

SENATE BILL NO. 302—SENATOR SPEARMAN

MARCH 22, 2021

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 18-171)

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 governmental administration; revising provisions relating to the Office of Minority Health and Equity of the Department of Health and Human Services; requiring the Legislative Auditor to include certain information relating to persons employed as a director or chief executive officer in the report of an audit to the extent of money available; declaring the policy of this State concerning employee diversity for state employers; requiring public employers to provide racial equity training to the extent of money available; requiring public officers and employees to complete any such training offered; requiring the Legislative Counsel to develop a racial equity worksheet to the extent of money available and include any such worksheet on the form on which a request for the drafting of a legislative measure must be made; imposing certain requirements concerning expenditures relating to certain health matters; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Office of Minority Health and Equity within the
2 Department of Health and Human Services. (NRS 232.474) If sufficient money is
3 available, existing law requires the Director of the Department to appoint a
4 Manager to oversee the Office. (NRS 232.477) Existing law authorizes the Office
5 to apply for and accept gifts, grants, appropriations and donations. (NRS 232.476)
6 **Section 1** of this bill creates the Minority Health and Equity Account and requires
7 that any gift, grant, appropriation or donation received by the Office be deposited in
8 the Account for the use of the Office. **Section 2** of this bill makes a conforming



9 change to indicate the proper placement of **section 1** in the Nevada Revised
10 Statutes. **Sections 5-8** of this bill make certain nonsubstantive revisions to account
11 for the possibility that there may not be sufficient money available to appoint a
12 Manager.

13 Existing law states that the purposes of the Office are to: (1) improve the
14 quality of health care services for members of minority groups; (2) increase access
15 to health care services for members of minority groups; (3) disseminate information
16 to and educate the public on matters concerning health care issues of interest to
17 minority groups; and (4) develop recommendations for changes in policy and
18 advocate on behalf of minority groups. (NRS 232.474) **Section 3** of this bill adds
19 the promotion of racial equity to the purposes of the Office. **Section 5** of this bill
20 makes a conforming change by requiring the biennial report of the Office
21 prescribed in existing law to include certain information relating to the manner in
22 which the Office has accomplished this purpose. (NRS 232.479) **Section 4** of this
23 bill expands the authority of the Office in existing law to allow the Office to enter
24 into joint partnerships with public and private entities to carry out its purposes.
25 (NRS 232.476)

26 Existing law creates an Advisory Committee within the Office, composed of
27 certain stakeholders appointed by the Director of the Department and the State
28 Board of Health. (NRS 232.482) Existing law requires the Advisory Committee to:
29 (1) advise the Manager of the Office; (2) review the Office's use of certain money
30 and certain reports submitted by the Office; and (3) make certain recommendations
31 relating to the Office. (NRS 232.484) **Section 8** of this bill additionally requires the
32 Advisory Committee to: (1) assist the Legislative Counsel in developing the racial
33 equity worksheet required by **section 10** of this bill; and (2) to the extent money is
34 available, coordinate, analyze, develop, evaluate and recommend strategies for
35 promoting racial equity in this State.

36 Existing law requires the Legislative Counsel to perform certain duties relating
37 to the drafting of legislative measures. (NRS 218D.050) Existing law also requires
38 that each request for a legislative measure be made on a form prescribed by the
39 Legislative Counsel. (NRS 218D.150, 218D.160, 218D.175-218D.220) **Section 10**
40 of this bill requires the Legislative Counsel, to the extent money is available, to
41 create, in consultation with the Advisory Committee, a racial equity worksheet that
42 is designed to enable a requester to consider racial equity in developing a request
43 for the drafting of a legislative measure. **Section 10** also: (1) requires the
44 Legislative Counsel to include any such worksheet on the form prescribed for
45 requesting the drafting of legislative matters and post the worksheet on the Internet
46 website of the Legislature; and (2) provides that completion of the worksheet is not
47 required as a condition for the drafting of a legislative measure.

48 Existing law requires the Legislative Auditor to conduct a certain audits of
49 accounts, funds and other records of agencies of the State to determine certain
50 information. (NRS 218G.200) **Section 13** of this bill requires a report of an audit
51 conducted by the Legislative Auditor to include certain information relating to
52 persons employed as a director or chief executive officer of the audited agency to
53 the extent money is available to do so.

54 **Section 15** of this bill: (1) declares the policy of the State that persons
55 employed by the State must, to the extent practicable, reflect the age, gender,
56 sexual, ethnic and geographic diversity of this State; and (2) requires each State
57 agency to post this policy on its Internet website.

58 **Section 16** of this bill requires a public employer, to the extent money is
59 available, to provide diversity and racial equity training to each employee. **Section**
60 **16** also requires a public officer or employee to complete any such training.

61 Existing law: (1) requires the Chief of the Budget Division of the Office of
62 Finance to biennially prepare a proposed budget for the Executive Department for
63 the next 2 fiscal years; and : (2) prescribes the contents of the proposed budget.



