Nevada Grant Matching Program within the Office of Federal Assistance. **Section 11** requires the Program to serve the same purpose the pilot program served, except that the Program will not provide funds for the purpose of satisfying any matching requirement for any nongovernmental organization grant. **Section 12** of this bill creates the Grant Matching Fund as part of the Program, and requires the Fund to be administered by the Office of Federal Assistance. **Section 12** also: (1) prohibits the Office from using more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs; and (2) provides that any balance remaining at the end of an odd-numbered fiscal year reverts to the State General Fund.

Existing law provides for the creation of the Abandoned Property Trust Account into which proceeds from the sale of abandoned property are deposited. Under existing law, the first \$7,600,000 of the balance in the Account is required to be transferred to the Millennium Scholarship Trust Fund at the end of each fiscal year. (NRS 120A.620) **Section 26** of this bill requires the next \$1,000,000 of the balance in the Account to be transferred to the Grant Matching Fund Account created by **section 12** at the end of each fiscal year.

Section 13 of this bill requires the Director to: (1) consult with the Nevada Advisory Council on Federal Assistance and certain other persons to develop certain processes relating to the Program; and (2) administer all applicable aspects of those processes. **Section 14** of this bill adopts the same criteria for eligibility for a grant from the Grant Matching Fund as were adopted for eligibility for a grant under the pilot program. **Section 15** of this bill requires the Director to prepare and submit a biennial report to the Legislature that includes certain information relating to grant requests received and approved by the Director.

Existing law creates the Nevada Advisory Council on Federal Assistance for the purposes of advising and assisting state and local agencies with respect to obtaining and maximizing federal assistance that may be available from any agency or authority of the Federal Government. (NRS 358.020, 358.040) **Section 27** of this bill expands the membership of the Nevada Advisory Council on Federal Assistance to include: (1) two voting members who represent a nonprofit organization that provides grants in this State, a local agency or a tribal government



and are appointed by the Majority Leader of the Senate and the Speaker of the Assembly, respectively; (2) the State Treasurer, who serves as a voting member; and (3) the State Controller, who serves as a voting member. **Section 28** of this bill revises the duties of the Council to require the Council to: (1) advise and assist the Director with developing and carrying out the State Plan for Maximizing Federal Assistance and carrying out certain other responsibilities; and (2) develop legislative and executive recommendations relating to obtaining and maximizing federal assistance in this State. **Sections 3-7 and 10** of this bill define certain terms relating to the Office and Program.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Director" means the Director of the Office.*

Sec. 4. *"Federal assistance" means money, equipment, material or services that may be available to a state agency, local agency, tribal government or nonprofit organization from any agency or authority of the Federal Government pursuant to a federal program.*

Sec. 5. *"Local agency" means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision.*

Sec. 6. *"Office" means the Office of Federal Assistance created by section 8 of this act.*

Sec. 7. *"State agency" means an agency, bureau, board, commission, department, division or any other unit of government of the State Government.*

Sec. 8. 1. *There is hereby created within the Office of the Governor the Office of Federal Assistance for the purpose of obtaining and maximizing federal assistance.*

2. *The Governor shall propose a budget for the Office.*

3. *The Office shall maintain an office located in an urban area in northern Nevada and an office located in an urban area in southern Nevada.*

Sec. 9. 1. *The Director shall, in consultation with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, develop and may periodically revise a State Plan for Maximizing Federal Assistance, which must identify:*



(a) *Methods for expanding opportunities for obtaining federal assistance, including, without limitation, expanding opportunities for obtaining matching funds for federal assistance through the Nevada Grant Matching Program created by section 11 of this act;*

(b) *Methods for streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that exist at each level of federal, state or local government;*

(c) *Opportunities for:*

(1) *Reducing administrative costs associated with obtaining federal assistance; and*

(2) *Coordination between state agencies, local agencies, tribal governments and nonprofit organizations to avoid duplication and achieve common goals;*

(d) *Specific tasks which must be performed to maximize the amount of federal assistance received by this State and a schedule for implementing any such tasks; and*

(e) *Standards for:*

(1) *The use of performance metrics by recipients of federal assistance; and*

(2) *Balancing the costs to a state agency, local agency, tribal government or nonprofit organization of maximizing eligibility for federal assistance relative to the ability of the agency, government or organization to effectively utilize such federal assistance.*

