
SENATE BILL NO. 431—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 18-1089)

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; establishing and prescribing the duties and powers of cabinet secretaries to serve as members of the Governor's cabinet; prescribing the duties and jurisdiction of each cabinet secretary; revising the duties of the Chief Information Officer; providing for the appointment and prescribing the duties of a Chief Innovation Officer; revising provisions relating to development, deployment and improvement of broadband infrastructure; creating the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry and prescribing the duties and responsibilities of the Office with respect to regulatory bodies and other entities; creating the Department of Workforce to replace the Department of Employment, Training and Rehabilitation; moving certain entities into the Department of Workforce; prohibiting, with certain exception, an appointing authority from executing any contract for employment with any state employee; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to develop certain audit functions and centralized systems relating to the Human Resources System of the State; renaming the Personnel System, the Personnel Commission and the Personnel Operating Fund; revising provisions relating to classified positions; revising provisions relating to the annual leave of state employees; limiting the authority of the Interim Finance Committee to take certain actions that interfere with or intervene in the execution of the operations of the State Government; revising provisions governing



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the approval of work programs and allotments; requiring the Economic Forum to provide certain estimates for reserves in the Account to Stabilize the Operation of the State Government and the Education Stabilization Account and a biennial report to the Governor and the Legislature; creating the Nevada Way Account; revising provisions relating to the approval and acceptance of grants by state agencies; revising provisions relating to certain declarations of emergency or disaster; eliminating the requirement for the Department of Education to establish the Competency-Based Education Network; eliminating the authority of the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to appoint an advisory group to study the delivery of health care through patient-centered medical homes; eliminating certain limitations on the salaries of persons employed by the State or a state agency; transferring the duties of the Division of Enterprise Information Technology Services of the Department of Administration and the Administrator of the Division to the Office of the Chief Information Officer and the Chief of the Office of the Chief Information Officer; making various other changes relating to governmental administration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Governor, within the limits of available money, to employ such staff for the Office of the Governor as he or she deems necessary. (NRS 223.085) **Sections 2-6** of this bill prescribe the following cabinet secretaries within the Office of the Governor, appointed by the Governor, and set forth the various agencies, boards, commissions, authorities, divisions, departments, programs and other entities over which the applicable cabinet secretary has jurisdiction: (1) Secretary of Public Safety and Military Affairs; (2) Secretary of Commerce and Administration; (3) Secretary of Energy, Environment and Public Works; (4) Secretary of Health and Human Services; and (5) Secretary of Education and Workforce. **Section 8** of this bill provides that the staff and employees of the Office of the Governor include: (1) executive staff; (2) cabinet secretaries; (3) administrative and clerical staff; (4) outreach and communications staff; (5) research and analytical staff; and (6) any other persons the Governor determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of the Governor. **Section 8** also: (1) revises the duties of the Chief Information Officer, who is appointed by the Governor; and (2) provides for the appointment by the Governor of a Chief Innovation Officer and prescribes his or her duties.

Existing law sets forth the Nevada Administrative Procedure Act and authorizes agencies to adopt reasonable regulations to aid in carrying out the functions assigned to the agency by law and requires such agencies to adopt regulations as are necessary to the proper execution of those functions. (Chapter 233B of NRS) Existing law also prescribes the process for the proposal and adoption of regulations by an agency, including, without limitation, submission of the proposed regulation to the Legislative Counsel for drafting. (NRS 233B.0395-233B.110) **Section 7** of this bill requires each agency, board, commission, authority, division and department to submit each proposed regulation to the applicable cabinet secretary with jurisdiction over the agency, board, commission,



authority, division or department pursuant to **sections 2-6** of this bill for review and approval before the proposed regulation is submitted to the Legislative Counsel for drafting.

Existing law exempts entirely the Governor, the Nevada System of Higher Education, certain offices, departments, divisions and boards from the Nevada Administrative Procedure Act. (NRS 233B.039) **Sections 7 and 42** of this bill exempt from the Act the adoption, amendment or repeal of a rule or regulation of a cabinet secretary.

Existing law creates the Office of Economic Development within the Office of the Governor, consisting of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) Existing law also provides for the appointment of an Executive Director of the Office by the Governor. (NRS 231.047) **Section 14** of this bill requires the Office to establish and administer a Broadband-Ready Community Certification Program to encourage the deployment of broadband infrastructure in underserved communities of this State. **Section 14** also requires the Office to adopt regulations necessary to carry out the Program, including, without limitation, the requirements for a community to apply for and receive certification as a Broadband-Ready Community and the grounds for withdrawal of such a certification. **Section 15** of this bill creates the Account for the Grant Program for Broadband Infrastructure to be administered by the Executive Director for the purpose of making grants for infrastructure for the development or improvement of broadband services for persons with low income and persons in rural areas of this State. **Section 16** of this bill requires the Office to prepare an annual report for submission to the Governor and the Legislature or Legislative Commission, as applicable, which includes a summary of the availability of broadband services throughout the State and any recommendations for the deployment of broadband infrastructure to underserved communities. **Section 17** of this bill requires the Executive Director to develop and administer a strategic plan to improve the delivery of broadband services to certain entities in this State.

Existing law sets forth various Departments of this State. (Chapter 232 of NRS) **Section 19** of this bill creates the Office of Nevada Boards, Commissions and Councils Standards in the Department of Business and Industry. **Section 20** of this bill prescribes the duties and responsibilities of the Office with respect to regulatory bodies and other entities. **Section 19** requires the Director of the Department to appoint a Deputy Director of the Office.

Existing law creates the Department of Employment, Training and Rehabilitation, consisting of a Director, the Employment Security Division, the Rehabilitation Division and certain other entities. (NRS 232.910) **Sections 21, 22 and 31-41** of this bill change the name of the Department to the Department of Workforce and reorganize the Department. **Section 32** of this bill changes the name of the Employment Security Division to the Workforce Security Division and the Rehabilitation Division to the Workforce Development Division. **Section 32** also creates the Workforce Innovation Division. **Sections 21, 22 and 35** of this bill describe the composition of the divisions of the Department. **Section 34** of this bill changes the name of the Governor's Workforce Investment Board to the Governor's Workforce Development Board. **Section 36** of this bill requires the appointment of deputy directors to oversee the divisions of the Department. **Sections 38 and 39** of this bill: (1) change the name of the Governor's Office of Workforce Innovation to the Office of Workforce Innovation; and (2) change the title of the head of the Office from Executive Director to Administrator. **Section 141** of this bill requires the Director of the Department of Workforce to be appointed within 90 days after July 1, 2023, and to engage in certain actions relating to the orderly transition and establishment of the Department.

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor. (NRS 223.600) **Sections 9-12** of this bill transfer



the Office to the Department of Workforce and change the title of the head of the Office from Director to Administrator and repeal certain duties relating to the planning, mapping and procurement of broadband service.

Existing law creates the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation. (NRS 394.383) **Sections 119 and 120** of this bill transfer the Commission to the Department of Workforce.

Existing law creates the State Apprenticeship Council and names the Office of the Labor Commissioner as the State Apprenticeship Agency for the purposes of federal law. (NRS 607.035, 610.030) **Sections 131-136** of this bill transfer the State Apprenticeship Council to the Department of Workforce and designate the Department of Workforce as the State Apprenticeship Agency for the purposes of federal law.

Existing law creates the Employment Security Division within the Department of Employment, Training and Rehabilitation and requires the Administrator of the Division to administer state laws relating to unemployment compensation and the operation of private postsecondary educational institutions. (NRS 232.910, 612.220) **Section 138** of this bill renames the Division to the Unemployment Insurance Administration Bureau of the Workforce Security Division of the Department of Workforce. **Sections 120 and 139** of this bill transfer the responsibility for the administration of state laws relating to the operation of private postsecondary educational institutions from the Administrator of the Division to the Director of the Department of Workforce.

Existing law creates the Division of Enterprise Information Technology Services and requires the Director of the Department of Administration to appoint an Administrator of the Division. (NRS 242.080, 242.090) **Sections 59, 60 and 146** of this bill eliminate the Division and the Administrator and **sections 56-64** of this bill transfer the powers and duties of the Division to the Office of the Chief Information Officer within the Office of the Governor and the powers and duties of the Administrator to the Chief Information Officer. **Sections 23-27** of this bill make conforming changes.

Existing law creates the Personnel Commission within the Division of Human Resource Management of the Department of Administration, which has various powers and duties relating to the Personnel System. (NRS 284.030-284.065) **Sections 70 and 71** of this bill amend the name of the System and Commission to be the Human Resources System and Human Resources Commission. **Sections 68, 69, 72-74, 76, 77 and 83** of this bill make conforming changes to replace the term "personnel" with "human resources" throughout the provisions of the Nevada Revised Statutes relating to the System. **Sections 75 and 76** of this bill rename the Personnel Operating Fund to be the Human Resources Operating Fund. (NRS 284.110)

Section 66 of this bill provides that the provisions of the Nevada Revised Statutes and the regulations adopted pursuant thereto relating to the System do not create or confer upon any state employee a contractual right to employment.

Section 67 of this bill requires the Administrator to develop and implement: (1) an audit function to review each appointing authority's processes and compliance with applicable policies, procedures and provisions of law relating to human resources; (2) a centralized job announcement system that streamlines employment recruiting for all appointing authorities; and (3) a centralized employment system that includes, without limitation, a platform that all applicants may use to apply for state employment.

Existing law provides that the classified service of the State is comprised of all positions in the public service now existing or hereafter created which are, in relevant part, filled according to merit and fitness from eligible lists prepared upon the basis of examination, which must, with certain exceptions, be open and



competitive. (NRS 284.150) Existing law further: (1) requires the Personnel Commission to adopt regulations for open competitive examinations to test the relative fitness of applicants for classified positions; and (2) sets forth certain requirements for competitive examinations and preparing lists of eligible persons for positions in the classified service. (NRS 284.205-284.260) **Sections 79 and 91** of this bill provide instead that positions in the classified service are, with certain exceptions, filled from the eligible pool of persons prepared upon the basis of the evaluation of persons by an appointing authority. **Sections 84-100, 102, 103 and 146** eliminate existing provisions relating to competitive examination and the preparation of eligible lists of persons for positions in the classified service.

Existing law provides that appointments in the unclassified service of the State may be made from appropriate registers of persons maintained by the Division without affecting the continuance of names on the list. (NRS 284.145) **Section 78** of this bill provides instead that such appointments may be made from appropriate pools of eligible persons maintained by the Division.

Section 84 of this bill requires each appointing authority to comply with the regulations of the Commission relating to the recruitment and evaluation of applicants to establish pools of eligible persons and fill positions in the classified service.

Section 85 of this bill requires each appointing authority to recruit, evaluate, select, manage and promote employees through open competition on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Existing law sets forth certain duties and responsibilities of the Administrator of the Division of Human Resource Management of the Department of Administration in, and certain requirements for, examining and certifying applicants and filling positions in the classified service. (NRS 284.240, 284.245, 284.253-284.265, 284.295, 284.305, 284.309, 284.310) **Sections 86-98** of this bill provide instead that each appointing authority has duties and responsibilities relating to evaluating applicants and filling positions in the classified service.