64 (NRS 353.185, 353.205) **Sections 17 and 18** of this bill require that any
65 expenditure proposed by that budget for a health care matter that disproportionately
66 affects Black and Indigenous persons and other persons of color must be proposed
67 to be made in a manner that is in direct proportion to the disproportionate effect of
68 that health care issue on each of those groups. **Section 11** of this bill requires the
69 Legislature to ensure that any money appropriated or authorized for a health care
70 matter that disproportionately affects those groups is distributed in direct proportion
71 to the disproportionate effect of that health care issue on each of those groups.

72 Existing law requires any department, institution or agency of the Executive
73 Department to submit any request for the revision of the work program of the
74 department, institution or agency for approval by the Chief and, for certain
75 significant expenditures, the Interim Finance Committee. (NRS 353.220) **Section**
76 **19** of this bill requires: (1) any proposed revision to a work program related to a
77 health care matter that disproportionately affects Black and Indigenous persons and
78 other persons of color to be proposed to be made in a manner that is in direct
79 proportion to the disproportionate effect of that health care issue on each of those
80 groups; and (2) the Interim Finance Committee to consider, when acting on the
81 proposed revision, whether the revision is proposed to be made in such a manner.

82 Existing law requires certain gifts or grants to a state agency to be approved by
83 the Interim Finance Committee. (NRS 353.335) **Section 20** of this bill requires the
84 Interim Finance Committee, when acting on a proposed gift or grant, to consider
85 whether a proposed gift or grant for a health care matter that disproportionately
86 affects Black and Indigenous persons and other persons of color is proposed to be
87 expended in a manner that is in direct proportion to the disproportionate effect of
88 that health care issue on each of those groups. **Section 12** of this bill requires the
89 Fiscal Analysis Division of the Legislative Counsel Bureau to annually prepare and
90 post on the Internet website of the Legislature a report concerning actions taken by
91 the Interim Finance Committee and the Legislature pursuant to **sections 11, 19 and**
92 **20** to ensure that expenditures on health care matters that disproportionately affect
93 Black and Indigenous persons and other persons of color are made in a manner that
94 is in direct proportion to the disproportionate effect of that health care issue on each
95 of those groups when acting on the proposed gift or grant.

1 WHEREAS, As stated by James Baldwin: "Not everything that is
2 faced can be changed, but nothing can be changed until it is faced;"
3 and

4 WHEREAS, Race is a social construct with no biological basis;
5 and

6 WHEREAS, Racism has deep, harmful impacts and unfairly
7 disadvantages Black, Indigenous and other persons of color
8 (BIPOC); and

9 WHEREAS, Racism has impeded solutions necessary to achieve
10 racial parity; and

11 WHEREAS, Nearly 49 percent of Nevada's population is
12 represented by persons of color, including persons who are Black,
13 Indigenous, Hispanic, Asian or Pacific Islander and persons of more
14 than one racial or ethnic background; and

15 WHEREAS, Nevada is a growing and diverse state with
16 continually shifting demographics; and



1 WHEREAS, Systemic racism and structures of racial
2 discrimination create generational poverty, and perpetuate
3 debilitating economic, educational and health hardships and
4 disproportionately affect people of color, causing the single most
5 profound economic and social challenge facing Nevada; and

6 WHEREAS, Communities with high rates of generational poverty
7 are often economically segregated and disproportionately burdened
8 by high rates of unemployment, crime and homelessness, low
9 wages, welfare dependency, food insecurity, underperforming
10 public schools, and chronic physical, mental and public health
11 challenges, such as stress, anxiety and childhood trauma; and

12 WHEREAS, The distribution of loans from the Paycheck
13 Protection Program and Health Care Enhancement Act, Pub. L. No.
14 116-139, supported fewer jobs per resident in BIPOC communities
15 than other communities, thereby widening pre-pandemic economic
16 and health-related inequality in BIPOC communities; and

17 WHEREAS, The American Medical Association, the American
18 Academy of Pediatrics, the American College of Obstetrics and
19 Gynecologists and the American Public Health Association
20 recognize that racism is a social determinant of health that has a
21 profound impact across the lifespan of an individual and that failure
22 to address racism is an urgent public health issue that will
23 exacerbate and perpetuate existing health inequities; and

24 WHEREAS, BIPOC women are up to four times more likely to
25 die of pregnancy-related complications than Caucasian women; and

26 WHEREAS, The disproportionate, detrimental health impacts of
27 COVID-19 on BIPOC communities are indicated by the
28 overrepresentation of BIPOC communities in hospitalization rates
29 and death rates; and

30 WHEREAS, The Office of Minority Health and Equity within the
31 Department of Health and Human Services was created in 2005 for
32 the purpose of improving health care outcomes for members of
33 minority groups; and

34 WHEREAS, The Office of Minority Health and Equity has not
35 been funded since 2015; and

36 WHEREAS, The economic performance of this State and the
37 promise that all Nevada residents shall have equal consideration and
38 opportunity under the laws requires our collective response to the
39 enduring problem of generational poverty and its health
40 implications; and

41 WHEREAS, Many local, regional, state and national entities have
42 recognized racism as a public health crisis; and

43 WHEREAS, During the 32nd Special Session of the Legislature,
44 the Legislature adopted Senate Concurrent Resolution No. 1 File
45 No. 12, Statutes of Nevada, 32nd Special Session, at page 175,