2. *The Director shall post the State Plan for Maximizing Federal Assistance on the Internet website maintained by the Office.*

Sec. 10. *As used in sections 10 to 15, inclusive, of this act, unless the context otherwise requires, "Program" means the Nevada Grant Matching Program created by section 11 of this act.*

Sec. 11. 1. *The Nevada Grant Matching Program is hereby created within the Office. The Program must:*

(a) *Allow state agencies, local agencies, tribal governments and nonprofit organizations to request grants from the Grant Matching Fund created by section 12 of this act for the purpose of satisfying the matching funds requirement for a federal grant;*

(b) *Provide a clear, streamlined and timely process for state agencies, local agencies, tribal governments and nonprofit organizations to apply for matching funds for a specific federal grant and receive a prompt decision from the Director; and*

(c) *Prioritize grants that:*

(1) *Add services to constituents;*

(2) *Align with the documented priorities of the state agency, local agency, tribal government or nonprofit organization;*



(3) Address the needs of underserved or frontier communities;

(4) Help state agencies, local agencies, tribal governments and nonprofit organizations build capacity for future grant opportunities; and

(5) Enable a state agency, local agency, tribal government or nonprofit organization to sustain the grant in its next budget.

Sec. 12. 1. The Grant Matching Fund is hereby created as a trust fund in the State Treasury. The Office shall administer the Grant Matching Fund.

2. Money received from:

(a) A direct legislative appropriation to the Grant Matching Fund;

(b) A transfer from the Abandoned Property Trust Account pursuant to NRS 120A.620; and

(c) A grant, gift or donation to the Grant Matching Fund, ➤ must be deposited in the Grant Matching Fund. The interest and income earned on the money in the Grant Matching Fund must be credited to the Grant Matching Fund.

3. The Office may use not more than 10 percent of the amount deposited in the Grant Matching Fund to pay administrative and personnel costs.

4. The balance remaining in the Grant Matching Fund that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year reverts to the State General Fund.

Sec. 13. 1. The Director shall consult with the Nevada Advisory Council on Federal Assistance created by NRS 358.020, grant professionals employed by the State and other grant experts to develop:

(a) A process for:

(1) State agencies, local agencies, tribal governments and nonprofit organizations to make a request for a grant for matching funds;

(2) The payment or transfer of grant money; and

(3) Reporting on the use and implementation of grant awards; and

(b) Criteria for the review, award and notification of grant requests.

2. The Director shall administer all applicable aspects of the process set forth in subsection 1.

Sec. 14. To be eligible for a grant from the Grant Matching Fund created by section 12 of this act, a state agency, local agency, tribal government or nonprofit organization must:

1. Demonstrate that:



1 (a) *It is pursuing a bona fide federal grant for which it is*
2 *eligible;*

3 (b) *It attempted but was unable to secure matching funding*
4 *through its own budget or in-kind resources;*

5 (c) *The grant is within its scope;*

6 (d) *The grant is a competitive grant; and*

7 (e) *The grant will provide not less than \$2 for each \$1 received*
8 *from the Grant Matching Fund.*

9 2. *Apply for a grant in the form and process prescribed by the*
10 *Director.*

11 3. *Adhere to other requirements deemed appropriate for the*
12 *Program.*

13 **Sec. 15.** *On or before January 1 of each odd-numbered year,*
14 *the Director of the Office shall prepare and submit to the Director*
15 *of the Legislative Counsel Bureau for transmittal to the*
16 *Legislature a summary report for the Program detailing:*

17 1. *The number and purpose of grant requests received from*
18 *state agencies, local agencies, tribal governments and nonprofit*
19 *organizations;*

20 2. *The number and purpose of grant requests approved and*
21 *the amount of money awarded from the Grant Matching Fund*
22 *created by section 12 of this act to each approved grant request*
23 *applicant; and*

24 3. *The amount of federal grant funding received by each*
25 *grant applicant as a result of receiving money from the Grant*
26 *Matching Fund.*

27 **Sec. 16.** NRS 223.085 is hereby amended to read as follows:

28 223.085 1. The Governor may, within the limits of available
29 money, employ such persons as he or she deems necessary to
30 provide an appropriate staff for the Office of the Governor,
31 including, without limitation, the Office of Economic Development,
32 *the Office of Federal Assistance*, the Office of Science, Innovation
33 and Technology, the Office of the Western Regional Education
34 Compact, the Office of Workforce Innovation and the Governor's
35 mansion. Except as otherwise provided by specific statute, such
36 employees are not in the classified or unclassified service of the
37 State and, except as otherwise provided in NRS 231.043 and
38 231.047, serve at the pleasure of the Governor.