Existing law requires the Administrator to prepare, maintain and revise a classification plan for all positions in the classified service and allocate the position of every employee in the classified service to one of the positions in the plan. (NRS 284.160, 284.165) **Section 80** of this bill provides instead that the Administrator shall prepare, maintain and revise a master classification plan and that the Administrator shall review annually the classification plan of each appointing authority.

Existing law prohibits an employee in the public service from carrying over from year to year more than 30 working days of annual leave. (NRS 284.350) **Section 101** of this bill provides instead that such an employee is prohibited from carrying over from year to year more than 60 working days of annual leave. **Section 101** also: (1) authorizes the Human Resources Commission to provide by regulation for the periodic payout of annual leave to employees; and (2) eliminates the restriction on an employee using annual leave during the first 6 months of employment in public service.

Existing law provides, with certain exceptions, that the salary of a person employed by the State or any agency of the State must not exceed 95 percent of the salary for the office of Governor during the same period. (NRS 281.123) **Section 146** of this bill eliminates the limitation on such salaries. **Sections 104 and 105** of this bill make conforming changes to eliminate exceptions to this limitation for certain state officers. Existing law authorizes the Interim Finance Committee to approve applications from agencies of the State for exceptions to such limitations on salaries. (NRS 281.1233) **Section 146** also eliminates the authority of the Interim Finance Committee to approve an exception to limitation. **Section 112** of



this bill makes a conforming change to eliminate an exception to the general prohibition on making an allocation from the Contingency Account to effect certain salary increases for state officers and employees.

Section 52 of this bill provides that the Interim Finance Committee shall not take certain actions that interfere or intervene in the execution of the operations of State Government.

Existing law requires the Administrator of the Division of Human Resource Management to prepare and maintain an index that categorizes all positions in the classified service of the State into broad occupational groups. (NRS 284.171) With certain exceptions, existing law prohibits a state agency from changing a position for which money has been appropriated or authorized from one occupational group to another without the approval of the Interim Finance Committee. (NRS 353.224) **Section 82** of this bill eliminates the requirement for the approval of such changes by the Interim Finance Committee.

Under existing law, the powers and duties of the Chief of the Budget Division of the Office of Finance in the Office of the Governor include examining and approving work programs and allotments to the agencies of the Executive Department of the State Government. (NRS 353.185) Existing law requires that requests for revisions of work programs be approved or disapproved in writing by the Governor or the Chief, if the Governor has delegated, in writing, this authority to the Chief. (NRS 353.220) **Section 109** of this bill makes these provisions conforming.

Under the State Budget Act, a department, institution or agency of the Executive Department of State Government is required to obtain approval from the Interim Finance Committee, except in certain limited circumstances, before revising a work program in an amount more than \$30,000 if the revision will increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) **Section 110** of this bill increases the monetary threshold to an amount of more than \$100,000 if the revision will increase by 25 percent or \$500,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program.

Under existing law, the Economic Forum, which is a panel of economic and financial experts appointed by the Governor, the Majority Floor Leader of the Senate and the Speaker of the Assembly, is required to provide revenue estimates and projections to the Governor and the Legislature. (NRS 353.226, 353.228) **Section 111** of this bill requires the Economic Forum to provide an estimate for certain required reserves in the Account to Stabilize the Operation of the State Government and the Education Stabilization Account and provide a biennial report to the Governor and the Legislature on those estimates.

Under existing law, the Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is an account created in the State General Fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. Under existing law, the State Controller is required to transfer from the State General Fund to the Account to Stabilize the Operation of the State Government at the beginning of each fiscal year 40 percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools. (NRS 353.288) **Section 113** of this bill revises the amount of this required transfer to the Account to Stabilize the Operation of the State Government based on the amount of the budget surplus. **Section 113** also requires that a portion of that budget surplus, in certain circumstances, be transferred to the Nevada Way Account, which is created in **section 107** of this bill. **Section 107** provides a



procedure for awards of money from the Nevada Way Account for certain purposes, including, without limitation, efforts relating to economic development or diversification and opportunities to leverage the tax revenues of the State.

Section 108 of this bill provides that the Nevada Legislature pledges not to require a state agency to reduce its appropriations under certain circumstances.

Existing law authorizes a state agency, with certain exceptions, to accept a gift or grant of property or services that is not included in an act of the Legislature authorizing the expenditure of nonappropriated money if the gift or grant is approved by the Governor or the Interim Finance Committee, as applicable. One of the exceptions from the requirement for such approval is the acceptance by a state agency of a gift or grant from a private source that does not exceed \$20,000 in value. (NRS 353.335) **Section 114** of this bill increases the threshold for this exception from such approval to \$100,000. **Section 114** also exempts from any approval a gift or grant to a state agency that will be deposited in a budget account that consists of money which is not appropriated by or authorized for expenditure by the Legislature.

Existing law creates the Advisory Council on Science, Technology, Engineering and Mathematics within the Office of the Science, Innovation and Technology that is established in the Office of the Governor. (NRS 223.600, 226.640) The Advisory Council is required to develop certain plans, conduct certain surveys, apply for certain grants and prepare certain reports relating to the fields of science, technology, engineering and mathematics. (NRS 223.650) **Section 146** of this bill eliminates the Advisory Council. **Sections 10, 117 and 128** of this bill make conforming changes to eliminate references to the Advisory Council in the Nevada Revised Statutes.

Existing law requires the Department of Education to create the Competency-Based Education Network which has various duties relating to competency-based education, including to: (1) study certain educational approaches, tools, strategies and professional development; (2) identify barriers and possible solutions to implementing a statewide system of competency-based education; (3) develop evidence-based recommendations for the continued implementation of a system of competency-based education; and (4) submit a biennial report to the Governor and Legislature on the implementation of a system of competency-based education in this State. (NRS 389.220) **Section 146** eliminates the Network. **Section 118** of this bill makes a conforming change to eliminate a requirement that the State Board of Education adopt regulations relating to participation in the Network.

Under existing law, a state of emergency or a declaration of disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor or Legislature, as applicable, finds that: (1) an attack upon the United States has occurred or is anticipated in the immediate future, or any natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State; and (2) the protection of the health, safety and welfare of the inhabitants of this State requires an invocation of certain additional government powers. During the period when such a state of emergency or declaration of disaster exists or continues, the Governor is given certain additional governmental powers and has the authority to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population. (NRS 414.070) Existing law does not set forth a limit on the length of time during a which a state of emergency or a declaration of disaster may be proclaimed by the Governor or by resolution of the Legislature. **Section 122** of this bill provides that any emergency or disaster proclaimed by the Governor terminates 90 days after the date on which the Governor issues the proclamation unless before such date: (1) the Governor issues a subsequent proclamation that the terminates the emergency or disaster earlier; or (2) the Legislature passes a resolution approving the continuation of the emergency or disaster beyond 90 days.



Section 122 further provides that any emergency or disaster proclaimed by the Legislature terminates upon the passage by the Legislature of a resolution terminating the emergency or disaster. **Section 129** of this bill makes a conforming change to account for the termination of an emergency or disaster pursuant to the provisions of **section 122**.

Existing law requires, within the limits of available money, the Division of Public and Behavioral Health of the Department of Health and Human Services to establish the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease to advise and make recommendations to the Division concerning the State Program for Wellness and the Prevention of Chronic Disease. (NRS 439.518) **Section 124** of this bill eliminates the authority for the Advisory Council to appoint an advisory group to study the delivery of health care through patient-centered medical homes. (NRS 439.519)

Existing law authorizes the Nevada System of Higher Education to establish a Committee on Anatomical Dissection. The Committee is required, under certain circumstances, to have meetings, adopt regulations, be notified of certain unclaimed dead bodies and take, receive and distribute certain dead bodies to schools, teaching hospitals and certain other persons or entities. (NRS 451.350-451.470) **Section 146** eliminates the Committee and the provisions of the Nevada Revised Statutes relating to the Committee. **Sections 125-127** of this bill make conforming changes to eliminate internal references to the sections of the Nevada Revised Statutes relating to the Committee.

Existing law creates the Advisory Committee to the Juvenile Justice Oversight Commission to make recommendations concerning any duties assigned to the Commission. (NRS 62B.605) **Section 146** eliminates the Advisory Committee and a corresponding definition of the term "Committee."

Existing law creates the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers and sets forth the duties of the Commission which include, without limitation, determining the minimum salary required to attract and retain experienced and competent persons in such offices. (NRS 281.157-281.1575) **Section 146** eliminates the Commission and the provisions of the Nevada Revised Statutes relating to the Commission.

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 7, inclusive, of this act.

Sec. 2. 1. *In accordance with NRS 223.085, the Governor shall appoint a Secretary of Public Safety and Military Affairs to serve as a member of the Governor's cabinet.*

2. *The Secretary of Public Safety and Military Affairs shall have administrative oversight over and responsibility for:*

(a) *The Department of Corrections, the Board of State Prison Commissioners, the State Board of Pardons Commissioners and the Department of Sentencing Policy.*

(b) *The Department of Public Safety, including, without limitation, the Division of Parole and Probation, the State Board*



1 of Parole Commissioners, the State Council for Interstate Juvenile
2 Supervision, the Nevada Office of Cyber Defense Coordination,
3 the Records, Communications and Compliance Division, the State
4 Emergency Response Commission, the State Fire Marshal
5 Division, the State Board of Fire Services, the Training Division,
6 the Nevada Highway Patrol as set forth in NRS 480.300, the
7 Investigation Division, the Capitol Police Division and the
8 Committee on Testing for Intoxication.

9 (c) The Office of the Military, including, without limitation,
10 the Nevada Air National Guard, the Nevada Army National
11 Guard, the Division of Emergency Management, the Nevada
12 Commission on Homeland Security, the Intrastate Mutual Aid
13 Committee, the Board of Search and Rescue, the Agency for
14 Nuclear Projects and the Commission on Nuclear Projects.

15 (d) The Peace Officers' Standards and Training Commission.

16 3. The Secretary of Public Safety and Military Affairs shall
17 serve as a liaison between the Office of the Governor and the
18 Judicial Department of the State Government.

19 4. The Secretary of Public Safety and Military Affairs shall
20 serve as a liaison between the Office of the Governor and the
21 Office of the Attorney General.

22 **Sec. 3. 1.** In accordance with NRS 223.085, the Governor
23 shall appoint a Secretary of Commerce and Administration to
24 serve as a member of the Governor's cabinet.

25 2. The Secretary of Commerce and Administration shall have
26 administrative oversight over and responsibility for:

27 (a) The Office of Economic Development, including, without
28 limitation, the Nevada Film Office, the Division of Economic
29 Development and the Board of Economic Development.

30 (b) The Nevada Gaming Control Board, the Gaming Policy
31 Committee, the Nevada Gaming Commission and the Off-Track
32 Pari-Mutuel Wagering Committee.

33 (c) The Cannabis Compliance Board.

34 (d) The Department of Tourism and Cultural Affairs,
35 including, without limitation, the Division of Tourism, the
36 Commission on Tourism, the Nevada Arts Council, the Board of
37 the Nevada Arts Council, the Division of Museums and History,
38 the Board of Museums and History and the Nevada Indian
39 Commission.