1 which declared that systemic racism and structures of racial
2 discrimination constitute a public health crisis; now, therefore,
3

4 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
5 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
6

7 **Section 1.** Chapter 232 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 **1. *The Minority Health and Equity Account is hereby created***
10 ***in the State General Fund. The Account must be administered by***
11 ***the Manager, if appointed, or the Director. The Manager or***
12 ***Director, as applicable, shall deposit in the Account:***

13 ***(a) Any legislative appropriations made to the Office; and***

14 ***(b) Any other money received by the Office pursuant to***
15 ***NRS 232.476.***

16 **2. *The interest and income earned on:***

17 ***(a) The money in the Account, after deducting any applicable***
18 ***charges; and***

19 ***(b) Unexpended appropriations made to the Account from the***
20 ***State General Fund,***

21 ***↪ must be credited to the Account.***

22 **3. *Any money in the Account and any unexpended***
23 ***appropriations made to the Account from the State General Fund***
24 ***remaining at the end of a fiscal year do not revert to the State***
25 ***General Fund, and the balance in the Account must be carried***
26 ***forward to the next fiscal year.***

27 **4. *The money in the Account must be expended to carry out***
28 ***the purposes of NRS 232.467 to 232.484, inclusive, and section 1***
29 ***of this act.***

30 **Sec. 2.** NRS 232.467 is hereby amended to read as follows:

31 232.467 As used in NRS 232.467 to 232.484, inclusive, ***and***
32 ***section 1 of this act,*** unless the context otherwise requires, the
33 words and terms defined in NRS 232.468 to 232.473, inclusive,
34 have the meanings ascribed to them in those sections.

35 **Sec. 3.** NRS 232.474 is hereby amended to read as follows:

36 232.474 The Office of Minority Health and Equity is hereby
37 created within the Department. The purposes of the Office of
38 Minority Health and Equity are to:

39 1. Improve the quality of health care services for members of
40 minority groups;

41 2. Increase access to health care services for members of
42 minority groups;

43 3. ***Promote racial equity, including, without limitation, in the***
44 ***workplace, health care systems, housing and public safety;***



1 4. Disseminate information to and educate the public on
2 matters concerning *racial equity and* health care issues of interest to
3 members of minority groups; and

4 ~~[4.]~~ 5. Develop recommendations for changes in policy and
5 advocate on behalf of minority groups to carry out the provisions of
6 subsections 1, 2 and ~~[2.]~~ 3.

7 **Sec. 4.** NRS 232.476 is hereby amended to read as follows:

8 232.476 The Office may:

9 1. Apply for any available grants and accept any available
10 gifts, grants, appropriations or donations . ~~[, and use any such gifts,
11 grants, appropriations or donations to carry out its purposes;]~~ *Any*
12 *such money received by the Office must be deposited in the*
13 *Minority Health and Equity Account created pursuant to section 1*
14 *of this act.*

15 2. Contract *or enter into a partnership* with a public or private
16 entity to assist in carrying out its purposes . ~~[, and]~~

17 3. Adopt such regulations as are necessary to carry out the
18 provisions of NRS 232.467 to 232.484, inclusive ~~[,]~~ , *and section 1*
19 *of this act.*

20 **Sec. 5.** NRS 232.479 is hereby amended to read as follows:

21 232.479 On or before March 1 of each odd-numbered year, the
22 Manager , *if appointed, or the Office* shall submit a report to the
23 Governor and to the Director of the Legislative Counsel Bureau for
24 transmittal to the Legislature. The report must ~~[outline]~~ :

25 1. *Outline* the manner in which the Office has accomplished its
26 purposes during the biennium, including, without limitation,
27 information concerning the activities, findings and
28 recommendations of the Office as they relate to ~~[health]~~ :

29 (a) *Health* care services for members of minority groups and to
30 health care issues of interest to those members.

31 (b) *Racial equity.*

32 2. *Include a summary of any activities performed by the*
33 *Advisory Committee pursuant to NRS 232.484.*

34 **Sec. 6.** NRS 232.481 is hereby amended to read as follows:

35 232.481 1. The Manager , *if appointed, or the Office* may,
36 within the limits of legislative appropriations and other available
37 money, award a grant of money to a person for use consistent with
38 the provisions of NRS 232.467 to 232.484, inclusive ~~[,]~~ , *and*
39 *section 1 of this act.*

40 2. Before the Manager *or Office, as applicable,* may award a
41 grant pursuant to subsection 1, the Manager *or Director* shall adopt
42 by regulation:

43 (a) Procedures by which a person may apply for a grant from the
44 Manager ~~[,]~~ *or Office;*



1 (b) Criteria that the Manager *or Office, as applicable*, will
2 consider in determining whether to award a grant; and

3 (c) Procedures by which the Manager *or Office, as applicable*,
4 will distribute any money that the Office receives *by legislative*
5 *appropriation or* pursuant to subsection 1 of NRS 232.476.