39 2. Except as otherwise provided by specific statute, the
40 Governor shall:

41 (a) Determine the salaries and benefits of the persons employed
42 pursuant to subsection 1, within limits of money available for that
43 purpose; and



(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

➤ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 17. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

(a) Risk Management Division.

(b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(c) State Public Works Division.

(d) Purchasing Division.

(e) Administrative Services Division.

(f) Division of Human Resource Management.

(g) Division of Enterprise Information Technology Services.

(h) Division of State Library, Archives and Public Records.

~~(i) [Office of Grant Procurement, Coordination and Management.]~~

~~—(j)]~~ Fleet Services Division.

~~[(k)]~~ (j) Public Employees' Deferred Compensation Program.

Sec. 18. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

(a) Risk Management Division;

(b) State Public Works Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Human Resource Management;

(f) Division of Enterprise Information Technology Services;

(g) Division of State Library, Archives and Public Records;

~~[(h) Office of Grant Procurement, Coordination and Management;]~~ and

~~[(i)]~~ (h) Fleet Services Division.

2. Shall, with the concurrence of the Governor and the Committee to Administer the Public Employees' Deferred



1 Compensation Program, appoint the Executive Officer of the Public
2 Employees' Deferred Compensation Program.

3 3. Shall serve as Chief of the Hearings Division and shall
4 appoint the hearing officers and compensation officers. The Director
5 may designate one of the appeals officers in the Division to
6 supervise the administrative, technical and procedural activities of
7 the Division.

8 4. Is responsible for the administration, through the divisions
9 of the Department, of the provisions of chapters 233F, 242 and 284
10 of NRS, NRS 287.250 to 287.370, inclusive, and chapters 331, 333,
11 336, 338, 341 and 378 of NRS and all other provisions of law
12 relating to the functions of the divisions of the Department.

13 5. Is responsible for the administration of the laws of this State
14 relating to the negotiation and procurement of medical services and
15 other benefits for state agencies.

16 6. Has such other powers and duties as are provided by law.

17 **Sec. 19.** NRS 232.2165 is hereby amended to read as follows:

18 232.2165 1. The Administrator of:

19 (a) The State Public Works Division;

20 (b) The Purchasing Division;

21 (c) The Administrative Services Division;

22 (d) The Division of Human Resource Management;

23 (e) The Division of Enterprise Information Technology
24 Services;

25 (f) The Division of State Library, Archives and Public Records;

26 ~~{(g) The Office of Grant Procurement, Coordination and~~
27 ~~Management;}~~ and

28 ~~{(h)}~~ (g) The Fleet Services Division,

29 ➔ of the Department serves at the pleasure of the Director and is in
30 the unclassified service of the State.

31 2. The Executive Officer of the Public Employees' Deferred
32 Compensation Program appointed pursuant to NRS 232.215 is in the
33 unclassified service of the State and serves at the pleasure of the
34 Director, except that he or she may be removed by a majority vote
35 of the Committee to Administer the Public Employees' Deferred
36 Compensation Program.

37 **Sec. 20.** NRS 232.222 is hereby amended to read as follows:

38 232.222 1. The ~~{person appointed to serve as the~~
39 ~~Administrator}~~ **Governor shall appoint a Director** of the Office ~~{of~~
40 ~~Grant Procurement, Coordination and Management}~~ **who** must
41 ~~{have:}~~ **possess:**

42 (a) Extensive expertise and experience in applying for and
43 receiving ~~{grants;}~~ **federal assistance;**

44 (b) Specialized knowledge of the process of grant writing and
45 approval in the public and private ~~{sector;}~~ **sectors;** and



(c) Proven experience in designing and managing programs which rely solely or partially upon ~~[money received from grants.]~~ *federal assistance.*