40 (e) Except as otherwise provided in section 5 of this act, the
41 Department of Business and Industry, including, without
42 limitation, the Division of Financial Institutions, Division of
43 Mortgage Lending, the Advisory Council on Mortgage
44 Investments and Mortgage Lending, the Nevada Transportation
45 Authority, the Real Estate Division, the Commission of Appraisers



1 of Real Estate, the Real Estate Commission, the Office of the
2 Ombudsman for Owners in Common-Interest Communities and
3 Condominium Hotels, the Commission for Common-Interest
4 Communities and Condominium Hotels, the Office of the Labor
5 Commissioner, the Taxicab Authority, the Nevada Athletic
6 Commission, the Nevada Commission on Minority Affairs, the
7 Office of Ombudsman of Consumer Affairs for Minorities, the
8 Office of the Nevada Attorney for Injured Workers, the Consumer
9 Affairs Unit, the Division of Industrial Relations, the Advisory
10 Council created by NRS 232.570, the Board for the Administration
11 of the Subsequent Injury Account for Associations of Self-Insured
12 Public or Private Employers, the Board for the Administration of
13 the Subsequent Injury Account for Self-Insured Employers, the
14 Occupational Safety and Health Review Board, and the Office of
15 Nevada Boards, Commissions and Councils Standards.

16 (f) The Government Employee-Management Relations Board.

17 (g) Any other body created by statute or special act of the
18 Legislature, including, without limitation, the Commission on
19 Ethics, the Governor's Advisory Council on Education Relating to
20 the Holocaust, the Southern Nevada Enterprise Community
21 Board, the Nevada State Board on Geographic Names, a state
22 grazing board, the Central Committee of Nevada State Grazing
23 Boards, the Nevada High-Speed Rail Authority, the Board of
24 Trustees of the Fund for Hospital Care to Indigent Persons, the
25 Board for the Regulation of Liquefied Petroleum Gas, the
26 Advisory Council for Prosecuting Attorneys, the Nevada Tahoe
27 Regional Planning Agency, the Commission to Study
28 Governmental Purchasing and the Nevada Commission for
29 Women.

30 (h) Except as otherwise provided in section 5 of this act,
31 professional and occupational licensing boards created by the
32 Legislature, including, without limitation, the Nevada State Board
33 of Accountancy, the Board of Examiners for Alcohol, Drug and
34 Gambling Counselors, the State Board of Architecture, Interior
35 Design and Residential Design, the Board of Athletic Trainers, the
36 State Barbers' Health and Sanitation Board, the Board of Applied
37 Behavior Analysis, the Chiropractic Physicians' Board of Nevada,
38 the State Contractors' Board, the Commission on Construction
39 Education, the State Board of Cosmetology, the Certified Court
40 Reporters' Board of Nevada, the Board of Dental Examiners of
41 Nevada, the Committee on Dental Hygiene and Dental Therapy,
42 the State Board of Professional Engineers and Land Surveyors,
43 the Nevada Funeral and Cemetery Services Board, the Nevada
44 Board of Homeopathic Medical Examiners, the State Board of
45 Landscape Architecture, the Board of Examiners for Marriage



1 *and Family Therapists and Clinical Professional Counselors, the*
2 *Board of Massage Therapy, the Board of Medical Examiners, the*
3 *State Board of Nursing, the Advisory Committee on Nursing*
4 *Assistants and Medication Aides, the Board of Occupational*
5 *Therapy, the Board of Dispensing Opticians, the Nevada State*
6 *Board of Optometry, the State Board of Oriental Medicine, the*
7 *State Board of Osteopathic Medicine, the State Board of*
8 *Pharmacy, the Nevada Physical Therapy Board, the State Board*
9 *of Podiatry, the Private Investigator's Licensing Board, the Board*
10 *of Psychological Examiners, the Board of Environmental Health*
11 *Specialists, the Board of Examiners for Social Workers, the*
12 *Speech-Language Pathology, Audiology and Hearing Aid*
13 *Dispensing Board and the Nevada State Board of Veterinary*
14 *Medical Examiners.*

15 (i) *Any interstate board or Commission created by the*
16 *Legislature, including, without limitation, the California-Nevada*
17 *Interstate Compact Commission of the State of Nevada, the*
18 *California-Nevada Super Speed Ground Transportation*
19 *Commission, the members representing Nevada on the Education*
20 *Commission of the States, the Nevada Commissioners of*
21 *the Commission of the Interstate Medical Licensure Compact, the*
22 *Nevada representative of the Interstate Oil Compact Commission,*
23 *the Commissioners on Uniform State Laws, the Nevada State*
24 *Council for Interstate Juvenile Supervision, the Tahoe Regional*
25 *Planning Agency, the Nevada member of the Western Interstate*
26 *Nuclear Board, the Nevada member of the Rocky Mountain low-*
27 *level radioactive waste board and the Credit Union Advisory*
28 *Council.*

29 (j) *The Department of Taxation, the Nevada Tax Commission,*
30 *the Appraiser's Certification Board, the State Board of*
31 *Equalization, the Committee on Local Government Finance and*
32 *the Mining Oversight and Accountability Commission.*

33 (k) *The Public Employees' Retirement Board, the Police and*
34 *Firefighters' Retirement Fund Advisory Committee, the Public*
35 *Employees' Retirement System, the Legislators' Retirement*
36 *System and the Judicial Retirement System.*

37 (l) *The Board of the Public Employees' Benefits Program and*
38 *the Public Employees' Benefits Program.*

39 (m) *The Department of Administration, including, without*
40 *limitation, the Administrative Services Division, the Committee to*
41 *Administer the Public Employees' Deferred Compensation*
42 *Program, the Public Employees' Deferred Compensation*
43 *Program, the Fleet Services Division, the Hearings Division, the*
44 *Division of Human Resource Management, the Human Resources*
45 *Commission, the Employee-Management Committee, the*



Committee on Catastrophic Leave, the Merit Award Board, the Division of State Library, Archives and Public Records, the Mail Services Division, the State Publications Distribution Center, the State Historical Records Advisory Board, the Committee to Approve Schedules for the Retention and Disposition of Official State Records, the State Council on Libraries and Literacy, the State Public Works Division, the State Public Works Board, the Buildings and Grounds Section, the Public Works–Compliance and Code Enforcement Section, the Public Works–Professional Services Section, the Purchasing Division and the Risk Management Division.

3. The Secretary of Commerce and Administration shall serve as the liaison between the Office of the Governor and the Office of the State Treasurer.

4. The Secretary of Commerce and Administration shall serve as the liaison between the Office of the Governor and the Office of the State Controller.

5. The Secretary of Commerce and Administration shall serve as the liaison between the Office of the Governor and the Office of the Secretary of State.

Sec. 4. 1. *In accordance with NRS 223.085, the Governor shall appoint a Secretary of Energy, Environment and Public Works to serve as a member of the Governor's cabinet.*

2. The Secretary of Energy, Environment and Public Works shall have administrative oversight over and responsibility for:

(a) The State Department of Conservation and Natural Resources, including, without limitation, the State Conservation Commission, the Division of Environmental Protection, the State Environmental Commission, the Board for Financing Water Projects, the Division of Forestry, the Division of Outdoor Recreation, the Division of Natural Heritage, the Conservation Districts Program, the Office of Historic Preservation, the Commission for Cultural Centers and Historic Preservation, the Comstock Historic District Commission, the Division of State Lands, the State Land Office, the Board to Review Claims, the State Land Use Planning Agency, the Land Use Planning Advisory Council and its Executive Council, the Division of State Parks, the Division of Water Resources, the Office of the State Engineer, the Well Drillers' Advisory Board, the Water Planning Section, the Commission on Off-Highway Vehicles and the Sagebrush Ecosystem Council.

(b) The Public Utilities Commission of Nevada and the Division of Consumer Complaint Resolution as set forth in NRS 703.172.



(c) *The Office of Energy and the Board of Directors of the Nevada Clean Energy Fund.*

(d) *The Department of Transportation, including, without limitation, its Board of Directors, the Administrative Division, the Operations Division, the Engineering Division, the Planning Division, the Nevada State Infrastructure Bank and the Nevada Bicycle and Pedestrian Advisory Board.*

(e) *The Department of Motor Vehicles, including, without limitation, the Administrative Services Division, the Division of Central Services and Records, the Division of Compliance Enforcement, the Advisory Board on Automotive Affairs, the Division of Field Services, the Division of Information Technology, the Division of the Office of the Director, the Division of Research and Project Management and the Motor Carrier Division.*

(f) *The Department of Wildlife, the Board of Wildlife Commissioners and the Advisory Board on Dream Tags.*

(g) *The Commission on Mineral Resources and the Division of Minerals.*

(h) *The Colorado River Commission of Nevada.*

Sec. 5. 1. *In accordance with NRS 223.085, the Governor shall appoint a Secretary of Health and Human Services to serve as a member of the Governor's cabinet.*

2. *The Secretary of Health and Human Services shall have administrative oversight over and responsibility for:*

(a) *The Department of Health and Human Services, including, without limitation, the Task Force on Alzheimer's Disease, the Grants Management Advisory Committee, the Advisory Committee on Problem Gambling, the Board of Examiners for Long-Term Care Administrators, the Committee to Review Suicide Fatalities, the Office for Consumer Health Assistance, the Bureau for Hospital Patients, the Office of Minority Health and Equity, the Advisory Committee in the Office of Minority Health and Equity, the State of Nevada Advisory Council on Palliative Care and Quality of Life, the Palliative Care and Quality of Life Consumer and Professional Information and Education Program, the Council on Food Security, the Food for People, Not Landfills Program, the Nevada Interagency Advisory Council on Homelessness to Housing, the Aging and Disability Services Division, the Nevada Commission on Aging, the Nevada Commission on Autism Spectrum Disorders, the Nevada Commission on Services for Persons with Disabilities, the Office of the Community Advocate for Elder Rights, the Office of Attorney for the Rights of Older Persons and Persons with a Physical Disability, an Intellectual Disability or a Related*



1 *Condition, the Office of the State Long-Term Care Ombudsman,*
2 *the Division of Child and Family Services, the Youth Parole*
3 *Bureau, the Caliente Youth Center Bureau, the Nevada Youth*
4 *Training Center Bureau, the Executive Committee to Review the*
5 *Death of Children, the Division of Health Care Financing and*
6 *Policy, the Advisory Committee on Medicaid Innovation, the*
7 *Medical Care Advisory Committee, the Silver State Scripts Board,*
8 *the Drug Use Review Board, the Division of Public and*
9 *Behavioral Health, the Commission on Behavioral Health, the*
10 *State Board of Health, the Advisory Committee on the State*
11 *Program for Oral Health, the State Program for Oral Health, the*
12 *regional behavioral health policy boards, the Committee on*
13 *Emergency Medical Services, the Medical Laboratory Advisory*
14 *Committee, the Advisory Board on Maternal and Child Health, the*
15 *Advisory Council on the State Program for Wellness and*
16 *Prevention of Chronic Disease, the Division of Welfare and*
17 *Supportive Services and the Committee to Review Child Support*
18 *Guidelines.*

19 *(b) The Department of Indigent Defense Services and the*
20 *Office of the State Public Defender.*

21 *(c) The Department of Veterans Services, including, without*
22 *limitation, the Nevada Veterans Services Commission, the*
23 *Advisory Committee for a Veterans Cemetery in Northern Nevada,*
24 *the Advisory Committee for a Veterans Cemetery in Southern*
25 *Nevada, the Interagency Council on Veterans Affairs and the*
26 *Women Veterans Advisory Committee.*