6 **Sec. 7.** NRS 232.483 is hereby amended to read as follows:

7 232.483 1. To the extent that money is available for that
8 purpose, each member of the Advisory Committee who is not an
9 officer or employee of the State of Nevada is entitled to receive a
10 salary of not more than \$80 per day, as fixed by the Manager, *if*
11 *appointed, or the Director* in consultation with the Advisory
12 Committee, for each day or portion of a day spent on the business of
13 the Advisory Committee. Each member of the Advisory Committee
14 who is an officer or employee of the State of Nevada serves without
15 additional compensation. To the extent that money is available for
16 that purpose, each member of the Advisory Committee is entitled to
17 receive the per diem allowance and travel expenses provided for
18 state officers and employees generally. A claim for a payment
19 pursuant to this section must be made on a voucher approved by the
20 Manager and paid as other claims against the State are paid.

21 2. Each member of the Advisory Committee who is an officer
22 or employee of the State of Nevada or a local government must be
23 relieved from his or her duties without loss of regular compensation
24 so that he or she may prepare for and attend meetings of the
25 Advisory Committee and perform any work necessary to carry out
26 the duties of the Advisory Committee in the most timely manner
27 practicable. A state agency or local governmental entity may not
28 require an employee who is a member of the Advisory Committee to
29 make up time or take annual vacation or compensatory time for the
30 time that he or she is absent from work to carry out his or her duties
31 as a member of the Advisory Committee.

32 **Sec. 8.** NRS 232.484 is hereby amended to read as follows:

33 232.484 The Advisory Committee shall:

34 1. Advise the Manager, *if appointed, or the Office* on all
35 matters concerning the manner in which the purposes of the Office
36 are being carried out;

37 2. Review the manner in which the Office uses any gifts,
38 grants, donations or appropriations to carry out the purposes of the
39 Office and make recommendations; ~~and~~

40 3. Review any reports to be submitted by the Manager ~~and~~ *or*
41 *the Office, as applicable*, including, without limitation, the report
42 required pursuant to NRS 232.479, and make recommendations ~~and~~;

43 4. *Assist the Legislative Counsel in developing the racial*
44 *equity worksheet required by section 10 of this act; and*



1 5. *To the extent money is available, coordinate, analyze,*
2 *develop, evaluate and recommend strategies for advancing racial*
3 *equity in this State, including, without limitation, by:*

4 (a) *Reviewing and analyzing:*

5 (1) *The historical legacy of systemic racism in this State,*
6 *including its impacts across the social determinants of health;*

7 (2) *Existing policies, laws, regulations and practices that*
8 *contribute to, uphold, or exacerbate racial disparities in education,*
9 *housing, employment, economic security, public health, health*
10 *care, policing, criminal justice, transportation and public safety;*
11 *and*

12 (3) *Equity outcomes in hiring, promotional opportunities*
13 *and contracts awarded to minority-owned businesses by the State.*

14 (b) *Assessing workforce equity, including, without limitation,*
15 *by analyzing whether:*

16 (1) *The workforce is inclusive of persons of color at a rate*
17 *representative of their proportion of the population of this State;*
18 *and*

19 (2) *Institutional and structural barriers impacting employee*
20 *selection and retention have been eliminated, enabling opportunity*
21 *for employment success and career growth for minorities.*

22 (c) *Establishing a methodology, system of measurement and*
23 *any needs for data for assessing how state laws, regulations and*
24 *practices uphold or exacerbate racial disparities.*

25 (d) *Establishing goals and identifying strategies to advance*
26 *racial equity in this State, including, without limitation, workforce*
27 *equity and health-related equity.*

28 (e) *Making recommendations:*

29 (1) *For promoting racial equity and addressing systemic*
30 *racism, including, without limitation, through the adoption of*
31 *human resources policies and public health policies.*

32 (2) *Relating to the formation and implementation of racial*
33 *equity initiatives and proposals.*

34 **Sec. 9.** Chapter 218D of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 10 and 11 of this act.

36 **Sec. 10.** 1. *The Legislative Counsel shall:*

37 (a) *To the extent money is available for this purpose, create, in*
38 *consultation with the Advisory Committee created in the Office of*
39 *Minority Health and Equity by NRS 232.482, a racial equity*
40 *worksheet that is designed to enable a requester to consider racial*
41 *equity in developing a request for the drafting of a legislative*
42 *measure;*

43 (b) *Include any worksheet developed pursuant to paragraph*
44 *(a) on the form for requesting the drafting of legislative matters*
45 *prescribed by the Legislative Counsel; and*



1 (c) *Post any worksheet developed pursuant to paragraph (a) on*
2 *the Internet website of the Legislature.*

3 2. *A requester is not required to complete any worksheet*
4 *created pursuant to subsection 1 as a condition for submitting a*
5 *request for the drafting of a legislative measure.*

6 **Sec. 11.** *In enacting any bill that appropriates or authorizes*
7 *money for a health care matter that disproportionately affects*
8 *Black and Indigenous persons and other persons of color, the*
9 *Legislature shall ensure that the money is distributed in direct*
10 *proportion to the disproportionate effect of that health care issue*
11 *on each of those groups.*

12 **Sec. 12.** NRS 218F.600 is hereby amended to read as follows:

13 218F.600 1. The Fiscal Analysis Division consists of the
14 Senate Fiscal Analyst, the Assembly Fiscal Analyst and such
15 additional staff as the performance of their duties may require.