2. The ~~[Administrator]~~ *Director* shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

3. The Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.

Sec. 21. NRS 232.223 is hereby amended to read as follows:

232.223 1. The ~~[Administrator of the Office of Grant Procurement, Coordination and Management]~~ *Director* shall, within the limits of money appropriated or authorized to be expended for this purpose, employ such persons as he or she deems necessary to ~~[serve]~~ *carry out the provisions of sections 2 to 15, inclusive, of this act.*

2. A person employed pursuant to subsection 1 is not in the classified or unclassified service of the State ~~[for the purposes set forth in this section.]~~

~~—2. A person employed pursuant to this section shall, under the direction of the Administrator of the Office of Grant Procurement, Coordination and Management, assist the Administrator in carrying out the provisions of NRS 232.222 to 232.227, inclusive.] and serves at the pleasure of the Director.~~

Sec. 22. NRS 232.224 is hereby amended to read as follows:

232.224 1. The ~~[Administrator]~~ *Director* of the Office of ~~[Grant Procurement, Coordination and Management]~~ *Federal Assistance* shall:

(a) ~~[Research and identify federal grants which may be available to state agencies.]~~ *Coordinate and collaborate with state agencies, local agencies, tribal governments and nonprofit organizations to implement the State Plan for Maximizing Federal Assistance developed pursuant to section 9 of this act;*

(b) ~~[Write grants for federal funds for state agencies.]~~
~~—(c) Coordinate]~~ *To the extent money is available, administer a grant management system;*

(c) *Develop a manual of policies and procedures relating to federal assistance and post the manual on the Internet website maintained by the Office;*

(d) *Serve as the entity designated by the State to review and coordinate proposed federal financial assistance and direct federal development for purposes of 47 Fed. Reg. 30,959 (July 14, 1982);*

(e) *To the greatest extent practicable, coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal* ~~[grants and related programs.]~~



1 ~~—(d)~~ *assistance;*

2 (f) If requested by a state agency, research the availability of
3 ~~[grants and write grant proposals and applications]~~ *federal*
4 *assistance* for the state agency.

5 ~~{{(e)}}~~ (g) To the greatest extent practicable, ensure that state
6 agencies are aware of any ~~[grant]~~ opportunities *to obtain federal*
7 *assistance* for which they are or may be eligible.

8 ~~{{(f)}}~~ (h) If requested by the ~~[director]~~ *executive head* of a state
9 agency, advise the ~~[director and the]~~ state agency concerning the
10 requirements for receiving and managing ~~[grants.~~

11 ~~—(g)~~ *federal assistance;*

12 (i) To the greatest extent practicable, coordinate with state
13 *agencies* and local agencies that have received ~~[grants]~~ *federal*
14 *assistance* for similar projects to ensure that the efforts and services
15 of those ~~[state and local]~~ agencies are not duplicated.

16 ~~{{(h)}}~~ (j) Serve as a clearinghouse for disseminating information
17 relating to unexpended grant money of state agencies by ~~[compiling]~~
18 :

19 (1) *Compiling* and updating periodically a list of the grants
20 and unexpended amounts thereof for which the Office received
21 notification from state agencies pursuant to subsection 3 of NRS
22 232.225 ; and ~~[making]~~

23 (2) *Making* the list available on the Internet website
24 maintained by the ~~[Department.~~

25 ~~—(i)~~ *Office; and*

26 (k) On or before January 1 of each odd-numbered year, submit
27 to the Director of the Legislative Counsel Bureau for transmittal to
28 the Legislature a report regarding all activity relating to the
29 application for, receipt of and use of grants in this State.

30 2. The ~~[Administrator]~~ *Director* may:

31 (a) Adopt regulations to carry out the provisions of this section
32 and NRS 232.225 and 232.226.

33 ~~[Provide training on grant procurement, coordination and~~
34 ~~management to state agencies.]~~ *If requested by a state agency, local*
35 *agency, tribal government or nonprofit organization, write grant*
36 *proposals and applications and otherwise assist such an entity in*
37 *obtaining federal resources.*

38 (c) Provide training and technical assistance regarding ~~[grant~~
39 ~~procurement, coordination and management]~~ *procuring,*
40 *coordinating and managing federal assistance* to *state agencies,*
41 local ~~[governments,]~~ *agencies,* tribal governments and nonprofit
42 organizations.