27 *(d) The Governor's Office for New Americans.*

28 *(e) The State Department of Agriculture, including, without*
29 *limitation, the State Board of Agriculture, the Division of*
30 *Administrative Services, the Division of Animal Industry, the*
31 *Division of Food and Nutrition, the Division of Measurement*
32 *Standards, the Division of Plant Health and Compliance, the*
33 *Nevada Junior Livestock Show Board, the Rangeland Resources*
34 *Commission and the State Predatory Animal and Rodent*
35 *Committee.*

36 *(f) The Silver State Health Insurance Exchange and its Board*
37 *of Directors.*

38 *(g) The Division of Insurance of the Department of Business*
39 *and Industry and the Appeals Panel for Industrial Insurance as*
40 *set forth in NRS 616B.760.*

41 *(h) The Housing Division of the Department of Business and*
42 *Industry.*

43 **Sec. 6. 1. In accordance with NRS 223.085, the Governor**
44 **shall appoint a Secretary of Education and Workforce to serve as**
45 **a member of the Governor's cabinet.**



2. *The Secretary of Education and Workforce shall have administrative oversight over and responsibility for:*

(a) *The State Board of Education and the Department of Education, the Nevada Interscholastic Activities Association, the Commission on Educational Technology, the Council to Establish Academic Standards for Public Schools, the Commission on Professional Standards in Education, the State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children, the Advisory Council for Family Engagement, the Office of Parental Involvement and Family Engagement, the Office for a Safe and Respectful Learning Environment, the Teachers and Leaders Council of Nevada, the Statewide Council for the Coordination of the Regional Training Programs, the Nevada Commission on Mentoring and the State Public Charter School Authority.*

(b) *The Department of Workforce created by NRS 232.910, including, without limitation, the Workforce Security Division, the Workforce Development Division, the Workforce Innovation Division, the Office of Workforce Innovation, the Governor's Workforce Development Board, the Employment Security Council, the Nevada Equal Rights Commission, the Commission on Postsecondary Education, the Board for the Education and Counseling of Displaced Homemakers, the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation, the Nevada Commission for Persons Who Are Deaf and Hard of Hearing, the P-20W Research Data System Advisory Committee, the Office of Science, Innovation, and Technology, the State Apprenticeship Council, the Nevada Early Childhood Advisory Council, employment offices and the Career Enhancement Program of the Department.*

(c) *The Nevada Office of the Western Interstate Commission for Higher Education.*

3. *The Secretary of Education and Workforce shall serve as a liaison between the Office of the Governor and the Board of Regents of the University of Nevada.*

Sec. 7. 1. *Each agency, board, commission, authority, division and department shall submit each proposed regulation to the applicable cabinet secretary with jurisdiction over the agency, board, commission, authority, division or department for review and approval before the proposed regulation is submitted to the Legislative Counsel for drafting.*

2. *Each cabinet secretary shall possess independent rulemaking authority to propose or submit regulations for:*

(a) *An agency, board, commission, authority, division or department under the jurisdiction of the cabinet secretary; and*



(b) *His or her own office.*

3. *The Nevada Administrative Procedure Act does not apply to any rules or regulations proposed by a cabinet secretary.*

Sec. 8. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, ~~[the Office of Economic Development, the Office of Federal Assistance, the Office of Science, Innovation and Technology, the Public Health Resource Office and]~~ the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor. ***Such staff and employees include, without limitation:***

(a) *Executive staff;*

(b) *Cabinet secretaries;*

(c) *Administrative and clerical staff;*

(d) *Outreach and communications staff;*

(e) *Research and analytical staff; and*

(f) *Any other persons the Governor determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of the Governor.*

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

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that 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]~~ ***shall 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.]~~ ***who is responsible for:***

(a) *Information technology leadership and accountability;*

(b) *Strategic planning for information technology;*



- (c) *Information technology workforce for the State;*
- (d) *Budgeting and planning for information technology for the State;*
- (e) *Data storage and integrity;*
- (f) *Investment management for information technology;*
- (g) *Information technology security, cyber security and privacy; and*
- (h) *Any other duties or responsibilities prescribed by statute or regulation.*

4. *The Governor shall appoint a Chief Innovation Officer of the State who is responsible for:*

- (a) *Providing overall leadership and guidance relating to employee acquisition, career development, succession planning, retention, professional development and training, leadership development, compensation and benefits;*
- (b) *Developing human resource plans and strategies prospectively by at least 10 years;*
- (c) *Reviewing and monitoring the efficiency of the State Government and providing recommendations on how to reduce costs, improve the delivery of services and ensure the cost-effectiveness of all state governmental programs;*
- (d) *Evaluating, overseeing and administering the competitiveness, appropriateness and effectiveness of the wages, salaries, benefits and work environment of public employees;*
- (e) *Evaluating, overseeing and administering the training and readiness programs for public employees; and*
- (f) *Developing comprehensive and strategic recruitment and retention plans to the meet the human resource needs of the State.*

Sec. 9. NRS 223.600 is hereby amended to read as follows:

223.600 1. The Office of Science, Innovation and Technology is hereby established in the ~~{Office of the Governor.}~~ *Department of Workforce.*

2. The ~~{Governor}~~ *Director of the Department of Workforce* shall appoint the ~~{Director}~~ *Administrator* of the Office of Science, Innovation and Technology. In making the appointment, the ~~{Governor.}~~ *Director:*

(a) Shall give consideration to any recommendation which is submitted by the Chancellor of the Nevada System of Higher Education.

(b) May assemble a panel of persons with appropriate experience in science and technology to make recommendations of qualified candidates for the position of ~~{Director.}~~ *Administrator.*

3. The ~~{Director}~~ *Administrator* 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.



4. The ~~{Director}~~ *Administrator* is in the unclassified service of the State and serves at the pleasure of the ~~{Governor}~~ *Director*.

Sec. 10. NRS 223.610 is hereby amended to read as follows:

223.610 The ~~{Director}~~ *Administrator* of the Office of Science, Innovation and Technology shall:

1. Advise the *Director of the Department of Workforce, the Deputy Director of the Workforce Innovation Division of the Department of Workforce, the* Governor and the Executive Director of the Office of Economic Development on matters relating to science, innovation and technology.

2. Work in coordination with the Office of Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the ~~{Governor}~~ *Deputy Director of the Workforce Innovation Division of the Department of Workforce,* identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the Executive Director of the Office of Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

~~5. {Coordinate activities in this State relating to the planning, mapping and procurement of broadband service in a competitively neutral and nondiscriminatory manner, which must include, without limitation:~~

~~—(a) Development of a strategic plan to improve the delivery of broadband services in this State to schools, libraries, providers of health care, transportation facilities, prisons and other community facilities;~~

~~—(b) Applying for state and federal grants on behalf of eligible entities and managing state matching money that has been appropriated by the Legislature;~~

~~—(c) Coordinating and processing applications for state and federal money relating to broadband services;~~

~~—(d) Prioritizing construction projects which affect or involve the expansion or deployment of broadband services in this State;~~

~~—(e) In consultation with providers of health care from various health care settings, the expansion of telehealth services to reduce health care costs and increase health care quality and access in this State, especially in rural, unserved and underserved areas of this State;~~

~~—(f) Expansion of the fiber optic infrastructure in this State for the benefit of the public safety radio and communications systems in this State;~~



~~—(g) Collection and storage of data relating to agreements and contracts entered into by the State for the provision of fiber optic assets in this State;~~

~~—(h) Administration of the trade policy for fiber optic infrastructure in this State; and~~

~~—(i) Establishing and administering a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State using money from the Account for the Grant Program for Broadband Infrastructure created by NRS 223.660. The Director may adopt regulations to carry out his or her duties pursuant to this paragraph.~~

~~—6. Provide support to the Advisory Council on Science, Technology, Engineering and Mathematics and direct the implementation in this State of plans developed by the Council concerning, without limitation, workforce development, college preparedness and economic development.~~

~~—7.] In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.~~

~~[8.] 6. Administer such grants as are provided by legislative appropriation.~~

Sec. 11. NRS 223.620 is hereby amended to read as follows:

223.620 1. The ~~[Director]~~ **Administrator** of the Office of Science, Innovation and Technology may:

(a) Accept any gift, donation, bequest or devise; and

(b) Apply for and accept any grant, loan or other source of money,

↳ to assist the ~~[Director]~~ **Administrator** in carrying out his or her duties.

2. The ~~[Director]~~ **Administrator** may serve as a member of the Nevada Technology Council.

Sec. 12. NRS 223.630 is hereby amended to read as follows:

223.630 1. The Account for the Office of Science, Innovation and Technology is hereby created in the State General Fund. The Account must be administered by the ~~[Director]~~ **Administrator** of the Office of Science, Innovation and Technology.

2. ~~[Except as otherwise provided in NRS 223.660, any]~~ **Any** money accepted pursuant to NRS 223.620 must be deposited in the Account.

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



4. The money in the Account must only be used to carry out the duties of the ~~Director~~ Administrator.

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

Sec. 13. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.

Sec. 14. 1. *The Office shall establish and administer a Broadband-Ready Community Certification Program to encourage the deployment of broadband infrastructure in underserved communities of this State.*

2. The Office shall adopt regulations necessary to carry out the Program established pursuant to subsection 1, which must include, without limitation:

(a) The requirements for a community to apply for and receive certification as a Broadband-Ready Community; and

(b) The grounds for withdrawal of certification as a Broadband-Ready Community.

3. The Office shall post on the Internet website maintained by the Office a list of each community in this State that has been certified as a Broadband-Ready Community in accordance with the regulations adopted pursuant to subsection 2.

Sec. 15. 1. *The Account for the Grant Program for Broadband Infrastructure is hereby created in the State General Fund. The Executive Director shall administer the Account.*

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

3. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The money in the Account must only be used to:

(a) Make grants for infrastructure for the development or improvement of broadband services for underserved communities, persons with low income and persons in rural areas of this State in accordance with the Program established by the Office pursuant to section 14 of this act.

(b) Defray the costs of establishing and administering broadband programs.

Sec. 16. *The Office shall:*

1. Prepare an annual report that includes, without limitation, a summary of the availability of broadband services throughout the State and any recommendations for the deployment of broadband infrastructure to underserved communities.



2. *Submit the report prepared pursuant to subsection 1 to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to:*

(a) *If the Legislature is in regular session, the Legislature; or*

(b) *If the Legislature is not in regular session, the Legislative Commission.*

Sec. 17. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which:

(a) Must include a statement of:

(1) New industries which have the potential to be developed in this State;

(2) The strengths and weaknesses of this State for business incubation;

(3) The competitive advantages and weaknesses of this State;

(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(5) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(6) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and

(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation



1 of any regional development authority previously designated
2 pursuant to this section and declare void any contract between the
3 Office and that regional development authority.

4 5. Shall establish procedures for entering into contracts with
5 regional development authorities to provide services to aid, promote
6 and encourage the economic development of this State.

7 6. *Shall develop and administer a strategic plan to improve*
8 *the delivery of broadband services in this States to schools,*
9 *libraries, providers of health care, transportation facilities, prisons*
10 *and other community facilities.*

11 7. May apply for and accept any gift, donation, bequest, grant
12 or other source of money to carry out the provisions of NRS
13 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

14 ~~7.1~~ 8. May adopt such regulations as may be necessary to
15 carry out the provisions of NRS 231.020 to 231.139, inclusive, and
16 231.1555 to 231.1597, inclusive.