16 2. The Fiscal Analysis Division shall:

17 (a) Thoroughly examine all agencies of the State with special
18 regard to their activities and the duplication of efforts between them.

19 (b) Recommend to the Legislature any suggested changes
20 looking toward economy and the elimination of inefficiency in
21 government.

22 (c) Ascertain facts and make recommendations to the
23 Legislature concerning the budget of the State and the estimates of
24 the expenditure requirements of the agencies of the State.

25 (d) Make projections of future public revenues for the use of the
26 Legislature.

27 (e) Analyze the history and probable future trend of the State's
28 financial position in order that a sound fiscal policy may be
29 developed and maintained for the State of Nevada.

30 (f) Analyze appropriation bills, revenue bills and bills having a
31 fiscal impact upon the operation of the government of the State of
32 Nevada or its political subdivisions.

33 (g) Advise the Legislature and its members and committees
34 regarding matters of a fiscal nature.

35 (h) *Prepare and cause to be posted on the Internet website of*
36 *the Legislature annually a report concerning:*

37 (1) *In an even-numbered year, actions taken by the Interim*
38 *Finance Committee in accordance with paragraph (c) of*
39 *subsection 7 of NRS 353.220 and paragraph (e) of subsection 4 of*
40 *NRS 353.335; and*

41 (2) *In an odd-numbered year, actions taken by the*
42 *Legislature in accordance with section 11 of this act.*

43 (i) Perform such other functions as may be assigned to the Fiscal
44 Analysis Division by the Legislature, the Legislative Commission or
45 the Director.



1 **Sec. 13.** Chapter 218G of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *The Legislative Auditor shall, to the extent money is available*
4 *for this purpose, include*
5 *in a report of an audit the number of persons employed as a*
6 *director or chief executive officer of the audited agency, and, if*
7 *available, the number of such persons who self identify as:*

8 1. *Women, without regard to designated sex at birth.*

9 2. *Black, African-American, Hispanic, Latino, Asian, Pacific*
10 *Islander, Native American, Native Hawaiian, Native Alaskan, gay,*
11 *lesbian, bisexual or transgender.*

12 **Sec. 14.** Chapter 281 of NRS is hereby amended by adding
13 thereto the provisions set forth as sections 15 and 16 of this act.

14 **Sec. 15.** 1. *It is hereby declared to be the public policy of*
15 *the State of Nevada that, except as otherwise required by law,*
16 *persons employed by the State must, to the extent practicable,*
17 *reflect the diversity of this State, including, without limitation, the*
18 *age, gender, sexual, ethnic and geographic diversity of this State.*

19 2. *Each state agency shall post the policy set forth in*
20 *subsection 1 on the Internet website maintained by the State*
21 *agency.*

22 **Sec. 16.** 1. *To the extent money is available, a public*
23 *employer shall provide diversity and racial equity training to each*
24 *of its officers and employees, which may include, without*
25 *limitation, training regarding:*

26 (a) *Implicit and unconscious bias; and*

27 (b) *Undoing organizational, institutional, structural and*
28 *systemic racism.*

29 2. *A public officer or employee shall complete any training*
30 *provided pursuant to subsection 1.*

31 **Sec. 17.** NRS 353.185 is hereby amended to read as follows:

32 353.185 The powers and duties of the Chief are:

33 1. To appraise the quantity and quality of services rendered by
34 each agency in the Executive Department of the State Government,
35 and the needs for such services and for any new services.

36 2. To develop plans for improvements and economies in
37 organization and operation of the Executive Department, and to
38 install such plans as are approved by the respective heads of the
39 various agencies of the Executive Department, or as are directed to
40 be installed by the Governor or the Legislature.

41 3. To cooperate with the State Public Works Division of the
42 Department of Administration in developing comprehensive, long-
43 range plans for capital improvements and the means for financing
44 them.



1 4. To devise and prescribe the forms for reports on the
2 operations of the agencies in the Executive Department to be
3 required periodically from the several agencies in the Executive
4 Department, and to require the several agencies to make such
5 reports.

6 5. To prepare the executive budget report for the Governor's
7 approval and submission to the Legislature.

8 6. To prepare a proposed budget for the Executive Department
9 of the State Government for the next 2 fiscal years, which must:

10 (a) Present a complete financial plan for the next 2 fiscal years;

11 (b) Set forth all proposed expenditures for the administration,
12 operation and maintenance of the departments, institutions and
13 agencies of the Executive Department of the State Government,
14 including those operating on funds designated for specific purposes
15 by the Constitution or otherwise, which must include a separate
16 statement of:

17 (1) The anticipated expense, including personnel, for the
18 operation and maintenance of each capital improvement to be
19 constructed during the next 2 fiscal years and of each capital
20 improvement constructed on or after July 1, 1999, which is to be
21 used during those fiscal years or a future fiscal year; ~~and~~