43 (d) Provide administrative support to the Nevada Advisory
44 Council on Federal Assistance created by NRS 358.020.



1 **Sec. 23.** NRS 232.225 is hereby amended to read as follows:
2 232.225 In addition to any other requirement concerning
3 applying for or receiving a grant, a state agency shall notify the
4 Office , ~~[of Grant Procurement, Coordination and Management,]~~ on
5 a form prescribed by the Office, of:

- 6 1. Any grant for which the state agency applies.
- 7 2. Any grant which the state agency receives.
- 8 3. The amount of any portion of a grant received by the state
9 agency that the state agency determines will be unexpended by the
10 end of the period for which the grant was made.

11 **Sec. 24.** NRS 232.226 is hereby amended to read as follows:

12 232.226 The Office ~~[of Grant Procurement, Coordination and~~
13 ~~Management]~~ may apply for and receive any gift, grant, contribution
14 or other money from any source to carry out the provisions of NRS
15 232.222 to 232.227, inclusive.

16 **Sec. 25.** NRS 232.227 is hereby amended to read as follows:

17 232.227 1. The Account for the Office of ~~[Grant~~
18 ~~Procurement, Coordination and Management]~~ *Federal Assistance* is
19 hereby created in the State General Fund. The Account must be
20 administered by the ~~[Administrator of the Office.]~~ *Director*.

21 2. Any money accepted pursuant to NRS 232.226 must be
22 deposited in the Account.

23 3. The interest and income earned on the money in the
24 Account, after deducting any applicable charges, must be credited to
25 the Account.

26 4. The money in the Account which is donated for a purpose
27 specified by the donor, within the scope of the duties of the
28 ~~[Administrator of the Office of Grant Procurement, Coordination~~
29 ~~and Management,]~~ *Director*, must only be used for that purpose. If
30 no purpose is specified, the money in the Account must only be used
31 to carry out the duties of the ~~[Administrator.]~~ *Director*.

32 5. Claims against the Account must be paid as other claims
33 against the State are paid.

34 **Sec. 26.** NRS 120A.620 is hereby amended to read as follows:

35 120A.620 1. There is hereby created in the State General
36 Fund the Abandoned Property Trust Account.

37 2. All money received by the Administrator under this chapter,
38 including the proceeds from the sale of abandoned property, must be
39 deposited by the Administrator in the State General Fund for credit
40 to the Account.

41 3. Before making a deposit, the Administrator shall record the
42 name and last known address of each person appearing from the
43 holders' reports to be entitled to the abandoned property and
44 the name and last known address of each insured person or
45 annuitant, and with respect to each policy or contract listed in the



report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) *The next \$1,000,000 each year must be transferred to the Grant Matching Fund created by section 12 of this act.*

(c) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund ~~or~~ *or the Grant Matching Fund.*

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 27. NRS 358.020 is hereby amended to read as follows:

358.020 1. The Nevada Advisory Council on Federal Assistance is hereby created. The Council consists of the following ~~seven~~ *11* members:

(a) One member of the Senate appointed by the Majority Leader of the Senate.

(b) One member of the Assembly appointed by the Speaker of the Assembly.

(c) *One member appointed by the Majority Leader of the Senate who represents a nonprofit organization that provides grants in this State, a local agency or a tribal government.*



1 *(d) One member appointed by the Speaker of the Assembly*
2 *who represents a nonprofit organization that provides grants in*
3 *this State, a local agency or a tribal government.*

4 (e) One member appointed by the Governor who represents a
5 nonprofit organization that provides grants in this State.

6 ~~[(d)]~~ (f) One member appointed by the Governor who represents
7 a local government.

8 ~~[(e)]~~ (g) One member appointed by the Governor who represents
9 private businesses.

10 ~~[(f)]~~ (h) *The State Treasurer, who may name a designee to*
11 *serve on the Council on his or her behalf.*

12 (i) *The State Controller, who may name a designee to serve on*
13 *the Council on his or her behalf.*

14 (j) The Chief of the Budget Division of the Office of Finance.