17 ~~8.1~~ 9. In a manner consistent with the laws of this State, may
18 reorganize the programs of economic development in this State to
19 further the State Plan for Economic Development. If, in the opinion
20 of the Executive Director, changes to the laws of this State are
21 necessary to implement the economic development strategy for this
22 State, the Executive Director must recommend the changes to the
23 Governor and the Legislature.

24 **Sec. 18.** Chapter 232 of NRS is hereby amended by adding
25 thereto the provisions set forth as sections 19 to 22, inclusive, of this
26 act.

27 **Sec. 19. 1.** *The Office of Nevada Boards, Commissions and*
28 *Councils Standards is hereby created within the Department of*
29 *Business and Industry.*

30 2. *The Director shall appoint a Deputy Director of the Office*
31 *and shall retain the required staff and adopt the necessary*
32 *regulations and procedures to effectively administer the*
33 *responsibilities of the Office.*

34 **Sec. 20. 1.** *The Office of Nevada Boards, Commissions and*
35 *Councils Standards shall be responsible for:*

36 (a) *Centralized administration;*

37 (b) *A uniform set of standards for investigations, licensing*
38 *and discipline, including, without limitation, separating the roles*
39 *and responsibilities for occupational licensure from the roles and*
40 *responsibilities for occupational discipline;*

41 (c) *A uniform set of standards for internal controls;*

42 (d) *A uniform set of standards for legal representation;*

43 (e) *A consistent set of structural standards for boards and*
44 *commissions;*

45 (f) *Transparency and consumer protection; and*



(g) *Efficacy and efficiency.*

2. *To the extent permitted by the Nevada Constitution and federal law, all boards, commissions and councils of this State shall be all under the purview of the Office, including, without limitation:*

(a) *Statutory bodies created by the Legislature, including, without limitation:*

(1) *The Commission on Ethics created by NRS 281A.200.*

(2) *The Governor's Advisory Council on Education Relating to the Holocaust created by NRS 233G.020.*

(3) *The Southern Nevada Enterprise Community Board created by section 8 of chapter 407, Statutes of Nevada 2007, at page 1782.*

(4) *The Nevada State Board on Geographic Names created by NRS 327.110.*

(5) *A state grazing board created by NRS 568.040.*

(6) *The Central Committee of Nevada State Grazing Boards established in NRS 568.170.*

(7) *The Nevada High-Speed Rail Authority created by NRS 705.850.*

(8) *The Board of Trustees of the Fund for Hospital Care to Indigent Persons as set forth in NRS 428.195.*

(9) *The Board for the Regulation of Liquefied Petroleum Gas created by NRS 590.485.*

(10) *The Advisory Council for Prosecuting Attorneys created by NRS 241A.040.*

(11) *The Nevada Tahoe Regional Planning Agency created by NRS 278.792.*

(12) *The Commission to Study Governmental Purchasing as set forth in NRS 332.215.*

(13) *The Nevada Commission for Women created by NRS 233I.020.*

(14) *The Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers created by NRS 281.1571.*

(b) *Professional and occupational licensing boards created by the Legislature, including, without limitation:*

(1) *The Nevada State Board of Accountancy created by NRS 628.035.*

(2) *The Board of Examiners for Alcohol, Drug and Gambling Counselors created by NRS 641C.150.*

(3) *The State Board of Architecture, Interior Design and Residential Design created by NRS 623.050.*



(4) *The Board of Athletic Trainers created by NRS 640B.170.*

(5) *The State Barbers' Health and Sanitation Board created by NRS 643.020.*

(6) *The Board of Applied Behavior Analysis created by NRS 641D.200.*

(7) *The Chiropractic Physicians' Board of Nevada created by NRS 634.020.*

(8) *The State Contractors' Board created by NRS 624.040.*

(9) *The Commission on Construction Education created by NRS 624.570.*

(10) *The State Board of Cosmetology created by NRS 644A.200.*

(11) *The Certified Court Reporters' Board of Nevada created by NRS 656.040.*

(12) *The Board of Dental Examiners of Nevada created by NRS 631.120.*

(13) *The Committee on Dental Hygiene and Dental Therapy created by NRS 631.205.*

(14) *The State Board of Professional Engineers and Land Surveyors created by NRS 625.100.*

(15) *The Nevada Funeral and Cemetery Services Board created by NRS 642.020.*

(16) *The Nevada Board of Homeopathic Medical Examiners created pursuant to NRS 630A.100.*

(17) *The State Board of Landscape Architecture created by NRS 623A.080.*

(18) *The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors created by NRS 641A.090.*

(19) *The Board of Massage Therapy created by NRS 640C.150.*

(20) *The Board of Medical Examiners created pursuant to NRS 630.050.*

(21) *The State Board of Nursing created by NRS 632.020.*

(22) *The Advisory Committee on Nursing Assistants and Medication Aides created by NRS 632.072.*

(23) *The Board of Occupational Therapy created by NRS 640A.080.*

(24) *The Board of Dispensing Opticians created by NRS 637.030.*

(25) *The Nevada State Board of Optometry created by NRS 636.030.*

(26) *The State Board of Oriental Medicine created by NRS 634A.030.*



(27) *The State Board of Osteopathic Medicine created pursuant to NRS 633.181.*

(28) *The Commission on Postsecondary Education created by NRS 394.383.*

(29) *The State Board of Pharmacy created by NRS 639.020.*

(30) *The Nevada Physical Therapy Board created by NRS 640.030.*

(31) *The State Board of Podiatry created by NRS 635.020.*

(32) *The Private Investigator's Licensing Board created by NRS 648.020.*

(33) *The Board of Psychological Examiners created by NRS 641.030.*

(34) *The Board of Environmental Health Specialists created by NRS 625A.030.*

(35) *The Board of Examiners for Social Workers created pursuant to NRS 641B.100.*

(36) *The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100.*

(37) *The Nevada State Board of Veterinary Medical Examiners created by NRS 638.020.*

(c) *Interstate boards and commissions created by the Legislature inclusive of:*

(1) *The California-Nevada Interstate Compact Commission of the State of Nevada as set forth in NRS 538.280.*

(2) *The California-Nevada Super Speed Ground Transportation Commission as set forth in NRS 705.4293.*

(3) *The education commission of the states as set forth in NRS 399.015.*

(4) *The Interstate Medical Licensure Compact as set forth in NRS 629A.100.*

(5) *The Interstate Oil Compact Commission as set forth in NRS 522.190.*

(6) *The National Conference of Commissioners on Uniform State Laws as set forth in NRS 219.020.*

(7) *The Nevada State Council for Interstate Juvenile Supervision as set forth in NRS 62I.015.*

(8) *The Tahoe Regional Planning Agency as set forth in NRS 277.200.*

(9) *The Western Interstate Nuclear Board as set forth in NRS 459.002.*

(10) *The Rocky Mountain Low-Level Radioactive Waste Board as set forth in NRS 459.008.*

Sec. 21. *The Workforce Innovation Division of the Department consists of:*



1 *1. The Office of Science, Innovation and Technology*
2 *established in NRS 223.600.*

3 *2. The Governor's Office of Workforce Innovation created by*
4 *NRS 232.965.*

5 *3. The Governor's Workforce Development Board created by*
6 *NRS 232.935.*

7 *4. The State Apprenticeship Council created by NRS 610.030.*

8 *5. Such other bureaus or units as the Director may establish.*

9 **Sec. 22.** *The Workforce Security Division of the Department*
10 *consists of:*

11 *1. The Research, Analysis and Accountability Bureau.*

12 *2. The Unemployment Insurance Administration Bureau.*

13 *3. Such other bureaus or units as the Director may establish.*

14 **Sec. 23.** NRS 232.213 is hereby amended to read as follows:

15 232.213 1. The Department of Administration is hereby
16 created.

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

18 (a) Risk Management Division.

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

21 (c) State Public Works Division.

22 (d) Purchasing Division.

23 (e) Administrative Services Division.

24 (f) Division of Human Resource Management.

25 (g) ~~Division of Enterprise Information Technology Services.~~

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

27 ~~(i)~~ (i) Fleet Services Division.

28 ~~(j)~~ (j) Public Employees' Deferred Compensation Program.

29 ~~(k)~~ (k) Mail Services Division.

30 **Sec. 24.** NRS 232.215 is hereby amended to read as follows:

31 232.215 The Director:

32 1. Shall appoint an Administrator of the:

33 (a) Risk Management Division;

34 (b) State Public Works Division;

35 (c) Purchasing Division;

36 (d) Administrative Services Division;

37 (e) Division of Human Resource Management;

38 (f) ~~Division of Enterprise Information Technology Services;~~

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

40 ~~(h)~~ (h) Fleet Services Division; and

41 ~~(i)~~ (i) Mail Services Division.

42 2. Shall, with the concurrence of the Governor and the
43 Committee to Administer the Public Employees' Deferred
44 Compensation Program, appoint the Executive Officer of the Public
45 Employees' Deferred Compensation Program.



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

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

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

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

Sec. 25. NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Administrator of:

(a) The State Public Works Division;

(b) The Purchasing Division;

(c) The Administrative Services Division;

(d) The Division of Human Resource Management;

(e) ~~The Division of Enterprise Information Technology Services;~~

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

~~(g)~~ (f) The Fleet Services Division; and

~~(h)~~ (g) The Mail Services Division,

↳ of the Department serves at the pleasure of the Director and is in the unclassified service of the State.

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

Sec. 26. NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the Administrator of the:

1. State Public Works Division;

2. Purchasing Division;

3. Division of Human Resource Management;

4. ~~Division of Enterprise Information Technology Services;~~

~~5.~~ Division of State Library, Archives and Public Records; and

~~6.~~ 5. Fleet Services Division,

↳ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful



1 employment or occupation except as otherwise provided in
2 NRS 284.143.

3 **Sec. 27.** NRS 232.219 is hereby amended to read as follows:

4 232.219 1. The Department of Administration's Operating
5 Fund for Administrative Services is hereby created as an internal
6 service fund.

7 2. The operating budget of each of the following entities must
8 include an amount representing that entity's share of the operating
9 costs of the central accounting function of the Department:

- 10 (a) State Public Works Division;
11 (b) Purchasing Division;
12 (c) Hearings Division;
13 (d) Risk Management Division;
14 (e) Division of Human Resource Management;
15 (f) ~~Division of Enterprise Information Technology Services;~~
16 ~~(g)~~ Division of State Library, Archives and Public Records;
17 ~~(h)~~ (g) Fleet Services Division;
18 ~~(i)~~ (h) Public Employees' Deferred Compensation Program;
19 and

20 ~~(j)~~ (i) Mail Services Division.

21 3. All money received for the central accounting services of the
22 Department must be deposited in the State Treasury for credit to the
23 Operating Fund.

24 4. All expenses of the central accounting function of the
25 Department must be paid from the Fund as other claims against the
26 State are paid.

27 **Sec. 28.** NRS 232.505 is hereby amended to read as follows:

28 232.505 As used in NRS 232.505 to 232.866, inclusive, *and*
29 *sections 19 to 22, inclusive, of this act*, unless the context requires
30 otherwise:

31 1. "Department" means the Department of Business and
32 Industry.