22 (2) *If the expenditure is for a health care matter that*
23 *disproportionately affects Black and Indigenous persons and other*
24 *persons of color, the distribution of the money, which must be in*
25 *direct proportion to the disproportionate effect of that health care*
26 *issue on each of those groups; and*

27 (3) The proposed source of funding for the operation and
28 maintenance of each capital improvement, including personnel, to
29 be constructed during the next 2 fiscal years;

30 (c) Set forth all charges for interest and debt redemption during
31 the next 2 fiscal years;

32 (d) Set forth all expenditures for capital projects to be
33 undertaken and executed during the next 2 fiscal years, and which
34 must, to the extent practicable, provide that each capital project
35 which exceeds a cost of \$10,000,000 be scheduled to receive
36 funding for design and planning during one biennium and funding
37 for construction in the subsequent biennium; and

38 (e) Set forth the anticipated revenues of the State Government,
39 and any other additional means of financing the expenditures
40 proposed for the next 2 fiscal years.

41 7. To examine and approve work programs and allotments to
42 the several agencies in the Executive Department, and changes
43 therein.

44 8. To examine and approve statements and reports on the
45 estimated future financial condition and the operations of the



1 agencies in the Executive Department of the State Government and
2 the several budgetary units that have been prepared by those
3 agencies and budgetary units, before the reports are released to the
4 Governor, to the Legislature or for publication.

5 9. To receive and deal with requests for information as to the
6 budgetary status and operations of the executive agencies of the
7 State Government.

8 10. To prepare such statements of unit costs and other statistics
9 relating to cost as may be required from time to time, or requested
10 by the Governor or the Legislature.

11 11. To do and perform such other and further duties relative to
12 the development and submission of an adequate proposed budget for
13 the Executive Department of the State Government of the State of
14 Nevada as the Governor may require.

15 **Sec. 18.** NRS 353.205 is hereby amended to read as follows:

16 353.205 1. The proposed budget for the Executive
17 Department of the State Government for each fiscal year must be set
18 up in four parts:

19 (a) Part 1 must consist of a budgetary message by the Governor
20 which includes:

21 (1) A general summary of the long-term performance goals
22 of the Executive Department of the State Government for:

23 (I) Core governmental functions, including the education
24 of pupils in kindergarten through grade 12, higher education, human
25 services and public safety and health; and

26 (II) Other governmental services;

27 (2) An explanation of the means by which the proposed
28 budget will provide adequate funding for those governmental
29 functions and services such that ratable progress will be made
30 toward achieving those long-term performance goals;

31 (3) An outline of any other important features of the financial
32 plan of the Executive Department of the State Government for the
33 next 2 fiscal years; and

34 (4) A general summary of the proposed budget setting forth
35 the aggregate figures of the proposed budget in such a manner as to
36 show the balanced relations between the total proposed expenditures
37 and the total anticipated revenues, together with the other means of
38 financing the proposed budget for the next 2 fiscal years, contrasted
39 with the corresponding figures for the last completed fiscal year and
40 fiscal year in progress. The general summary of the proposed budget
41 must be supported by explanatory schedules or statements,
42 classifying the expenditures contained therein by organizational
43 units, objects and funds, and the income by organizational units,
44 sources and funds. The organizational units may be subclassified by



1 functions and by agencies, bureaus or commissions, or in any other
2 manner determined by the Chief.

3 (b) Part 2 must embrace the detailed budgetary estimates both of
4 expenditures and revenues as provided in NRS 353.150 to 353.246,
5 inclusive. The information must be presented in a manner which sets
6 forth separately the cost of continuing each program at the same
7 level of service as the current year and the cost, by budgetary issue,
8 of any recommendations to enhance or reduce that level of service.
9 Revenues must be summarized by type, and expenditures must be
10 summarized by program or budgetary account and by category of
11 expense. *If the expenditure is for a health care matter that*
12 *disproportionately affects Black and Indigenous persons and other*
13 *persons of color, the expenditure must be proposed to be made in a*
14 *manner that is in direct proportion to the disproportionate effect of*
15 *that health care issue on each of those groups.* Part 2 must include:

16 (1) The identification of each long-term performance goal of
17 the Executive Department of the State Government for:

18 (I) Core governmental functions, including the education
19 of pupils in kindergarten through grade 12, higher education, human
20 services, and public safety and health; and

21 (II) Other governmental services,
22 ↪ and of each intermediate objective for the next 2 fiscal years
23 toward achieving those goals.

24 (2) An explanation of the means by which the proposed
25 budget will provide adequate funding for those governmental
26 functions and services such that those intermediate objectives will
27 be met and progress will be made toward achieving those long-term
28 performance goals.

29 (3) A mission statement and measurement indicators for each
30 department, institution and other agency of the Executive
31 Department of the State Government, which articulate the
32 intermediate objectives and long-term performance goals each such
33 department, institution and other agency is tasked with achieving
34 and the particular measurement indicators tracked for each such
35 department, institution and other agency to determine whether the
36 department, institution or other agency is successful in achieving its
37 intermediate objectives and long-term performance goals, provided
38 in sufficient detail to assist the Legislature in performing an analysis
39 of the relative costs and benefits of program budgets and in
40 determining priorities for expenditures. If available, information
41 regarding such measurement indicators must be provided for each of
42 the previous 4 fiscal years. If a new measurement indicator is being
43 added, a rationale for that addition must be provided. If a
44 measurement indicator is being modified, information must be
45 provided regarding both the modified indicator and the indicator as



1 it existed before modification. If a measurement indicator is being
2 deleted, a rationale for that deletion and information regarding the
3 deleted indicator must be provided.