15 ~~[(g)]~~ (k) The ~~[(Administrator)]~~ *Director* of the Office of ~~[(Grant~~
16 ~~Procurement, Coordination and Management of the Department of~~
17 ~~Administration.)~~ *Federal Assistance.*

18 2. The members described in:

19 (a) Paragraphs (a) to ~~[(e)]~~ (i), inclusive, of subsection 1 are
20 voting members.

21 (b) Paragraphs ~~[(f)]~~ (j) and ~~[(g)]~~ (k) of subsection 1 are
22 nonvoting members.

23 3. The Governor shall, to the extent practicable, collaborate to
24 ensure that the persons appointed pursuant to paragraphs ~~[(e)],~~ ~~[(d)]~~
25 ~~and~~ (e), (f) and (g) of subsection 1 are representative of the urban
26 and rural areas of this State.

27 4. Each appointed member of the Council serves a term of 2
28 years.

29 5. An appointed member of the Council:

30 (a) May be reappointed.

31 (b) Shall not serve more than three terms.

32 6. Any vacancy occurring in the appointed membership of the
33 Council must be filled in the same manner as the original
34 appointment not later than 30 days after the vacancy occurs. A
35 member appointed to fill a vacancy shall serve as a member of the
36 Council for the remainder of the original term of appointment.

37 7. Each member of the Council:

38 (a) Serves without compensation; and

39 (b) While engaged in the business of the Council, is entitled to
40 receive the per diem allowance and travel expenses provided for
41 state officers and employees generally.

42 8. The ~~[(Department of Administration)]~~ *Office of Federal*
43 *Assistance* shall provide the Council with administrative support.



Sec. 28. NRS 358.040 is hereby amended to read as follows:

358.040 1. The Council shall ~~[within the scope of its authority, advise] :~~

(a) Advise and assist ~~[state and local agencies with respect]~~ *the Director with:*

(1) Developing and carrying out the State Plan For Maximizing Federal Assistance required by section 9 of this act; and

(2) Carrying out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation, any training provided by the Director pursuant to subsection 2 of section NRS 223.224; and

(b) Develop legislative and executive recommendations relating to obtaining and maximizing federal assistance ~~[in this State].~~

2. The Council may request information from state and local agencies , *tribal governments and nonprofit organizations* for the purposes of *advising and assisting the Director with* evaluating and monitoring the success of such agencies , *governments or organizations* in accordance with the stated purpose of the ~~[Council]~~ *Office* pursuant to ~~[subsection 1.]~~ *section 8 of this act.* A state ~~[or]~~ *agency*, local agency , *tribal government or nonprofit organization* may provide any information, collaborate with the Council or utilize any assistance offered by the Council for the purpose of obtaining and maximizing any federal assistance that may be available to the ~~[state or local]~~ *agency [], government or organization.*

3. ~~[The Council shall:~~

~~—(a) Address methods and models for identifying, procuring, utilizing and maintaining federal assistance, including, without limitation:~~

~~——(1) Streamlining process, regulatory, structural and other barriers to the acquisition of federal assistance that may exist at each level of federal, state or local government.~~

~~——(2) Developing and expanding opportunities for obtaining matching funds for federal assistance.~~

~~——(3) Ensuring sufficient personnel and technical expertise in state and local governments and nonprofit organizations.~~

~~——(4) Developing and expanding opportunities to work with nonprofit organizations to achieve common goals.~~

~~——(5) Standards for balancing the costs to a state or local agency of maximizing eligibility for federal assistance relative to the ability of the agency to utilize effectively such federal assistance.~~

~~—(b) Develop legislative and executive recommendations on matters described in paragraph (a).~~

~~—4.]~~ As used in this section ~~[, “federal] :~~



(a) *“Director” means the Director of the Office.*

(b) *“Federal assistance” ~~means money, equipment, material or services that may be available to a state or local agency from any agency or authority of the Federal Government pursuant to a federal program.~~ has the meaning ascribed to it in section 4 of this act.*

(c) *“Office” means the Office of Federal Assistance created by section 6 of this act.*

Sec. 29. NRS 439.263 is hereby amended to read as follows:

439.263 1. It is the policy of this State to:

(a) Improve the completeness and quality of data concerning diverse demographic groups that is collected, reported and analyzed for the purposes of clinical trials of drugs and medical devices;

(b) Identify barriers to participation in clinical trials by persons who are members of demographic groups that are underrepresented in such trials and employ strategies recognized by the United States Food and Drug Administration to encourage greater participation in clinical trials by such persons; and

(c) Make data concerning demographic groups that is collected, reported and analyzed for the purposes of clinical trials more available and transparent.