33 2. "Director" means the Director of the Department.

34 **Sec. 29.** NRS 232.510 is hereby amended to read as follows:

35 232.510 1. The Department of Business and Industry is
36 hereby created.

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

- 38 (a) Consumer Affairs Unit within the Office of the Director.
39 (b) Division of Financial Institutions.
40 (c) Housing Division.
41 (d) Real Estate Division.
42 (e) Division of Insurance.
43 (f) Division of Industrial Relations.
44 (g) Office of Labor Commissioner.
45 (h) Taxicab Authority.



(i) Office of the Nevada Attorney for Injured Workers.

(j) Nevada Transportation Authority.

(k) Division of Mortgage Lending.

(l) *Office of Nevada Boards, Commissions and Councils Standards.*

(m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 30. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The chief of the Consumer Affairs Unit is the Commissioner of Consumer Affairs, the chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the chief of the Housing Division is the Administrator of the Housing Division, the chief of the Real Estate Division is the Real Estate Administrator, the chief of the Division of Insurance is the Commissioner of Insurance, the chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the chief of the Office of Labor Commissioner is the Labor Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the chief of the Nevada Transportation Authority is the Chair of the Authority, the chief of the Division of Mortgage Lending is the Commissioner of Mortgage Lending, *the chief of the Office of Nevada Boards, Commissions and Councils Standards is the Deputy Director of the Office appointed pursuant to section 19 of this act* and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he or she deems it necessary to carry out his or her administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to



1 this subsection. This subsection does not allow the Director to
2 preempt any authority or jurisdiction granted by statute to any
3 division or other entity within the Department or to act or take on a
4 function that would contravene a rule of court or a statute.

5 3. May:

6 (a) Establish uniform policies for the Department, consistent
7 with the policies and statutory responsibilities and duties of the
8 divisions and other entities within the Department, relating to
9 matters concerning budgeting, accounting, planning, program
10 development, personnel, information services, dispute resolution,
11 travel, workplace safety, the acceptance of gifts or donations, the
12 management of records and any other subject for which a uniform
13 departmental policy is necessary to ensure the efficient operation of
14 the Department.

15 (b) Provide coordination among the divisions and other entities
16 within the Department, in a manner which does not encroach upon
17 their statutory powers and duties, as they adopt and enforce
18 regulations, execute agreements, purchase goods, services or
19 equipment, prepare legislative requests and lease or use office space.

20 (c) Define the responsibilities of any person designated to carry
21 out the duties of the Director relating to financing, industrial
22 development or business support services.

23 4. May, within the limits of the financial resources made
24 available to the Director, promote, participate in the operation of,
25 and create or cause to be created, any nonprofit corporation,
26 pursuant to chapter 82 of NRS, which he or she determines is
27 necessary or convenient for the exercise of the powers and duties of
28 the Department. The purposes, powers and operation of the
29 corporation must be consistent with the purposes, powers and duties
30 of the Department.

31 5. For any bonds which the Director is otherwise authorized to
32 issue, may issue bonds the interest on which is not exempt from
33 federal income tax or excluded from gross revenue for the purposes
34 of federal income tax.

35 6. May, except as otherwise provided by specific statute, adopt
36 by regulation a schedule of fees and deposits to be charged in
37 connection with the programs administered by the Director pursuant
38 to chapters 348A and 349 of NRS. Except as otherwise provided by
39 specific statute, the amount of any such fee or deposit must not
40 exceed 2 percent of the principal amount of the financing.

41 7. May designate any person within the Department to perform
42 any of the duties or responsibilities, or exercise any of the authority,
43 of the Director on his or her behalf.



8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Sec. 31. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, unless the context otherwise requires:

1. "Department" means the Department of ~~Employment, Training and Rehabilitation.~~ *Workforce.*

2. "Director" means the Director of the Department.

3. *"Federal workforce acts" means federal laws relating to the workforce, including, without limitation:*

(a) *The Strengthening Career and Technical Education for the 21st Century Act, Public Law 115-224;*

(b) *The Trade Act of 1974, 19 U.S.C. §§ 2101 et seq.;*

(c) *The Wagner-Peyser Act, 29 U.S.C. §§ 49 et seq.;*

(d) *The Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq.;*

(e) *The Workforce Innovation and Opportunity Act, 29 U.S.C. §§ 3101 et seq.;*

(f) *The Community Services Block Grant Act, 42 U.S.C. §§ 9901 et seq.; and*

(g) *The provisions of 12 U.S.C. § 1701u, 26 U.S.C. §§ 3301 et seq., 34 U.S.C. §§ 60501 et seq., 42 U.S.C. §§ 601 et seq. and §§ 3056 et seq.*

Sec. 32. NRS 232.910 is hereby amended to read as follows:

232.910 1. The Department of ~~Employment, Training and Rehabilitation~~ *Workforce* is hereby created. The purpose of the Department is to ~~plan, coordinate and carry out various services and activities designed to achieve and support employment and economic independence for residents of this~~ *create and maintain statewide workforce policies, develop and carry out an integrated state workforce development plan and administer all money received by the State* ~~who are disadvantaged, displaced or~~



~~disabled;~~ pursuant to the federal workforce acts, including the provision of services using such money to:

- (a) Veterans;
- (b) Persons with disabilities;
- (c) Members of federally recognized Indian tribes or nations;
- (d) Eligible youth;
- (e) Probationers and parolees;
- (f) Adults;
- (g) Persons who are experiencing homelessness;
- (h) Dislocated workers, as defined in 29 U.S.C. § 3102;
- (i) Persons lawfully admitted to the United States as refugees;
- (j) English learners, as defined in 20 U.S.C. § 7801(20);
- (k) Persons who lack the skills necessary to obtain gainful employment;
- (l) Persons seeking employment for the first time; and
- (m) Any other person or group of persons to whom the Department provides services.

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

- (a) ~~Employment~~ Workforce Security Division;
- (b) ~~Rehabilitation~~ Workforce Development Division; ~~and~~
- (c) Workforce Innovation Division; and
- (d) Such other divisions as the Director may establish.

3. The ~~Governor's~~ Office of Workforce Innovation, the Nevada Equal Rights Commission, the Office of Science, Innovation and Technology, the State Apprenticeship Council and the Board for the Education and Counseling of Displaced Homemakers are within the Department.

Sec. 33. NRS 232.920 is hereby amended to read as follows:
232.920 The Director:

1. Shall:
 - (a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;
 - (b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;
 - (c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law;
 - (d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting



required of the Board of Regents by subsection 4 of NRS 396.531;
~~and~~

(e) *Prepare and coordinate the timing, form and content of all state plans and reports relating to the workforce, including, without limitation:*

(1) *An integrated state workforce development plan, which must be prepared by February 1 of each even-numbered year;*

(2) *Each state report required by the United States Department of Labor; and*

(3) *Each unified or combined state plan required by the federal workforce acts; and*

(f) Provide to the Director of the Legislative Counsel Bureau a written report each quarter containing the rate of unemployment of residents of this State regarding whom the Department has information, organized by county and, for each county, the rate of unemployment disaggregated by demographic information, including, without limitation, age, race and gender. The Director of the Department shall:

(1) Post on the Internet website of the Department the report required by this paragraph;

(2) Provide the report to the Governor's Workforce ~~Investment~~ Development Board and all applicable agencies for the purposes of subsection 5 of NRS 232.935; and

(3) Post on the Internet website of the Department the written report provided by the Governor's Workforce ~~Investment~~ Development Board pursuant to subsection 5 of NRS 232.935.

2. Is responsible for the ~~administration~~:

(a) *Administration*, through the divisions of the Department, of the provisions of NRS 394.383 to 394.560, inclusive, 426.010 to 426.715, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute ~~and~~;

(b) *Coordination, through the divisions of the Department and with the Department of Education and the Nevada System of Higher Education, of programs to increase the number of persons qualified for licensure pursuant to chapter 391 of NRS; and*

(c) *Efficient delivery, through the divisions of the Department, of all programs relating to the federal workforce acts, including, without limitation, the operation of comprehensive one-stop centers pursuant to 34 C.F.R. § 361.305.*

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.



Sec. 34. NRS 232.935 is hereby amended to read as follows:

232.935 1. In appointing members of the Governor's Workforce ~~[Investment]~~ **Development** Board, the Governor shall ensure that the membership as a whole represents:

(a) Industry sectors *in each region of this State* which are essential to this State and which are driven primarily by demand ~~[I]~~, *which may include, without limitation, the appointment of one or more members of a local workforce development board;*

(b) Communities and areas of economic development which are essential to this State; and

(c) The diversity of the workforce of this State, including, without limitation, geographic diversity and the diversity within regions of this State.

2. The Governor's Workforce ~~[Investment]~~ **Development** Board shall:

(a) Identify:

(1) Industry sectors *in each region of this State* which are essential to this State; and

(2) The region or regions of this State where the majority of the operations of each of those industry sectors is conducted.

(b) Establish:

(1) Regional goals for economic development for each of the industry sectors identified pursuant to paragraph (a); and

(2) A council for each industry sector ~~[I]~~ *unless a regional industry sector partnership has been established for the industry sector pursuant to the federal workforce acts, in which case the Board shall deem the partnership to be such a council.*

(c) Consider and develop programs to promote:

(1) Strategies to improve labor markets for industries and regions of this State, including, without limitation, improving the availability of relevant information;

(2) Coordination of the efforts of relevant public and private agencies and organizations;

(3) Strategies for providing funding as needed by various industry sectors;

(4) Increased production capacities for various industry sectors;

(5) The development of useful measurements of performance and outcomes in various industry sectors;

(6) Participation by and assistance from state and local government agencies;

(7) Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;

(8) Partnerships between labor and management;



(9) Business associations;

(10) The development of improved instructional and educational resources for employers and employees; and

(11) The development of improved economies of scale, as applicable, in industry sectors.

3. Each industry sector council established pursuant to subparagraph (2) of paragraph (b) of subsection 2:

(a) Must be composed of representatives from:

(1) Employers within that industry;

(2) Organized labor within that industry ~~(f)~~, *if applicable*;

(3) Universities and community colleges; and

(4) Any other relevant group of persons deemed to be appropriate by the Board.

(b) Shall, within the parameters set forth in the American Recovery and Reinvestment Act of 2009 or the parameters of any other program for which the federal funding is available, identify job training and education programs which the industry sector council determines to have the greatest likelihood of meeting the regional goals for economic development established for that industry sector pursuant to subparagraph (1) of paragraph (b) of subsection 2.

4. The Board shall:

(a) Identify and apply for federal funding available for the job training and education programs identified pursuant to paragraph (b) of subsection 3;

(b) Consider and approve or disapprove applications for money;

(c) Provide and administer grants of money to industry sector councils for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established pursuant to subparagraph (1) of paragraph (b) of subsection 2; and

(d) Adopt regulations establishing:

(1) Guidelines for the submission and review of applications to receive grants of money from the Department; and

(2) Criteria and standards for the eligibility for and use of any grants made pursuant to paragraph (c).

➤ Except as otherwise required as a condition for federal funding, the regulations required by this subsection must give priority to job training and education programs that are consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of NRS 231.053.