4 (4) Statements of the bonded indebtedness of the State
5 Government, showing the requirements for redemption of debt, the
6 debt authorized and unissued, and the condition of the sinking
7 funds.

8 (5) Any statements relative to the financial plan which the
9 Governor may deem desirable, or which may be required by the
10 Legislature.

11 (c) Part 3 must set forth, for the Office of Economic
12 Development and the Office of Energy, the results of the analyses
13 conducted by those offices and reported to the Chief pursuant to
14 NRS 353.207 for the immediately preceding 2 fiscal years.

15 (d) Part 4 must include a recommendation to the Legislature for
16 the drafting of a general appropriation bill authorizing, by
17 departments, institutions and agencies, and by funds, all
18 expenditures of the Executive Department of the State Government
19 for the next 2 fiscal years, and may include recommendations to the
20 Legislature for the drafting of such other bills as may be required to
21 provide the income necessary to finance the proposed budget and to
22 give legal sanction to the financial plan if adopted by the
23 Legislature.

24 2. Except as otherwise provided in NRS 353.211, as soon as
25 each part of the proposed budget is prepared, a copy of the part must
26 be transmitted to the Fiscal Analysis Division of the Legislative
27 Counsel Bureau for confidential examination and retention.

28 3. Except for the information provided to the Fiscal Analysis
29 Division of the Legislative Counsel Bureau pursuant to NRS
30 353.211, parts 1 and 2 of the proposed budget are confidential until
31 the Governor transmits the proposed budget to the Legislature
32 pursuant to NRS 353.230, regardless of whether those parts are in
33 the possession of the Executive or Legislative Department of the
34 State Government. Part 4 of the proposed budget is confidential
35 until the bills which result from the proposed budget are introduced
36 in the Legislature. As soon as practicable after the Governor
37 transmits the proposed budget to the Legislature pursuant to NRS
38 353.230, the information required to be included in the proposed
39 budget pursuant to subparagraphs (1), (2) and (3) of paragraph (b) of
40 subsection 1 must be posted on the Internet websites maintained by
41 the Budget Division of the Office of Finance.

42 **Sec. 19.** NRS 353.220 is hereby amended to read as follows:

43 353.220 1. The head of any department, institution or agency
44 of the Executive Department of the State Government, whenever he
45 or she deems it necessary because of changed conditions, may



1 request the revision of the work program of his or her department,
2 institution or agency at any time during the fiscal year, and submit
3 the revised program to the Governor through the Chief with a
4 request for revision of the allotments for the remainder of that fiscal
5 year.

6 2. Every request for revision must be submitted to the Chief on
7 the form and with supporting information as the Chief prescribes. *If*
8 *the request for revision relates to a health care matter that*
9 *disproportionately affects Black and Indigenous persons and other*
10 *persons of color, the request must propose a distribution of the*
11 *money in direct proportion to the disproportionate effect of that*
12 *health care issue on each of those groups.*

13 3. Before encumbering any appropriated or authorized money,
14 every request for revision must be approved or disapproved in
15 writing by the Governor or the Chief, if the Governor has by written
16 instrument delegated this authority to the Chief.

17 4. Except as otherwise provided in subsection 8, whenever a
18 request for the revision of a work program of a department,
19 institution or agency in an amount more than \$30,000 would, when
20 considered with all other changes in allotments for that work
21 program made pursuant to subsections 1, 2 and 3 and NRS 353.215,
22 increase or decrease by 10 percent or \$75,000, whichever is less, the
23 expenditure level approved by the Legislature for any of the
24 allotments within the work program, the request must be approved
25 as provided in subsection 5 before any appropriated or authorized
26 money may be encumbered for the revision.

27 5. If a request for the revision of a work program requires
28 additional approval as provided in subsection 4 and:

29 (a) Is necessary because of an emergency as defined in NRS
30 353.263 or for the protection of life or property, the Governor shall
31 take reasonable and proper action to approve it and shall report the
32 action, and his or her reasons for determining that immediate action
33 was necessary, to the Interim Finance Committee at its first meeting
34 after the action is taken. Action by the Governor pursuant to this
35 paragraph constitutes approval of the revision, and other provisions
36 of this chapter requiring approval before encumbering money for the
37 revision do not apply.

38 (b) The Governor determines that the revision is necessary and
39 requires expeditious action, he or she may certify that the request
40 requires expeditious action by the Interim Finance Committee.
41 Whenever the Governor so certifies, the Interim Finance Committee
42 has 15 days after the request is submitted to its Secretary within
43 which to consider the revision. Any request for revision which is not
44 considered within the 15-day period shall be deemed approved.