2. To assist in carrying out this policy:

(a) The Division shall review the most recent version of “Collection of Race and Ethnicity Data in Clinical Trials—Guidance for Industry and Food and Drug Administration Staff,” published by the United States Food and Drug Administration, and establish, using existing infrastructure and tools, a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such clinical trials. The program must include, without limitation:

(1) Collaboration with medical facilities, health authorities and other local governmental entities, nonprofit organizations and scientific investigators and institutions that are performing research relating to drugs or medical devices to assist such investigators and institutions in identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(2) The establishment and maintenance of an Internet website that:

(I) Provides information concerning methods recognized by the United States Food and Drug Administration for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials; and

(II) Contains links to Internet websites maintained by medical facilities, health authorities and other local governmental



1 entities, nonprofit organizations and scientific investigators and
2 institutions that are performing research relating to drugs or medical
3 devices in this State.

4 (b) With the assistance of the Office of ~~Grant Procurement,~~
5 ~~Coordination and Management of the Department of~~
6 ~~Administration,]~~ *Federal Assistance*, the Division shall apply for
7 grants from any source, including, without limitation, the Federal
8 Government, to fund the program established pursuant to
9 paragraph (a).

10 (c) Not later than May 1 of each even-numbered year, the
11 Division shall submit to the Director of the Legislative Counsel
12 Bureau for transmittal to the Legislature a report concerning the
13 status and results of the program established pursuant to
14 paragraph (a).

15 (d) Each state or local governmental entity that conducts clinical
16 trials of drugs or medical devices, including, without limitation, the
17 Board of Regents of the University of Nevada, shall adopt a policy
18 concerning the identification and recruitment of persons who are
19 members of underrepresented demographic groups to participate in
20 those clinical trials. Such a policy must include, without limitation,
21 requirements that investigators who are conducting clinical trials
22 collaborate with community-based organizations and use methods
23 recognized by the United States Food and Drug Administration to
24 identify and recruit such persons to participate in those clinical
25 trials.

26 3. For the purposes of this section, demographic groups that are
27 underrepresented in clinical trials may include, without limitation,
28 persons who are underrepresented by race, sex, sexual orientation,
29 socioeconomic status and age.

30 4. The Division may accept gifts, grants and donations from
31 any source for the purpose of carrying out the provisions of this
32 section.

33 5. As used in this section, “medical facility” has the meaning
34 ascribed to it in NRS 449.0151.

35 **Sec. 30.** The State Controller shall change the designation of
36 the name of the Account for the Office of Grant Procurement,
37 Coordination and Management created pursuant to NRS 223.227, as
38 amended by section 25 of this act, to the Account for the Office of
39 Federal Assistance without making any transfer of the money in the
40 Account. The assets and liabilities of the Account are unaffected by
41 the change of the name.

42 **Sec. 31.** In the codification of the Nevada Revised Statutes
43 after the 81st Legislative Session, the Legislative Counsel shall
44 move the provisions of NRS 232.222 to 232.227, inclusive, to
45 chapter 223 of the Nevada Revised Statutes.



1 **Sec. 32.** The provisions of subsection 1 of NRS 218D.380 do
2 not apply to any provision of this act which adds or revises a
3 requirement to submit a report to the Legislature.

4 **Sec. 33.** Notwithstanding the provisions of NRS 218D.430 and
5 218D.435, a committee, other than the Assembly Standing
6 Committee on Ways and Means and the Senate Standing Committee
7 on Finance, may vote on this act before the expiration of the period
8 prescribed for the return of a fiscal note in NRS 218D.475. This
9 section applies retroactively from and after March 22, 2021.

10 **Sec. 34.** 1. This section becomes effective upon passage and
11 approval.

12 2. Sections 1 to 33, inclusive, of this act become effective:

13 (a) Upon passage and approval for the purpose of adopting any
14 regulations and performing any other preparatory administrative
15 tasks that are necessary to carry out the provisions of this act; and

16 (b) On October 1, 2021, for all other purposes.