5. The Board shall:

(a) Receive reports from the Director pursuant to paragraph ~~(e)~~ *(f)* of subsection 1 of NRS 232.920;



(b) Require all applicable agencies which provide workforce development services to coordinate efforts and resources to reduce the rate of unemployment for a demographic group contained in the report provided pursuant to paragraph ~~(e)~~ (f) of subsection 1 of NRS 232.920 if, for that demographic group, the rate of unemployment for the group:

(1) Is 200 percent or more of the rate of unemployment for the applicable county as a whole;

(2) Is 4 or more percentage points higher than the rate of unemployment for the applicable county as a whole; or

(3) Has been higher than the rate of unemployment for the applicable county as a whole for 3 or more consecutive years; and

(c) Provide a written report each year to the Director of the Department and the Director of the Legislative Counsel Bureau describing the efforts made by the Board and all applicable agencies to comply with paragraph (b).

6. In carrying out its powers and duties pursuant to this section, the Board shall consult with the Executive Director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

7. As used in this section, “industry sector” means a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic links.

Sec. 35. NRS 232.940 is hereby amended to read as follows:

232.940 The ~~[Rehabilitation]~~ *Workforce Development* Division of the Department consists of: ~~[the following bureaus:]~~

1. *The* Bureau of Services to Persons Who Are Blind or Visually Impaired.

2. *The* Bureau of Vocational Rehabilitation.

3. *The Board for the Education and Counseling of Displaced Homemakers created by NRS 388.615.*

4. *The Nevada Equal Rights Commission created by NRS 233.030.*

5. *Such other bureaus or units as the Director may establish.*

Sec. 36. NRS 232.945 is hereby amended to read as follows:

232.945 1. The Director shall appoint ~~[an Administrator of]~~ *deputy directors of the divisions of the Department, who are respectively designated as follows:*

(a) *The Deputy Director of the [Rehabilitation] Workforce Development* Division of the Department ~~[:]~~;

(b) *The Deputy Director of the Workforce Innovation Division of the Department; and*



(c) *The Deputy Director of the Workforce Security Division of the Department.*

2. The ~~[Administrator:]~~ *deputy directors:*

~~[1.—Is]~~

(a) *Are* in the unclassified service of the State unless federal law or regulation requires otherwise, and ~~[serves]~~ *serve* at the pleasure of the Director.

~~[2:]~~ (b) Shall administer the provisions of law set forth in ~~[subsection—4:]~~ *paragraph (d)*, subject to the administrative supervision of the Director.

~~[3:]~~ (c) Except as otherwise provided in NRS 284.143, shall devote ~~[his or her]~~ *their* entire time and attention to the business of ~~[his or her]~~ *their* office and shall not pursue any other business or occupation or hold any other office of profit.

(d) *May make such expenditures and investigations, require such reports and take such other actions as the deputy directors deem necessary or suitable to carry out the functions of the respective divisions, subject to the supervision of the Director.*

(e) *May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the respective divisions, subject to the supervision of the Director.*

~~[4:]~~ 3. *The Deputy Director of the Workforce Development Division of the Department:*

(a) Is responsible for the administration, through the bureaus of the ~~[Rehabilitation]~~ *Workforce Development* Division, of the provisions of this section, NRS 232.940, 426.517 to 426.610, inclusive, and chapter 615 of NRS, and all other provisions of law relating to the functions of the ~~[Rehabilitation]~~ *Workforce Development* Division.

~~[5:]~~ (b) Is responsible for the preparation of a consolidated state plan for the Bureau of Services to Persons Who Are Blind or Visually Impaired, the Bureau of Vocational Rehabilitation and any other program administered by the ~~[Rehabilitation]~~ *Workforce Development* Division that the ~~[Administrator]~~ *Deputy Director* considers appropriate to incorporate into the consolidated state plan before submission to the Federal Government. This ~~[subsection]~~ *paragraph* does not apply if any federal regulation exists that prohibits a consolidated plan.

~~[6:]~~ (c) In developing and revising state plans pursuant to ~~[subsection 5:]~~ *paragraph (b)*, shall consider, without limitation:

~~[(a)]~~ (1) The amount of money available from the Federal Government for the programs of the ~~[Rehabilitation]~~ *Workforce Development* Division;

~~[(b)]~~ (2) The conditions attached to the acceptance of that money; and



~~[(e)]~~ (3) The limitations of legislative appropriations for the programs.

~~[7. May make such expenditures and investigations, require such reports and take such other actions as the Administrator deems necessary or suitable to carry out the functions of the Rehabilitation Division.~~

~~—8. May employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the duties of the Rehabilitation Division.~~

~~—9.]~~ (d) Shall determine the organization and methods of procedure for the ~~[Rehabilitation]~~ **Workforce Development** Division in accordance with the provisions of this section, NRS 232.940, 426.517 to 426.610, inclusive, and chapter 615 of NRS, and all other provisions of law relating to the functions of the ~~[Rehabilitation]~~ **Workforce Development** Division.

~~[10.]~~ (e) May adopt, amend or rescind such rules and regulations as the ~~[Administrator]~~ **Deputy Director** deems necessary or suitable to carry out the provisions of this section, NRS 232.940, 426.517 to 426.610, inclusive, and chapter 615 of NRS, and all other provisions of law relating to the functions of the ~~[Rehabilitation]~~ **Workforce Development** Division.

Sec. 37. NRS 232.960 is hereby amended to read as follows:

232.960 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money or other property which the ~~[Rehabilitation]~~ **Workforce Development** Division of the Department is authorized to accept must be accounted for in the Department of ~~[Employment, Training and Rehabilitation's]~~ **Workforce's** Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The Department may establish such accounts in the Fund as are necessary to account properly for gifts received. All such money received by the Division must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Director or the Director's delegate.

2. Gifts of property other than money may be sold or exchanged when it is deemed by the Director to be in the best interest of the ~~[Rehabilitation]~~ **Workforce Development** Division. The sale price must not be less than 90 percent of the value determined by a qualified appraiser appointed by the Director. All money received from the sale must be deposited in the State Treasury to the credit of the Fund. The money may be spent only for the purposes of the Division. The property may not be sold or exchanged if to do so would violate the terms of the gift.



1 **Sec. 38.** NRS 232.965 is hereby amended to read as follows:
2 232.965 The ~~{Governor's}~~ Office of Workforce Innovation is
3 hereby created in the Department.

4 **Sec. 39.** NRS 232.970 is hereby amended to read as follows:
5 232.970 1. The ~~{Governor}~~ *Director* shall appoint the
6 ~~{Executive-Director}~~ *Administrator* of the ~~{Governor's}~~ Office of
7 Workforce Innovation.

8 2. The ~~{Executive-Director}~~ *Administrator* is in the
9 unclassified service of the State and serves at the pleasure of the
10 ~~{Governor.}~~ *Director.*

11 **Sec. 40.** NRS 232.975 is hereby amended to read as follows:

12 232.975 The ~~{Executive-Director}~~ *Administrator* of the
13 ~~{Governor's}~~ Office of Workforce Innovation , *under the*
14 *supervision of the Deputy Director of the Workforce Innovation*
15 *Division of the Department appointed pursuant to NRS 232.945,*
16 shall:

17 1. Provide support to the Department, the Governor's
18 Workforce ~~{Investment}~~ *Development* Board created by NRS
19 232.935 and the industry sector councils established by the
20 Governor's Workforce ~~{Investment}~~ *Development* Board on matters
21 relating to workforce development.

22 2. Work in coordination with the Office of Economic
23 Development to establish criteria and goals for workforce
24 development and diversification in this State.

25 3. Collect and systematize and present in biennial reports to the
26 Governor and the Legislature such statistical details relating to
27 workforce development in the State as the ~~{Executive}~~ Director ~~{of~~
28 ~~the-Office}~~ may deem essential to further the objectives of the
29 ~~{Governor's}~~ Office of Workforce Innovation.

30 4. At the direction of the ~~{Director.}~~ *Deputy Director of the*
31 *Workforce Innovation Division of the Department:*

32 (a) Identify, recommend and implement policies related to
33 workforce development.

34 (b) Define career pathways and identify priority career pathways
35 for secondary and postsecondary education.

36 (c) Discontinue career pathways offered by the State which fail
37 to meet minimum standards of quality, rigor and cross-education
38 alignment, or that do not demonstrate a connection to priority
39 industry needs.

40 (d) In consultation with the Governor's Workforce ~~{Investment}~~
41 *Development* Board, identify industry-recognized credentials,
42 workforce development programs and education.

43 (e) Maintain and oversee the statewide longitudinal data system
44 that links data relating to early childhood education programs and



1 K-12 public education with data relating to postsecondary education
2 and the workforce in this State.

3 (f) Collect accurate educational data in the statewide
4 longitudinal data system for the purpose of analyzing student
5 performance through employment to assist in improving the
6 educational system and workforce training program in this State.

7 (g) Apply for and administer grants, including, without
8 limitation, those that may be available from funding reserved for
9 statewide workforce investment activities.

10 (h) Review the status and structure of local workforce
11 investment areas in the State, in coordination with the Governor and
12 the Governor's Workforce ~~Investment~~ Development Board.

13 (i) Report periodically to the Governor's Workforce
14 ~~Investment~~ Development Board concerning the administration of
15 the policies and programs of the ~~Governor's~~ Office of Workforce
16 Innovation.

17 (j) On or before March 31 of each year, submit to the Governor
18 a complete report of the activities, discussions, findings and
19 recommendations of the ~~Governor's~~ Office of Workforce
20 Innovation.

21 (k) Suggest improvements regarding the allocation of federal
22 and state money to align workforce training and related education
23 programs in the State, including, without limitation, career and
24 technical education.

25 (l) On or before January 1 of each year, collect and analyze data
26 as needed to create a written report for the purposes of this
27 paragraph, and submit such a report to the Director of the
28 Legislative Counsel Bureau. The report must include, without
29 limitation:

30 (1) Statistical data based on an analysis of the number of
31 persons within this State who are engaged in an occupation or
32 profession that is regulated by a regulatory body in relation to the
33 total population of this State or any geographic area within this
34 State;

35 (2) The demand within this State or any geographic area
36 within this State for the types of services provided by persons within
37 this State who are engaged in an occupation or profession that is
38 regulated by a regulatory body; and

39 (3) Any other factors relating to the types of services
40 provided by persons within this State who are engaged in an
41 occupation or profession that is regulated by a regulatory body that
42 adversely affect public health or safety.

43 ➤ As used in this paragraph, "regulatory body" has the meaning
44 ascribed to it in NRS 622.060.



(m) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.

Sec. 41. NRS 232.980 is hereby amended to read as follows:

232.980 The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of NRS 232.975:

1. The Department of ~~Employment, Training and Rehabilitation.~~ **Workforce.**

2. The Department of Education.

3. The Nevada System of Higher Education.

4. The Department of Motor Vehicles.

5. Any other public agency which is directed by the Governor to submit such data.

Sec. 42. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The Nevada Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.

(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.

(m) The Silver State Health Insurance Exchange.