1 (c) Does not qualify pursuant to paragraph (a) or (b), it must be
2 submitted to the Interim Finance Committee. The Interim Finance
3 Committee has 45 days after the request is submitted to its Secretary
4 within which to consider the revision. Any request which is not
5 considered within the 45-day period shall be deemed approved.

6 6. The Secretary shall place each request submitted pursuant to
7 paragraph (b) or (c) of subsection 5 on the agenda of the next
8 meeting of the Interim Finance Committee.

9 7. In acting upon a proposed revision of a work program, the
10 Interim Finance Committee shall consider, among other things:

11 (a) The need for the proposed revision; ~~and~~

12 (b) The intent of the Legislature in approving the budget for the
13 present biennium and originally enacting the statutes which the
14 work program is designed to effectuate ~~and~~; *and*

15 (c) *If the proposed revision relates to a health care matter that*
16 *disproportionately affects Black and Indigenous persons and other*
17 *persons of color, whether the revision is proposed in a manner*
18 *that distributes the money in direct proportion to the*
19 *disproportionate effect of that health care issue on each of those*
20 *groups.*

21 8. The provisions of subsection 4 do not apply to any request
22 for the revision of a work program which is required:

23 (a) As a result of the acceptance of a gift or grant of property or
24 services pursuant to subsection 5 of NRS 353.335; or

25 (b) To carry forward to a fiscal year, without a change in
26 purpose, the unexpended balance of any money authorized for
27 expenditure in the immediately preceding fiscal year.

28 **Sec. 20.** NRS 353.335 is hereby amended to read as follows:

29 353.335 1. Except as otherwise provided in subsections 5 and
30 6, a state agency may accept any gift or grant of property or services
31 from any source only if it is included in an act of the Legislature
32 authorizing expenditures of nonappropriated money or, when it is
33 not so included, if it is approved as provided in subsection 2.

34 2. If:

35 (a) Any proposed gift or grant is necessary because of an
36 emergency as defined in NRS 353.263 or for the protection or
37 preservation of life or property, the Governor shall take reasonable
38 and proper action to accept it and shall report the action and his or
39 her reasons for determining that immediate action was necessary to
40 the Interim Finance Committee at its first meeting after the action is
41 taken. Action by the Governor pursuant to this paragraph constitutes
42 acceptance of the gift or grant, and other provisions of this chapter
43 requiring approval before acceptance do not apply.

44 (b) The Governor determines that any proposed gift or grant
45 would be forfeited if the State failed to accept it before the



1 expiration of the period prescribed in paragraph (c), the Governor
2 may declare that the proposed acceptance requires expeditious
3 action by the Interim Finance Committee. Whenever the Governor
4 so declares, the Interim Finance Committee has 15 days after the
5 proposal is submitted to its Secretary within which to approve or
6 deny the acceptance. Any proposed acceptance which is not
7 considered within the 15-day period shall be deemed approved.

8 (c) The proposed acceptance of any gift or grant does not qualify
9 pursuant to paragraph (a) or (b), it must be submitted to the Interim
10 Finance Committee. The Interim Finance Committee has 45 days
11 after the proposal is submitted to its Secretary within which to
12 consider acceptance. Any proposed acceptance which is not
13 considered within the 45-day period shall be deemed approved.

14 3. The Secretary shall place each request submitted to the
15 Secretary pursuant to paragraph (b) or (c) of subsection 2 on the
16 agenda of the next meeting of the Interim Finance Committee.

17 4. In acting upon a proposed gift or grant, the Interim Finance
18 Committee shall consider, among other things:

19 (a) The need for the facility or service to be provided or
20 improved;

21 (b) Any present or future commitment required of the State;

22 (c) The extent of the program proposed; ~~and~~

23 (d) The condition of the national economy, and any related fiscal
24 or monetary policies ~~;~~ **and**

25 *(e) If the proposed gift or grant is proposed to be used for a*
26 *health care matter that disproportionately affects Black and*
27 *Indigenous persons and other persons of color, whether the gift or*
28 *grant is proposed to be expended by the state agency in direct*
29 *proportion to the disproportionate effect of that health care issue*
30 *on each of those groups.*

31 5. A state agency may accept:

32 (a) Gifts, including grants from nongovernmental sources, not
33 exceeding \$20,000 each in value; and

34 (b) Governmental grants not exceeding \$150,000 each in value,
35 ↪ if the gifts or grants are used for purposes which do not involve
36 the hiring of new employees and if the agency has the specific
37 approval of the Governor or, if the Governor delegates this power of
38 approval to the Chief of the Budget Division of the Office of
39 Finance, the specific approval of the Chief.

40 6. This section does not apply to:

41 (a) The Nevada System of Higher Education;

42 (b) The Department of Health and Human Services while acting
43 as the state health planning and development agency pursuant to
44 paragraph (d) of subsection 2 of NRS 439A.081 or for donations,



1 gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490;
2 or

3 (c) Artifacts donated to the Department of Tourism and Cultural
4 Affairs.

5 **Sec. 21.** The provisions of subsection 1 of NRS 218D.380 do
6 not apply to any provision of this act which adds or revises a
7 requirement to submit a report to the Legislature.

8 **Sec. 22.** This act becomes effective on July 1, 2021.