(n) The Cannabis Compliance Board.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the ~~[Employment]~~ *Unemployment Insurance Administration Bureau of the Workforce* Security Division of the Department of ~~[Employment, Training and Rehabilitation;]~~ *Workforce*;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(d) NRS 90.800 for the use of summary orders in contested cases,

➤ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;

(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;

(d) The judicial review of decisions of the Public Utilities Commission of Nevada;

(e) The adoption, amendment or repeal of policies by the ~~[Rehabilitation]~~ *Workforce Development* Division of the Department of ~~[Employment, Training and Rehabilitation]~~ *Workforce* pursuant to NRS 426.561 or 615.178;

(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the



Department of Health and Human Services pursuant to NRS 217.130;

(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;

(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;

(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;

(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734;

~~for~~ (k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404 ~~to~~; or

(l) The adoption, amendment or repeal of a rule or regulation of a cabinet secretary within the Office of the Governor.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 43. Chapter 233F of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. *“Chief” means the Chief Information Officer within the Office of the Governor.*

Sec. 45. *“Office” means the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 46. NRS 233F.010 is hereby amended to read as follows:

233F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[233F.015]~~ 233F.020 to 233F.065, inclusive, *and sections 44 and 45 of this act*, have the meanings ascribed to them in those sections.

Sec. 47. NRS 233F.110 is hereby amended to read as follows:

233F.110 1. The ~~[Administrator]~~ *Chief* may, upon receiving a request for a microwave channel or channels from an agency, approve or disapprove that request. If the request is approved, the ~~[Division]~~ *Office* shall assign a channel or channels to the agency at a cost which reflects the actual share of costs incurred for services provided to the agency, in accordance with the comprehensive system of equitable billing and charges developed by the coordinator of communications.



2. Except as otherwise provided in subsection 3, a microwave channel assigned by the ~~[Administrator]~~ *Chief* to an agency for its use must not be reassigned without the concurrence of the agency.

3. The ~~[Administrator]~~ *Chief* may revoke the assignment of a microwave channel if an agency fails to pay for its use and may reassign that channel to another agency.

4. Equipment for microwave channels which is purchased by a using agency becomes the property of the ~~[Division]~~ *Office* if the agency fails to use or pay for those channels. The equipment must be used by the ~~[Division]~~ *Office* to replace old or obsolete equipment in the state communications system.

5. A state agency shall not purchase equipment for microwave stations without prior approval from the ~~[Administrator]~~ *Chief* unless:

(a) The existing services do not meet the needs of the agency; or

(b) The equipment will not be used to duplicate services which are provided by the state communications system or a private company.

6. The ~~[Division]~~ *Office* shall reimburse an agency for buildings, facilities or equipment which is consolidated into the state communications system.

Sec. 48. NRS 205.4765 is hereby amended to read as follows:

205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Damages;

(c) Destroys;

(d) Discloses;

(e) Uses;

(f) Transfers;

(g) Conceals;

(h) Takes;

(i) Retains possession of;

(j) Copies;

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,

↪ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Destroys;

(c) Uses;



- 1 (d) Takes;
- 2 (e) Damages;
- 3 (f) Transfers;
- 4 (g) Conceals;
- 5 (h) Copies;
- 6 (i) Retains possession of; or
- 7 (j) Obtains or attempts to obtain access to, permits access to or
- 8 causes to be accessed,

9 ➔ equipment or supplies that are used or intended to be used in a
10 computer, system or network is guilty of a misdemeanor.

11 3. Except as otherwise provided in subsection 6, a person who
12 knowingly, willfully and without authorization:

- 13 (a) Destroys;
- 14 (b) Damages;
- 15 (c) Takes;
- 16 (d) Alters;
- 17 (e) Transfers;
- 18 (f) Discloses;
- 19 (g) Conceals;
- 20 (h) Copies;
- 21 (i) Uses;
- 22 (j) Retains possession of; or
- 23 (k) Obtains or attempts to obtain access to, permits access to or
- 24 causes to be accessed,

25 ➔ a computer, system or network is guilty of a misdemeanor.

26 4. Except as otherwise provided in subsection 6, a person who
27 knowingly, willfully and without authorization:

- 28 (a) Obtains and discloses;
- 29 (b) Publishes;
- 30 (c) Transfers; or
- 31 (d) Uses,

32 ➔ a device used to access a computer, network or data is guilty of a
33 misdemeanor.

34 5. Except as otherwise provided in subsection 6, a person who
35 knowingly, willfully and without authorization introduces, causes to
36 be introduced or attempts to introduce a computer contaminant into
37 a computer, system or network is guilty of a misdemeanor.

38 6. If the violation of any provision of this section:

39 (a) Was committed to devise or execute a scheme to defraud or
40 illegally obtain property;

41 (b) Caused response costs, loss, injury or other damage in excess
42 of \$500; or

43 (c) Caused an interruption or impairment of a public service,
44 including, without limitation, a governmental operation, a system of



public communication or transportation or a supply of water, gas or electricity,

➔ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the ~~[Division of Enterprise Information Technology Services of the Department of Administration]~~ *Office of the Chief Information Officer within the Office of the Governor* that is authorized by the ~~[Administrator of the Division of Enterprise Information Technology Services]~~ *Chief of that Office* or the head of the Office of Information Security of the ~~[Division]~~ *Office of the Chief Information Officer*. As used in this subsection:

(a) “Information system” has the meaning ascribed to it in NRS 242.057.

(b) “Penetration testing” has the meaning ascribed to it in NRS 242.171.

Sec. 49. NRS 205A.040 is hereby amended to read as follows:
205A.040 1. The Technological Crime Advisory Board is hereby created.

2. The Board consists of 13 members as follows:

(a) The Attorney General.

(b) The ~~[Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.]~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor.*

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

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

(e) Nine other persons appointed by the Governor as follows:

(1) Two or more persons who represent major sectors of the economy of this State that are impacted significantly by technological crimes.

(2) One or more persons who are employees of a law enforcement agency of this State.

(3) One or more persons who are employees of a public educational institution within this State.

(4) One or more persons who are residents of this State and who are employed by the Federal Government.

3. Each member of the Board who is appointed to the Board serves for a term of 4 years. A vacancy on the Board in an appointed



1 position must be filled in the same manner as the original
2 appointment. A member may be reappointed to the Board.

3 4. The members of the Board shall elect a Chair and Vice Chair
4 by majority vote. After the initial election, the Chair and Vice Chair
5 shall hold office for a term of 1 year beginning on July 1 of each
6 year. If the position of Chair or Vice Chair becomes vacant, the
7 members of the Board shall elect a Chair or Vice Chair, as
8 appropriate, from among its members for the remainder of the
9 unexpired term.

10 5. The members of the Board:

11 (a) Serve without compensation; and

12 (b) May, upon written request, receive the per diem allowance
13 and travel expenses provided for state officers and employees
14 generally while engaged in the business of the Board.

15 6. A member of the Board who is an officer or employee of
16 this State or a political subdivision of this State must be relieved
17 from duties without loss of regular compensation so that the officer
18 or employee may prepare for and attend meetings of the Board and
19 perform any work necessary to carry out the duties of the Board in
20 the most timely manner practicable. A state agency or political
21 subdivision of this State shall not require an officer or employee
22 who is a member of the Board to make up the time the officer or
23 employee is absent from work to carry out duties as a member of the
24 Board or use annual vacation or compensatory time for the absence.

25 **Sec. 50.** NRS 205A.050 is hereby amended to read as follows:

26 205A.050 1. The Board shall meet at least once every quarter
27 and at the times and places specified by a call of the Chair or a
28 majority of the members of the Board.

29 2. Except as otherwise provided in subsection 3, a member of
30 the Board may designate in writing a person to represent him or her
31 at a meeting of the Board if it is impractical for the member of the
32 Board to attend the meeting. A representative who has been so
33 designated:

34 (a) Shall be deemed to be a member of the Board for the purpose
35 of determining a quorum at the meeting; and

36 (b) May vote on any matter that is voted on by the regular
37 members of the Board at the meeting.

38 3. The Attorney General may designate a representative to
39 serve in his or her place on the Board or attend a meeting of the
40 Board in his or her place. The ~~Administrator of the Division of~~
41 ~~Enterprise Information Technology Services of the Department of~~
42 ~~Administration~~ *Chief of the Office of the Chief Information*
43 *Officer within the Office of the Governor* may designate a
44 representative to serve in his or her place on the Board or attend a
45 meeting of the Board in his or her place.



4. Seven members of the Board constitute a quorum. Except as otherwise provided in NRS 205A.070 and 205A.080, a quorum may exercise all the power and authority conferred on the Board.

5. Notwithstanding any other provision of law, a member of the Board:

(a) Is not disqualified from public employment or holding a public office because of membership on the Board; and

(b) Does not forfeit public office or public employment because of membership on the Board.

Sec. 51. NRS 205A.060 is hereby amended to read as follows:
205A.060 The Board shall:

1. Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.

2. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes.

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.

4. Assist the ~~[Division of Enterprise Information Technology Services of the Department of Administration]~~ *Office of the Chief Information Officer within the Office of the Governor* in securing governmental information systems against illegal intrusions and other criminal activities.

5. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

6. Distribute money deposited pursuant to NRS 179.1233 into the Account for the Technological Crime Advisory Board in accordance with the provisions of NRS 205A.090.

7. Authorize the payment of expenses incurred by the Board in carrying out its duties pursuant to this chapter.

Sec. 52. NRS 218E.400 is hereby amended to read as follows:

218E.400 1. There is hereby created in the Legislative Counsel Bureau an Interim Finance Committee. Except as otherwise provided in this section, the Interim Finance Committee is composed of the members of the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during the current or immediately preceding regular session.



2. Except as otherwise provided in this subsection, the immediate past Chair of the Senate Standing Committee on Finance is the Chair of the Interim Finance Committee for the period ending with the convening of each even-numbered regular session. The immediate past Chair of the Assembly Standing Committee on Ways and Means is the Chair of the Interim Finance Committee during the next legislative interim, and the position of Chair alternates between the Houses according to this pattern. The term of the Chair of the Interim Finance Committee terminates if a new Chair of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as the case may be, is designated for the next regular session, in which case that person so designated serves as the Chair of the Interim Finance Committee until the convening of that regular session.

3. If any regular member of the Interim Finance Committee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for that meeting from the same House and political party as the absent member.

4. Except as otherwise provided in subsection 5, the term of a member of the Interim Finance Committee expires upon the convening of the next regular session unless the member is replaced by the appointing authority. If the Speaker designate of the Assembly or the Majority Leader designate of the Senate designates members of the Assembly Standing Committee on Ways and Means or the Senate Standing Committee on Finance, as applicable, for the next regular session, the designated members become members of the Interim Finance Committee. A member may be reappointed.

5. The membership of any member who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, shall appoint an alternate to fill the vacancy on the Interim Finance Committee. Except as otherwise provided in this subsection, each alternate serves on the Interim Finance Committee:

(a) If the alternate is a member of the Assembly, until the Speaker designate of the Assembly designates the members of the Assembly Standing Committee on Ways and Means for the next regular session or appoints a different alternate.

(b) If the alternate is a member of the Senate, until the Majority Leader designate of the Senate designates the members of the Senate Standing Committee on Finance for the next regular session or appoints a different alternate.



6. The Director shall act as the Secretary of the Interim Finance Committee.

7. A majority of the members of the Assembly Standing Committee on Ways and Means and a majority of the members of the Senate Standing Committee on Finance, jointly, may call a meeting of the Interim Finance Committee if the Chair does not do so.

8. In all matters requiring action by the Interim Finance Committee, the vote of the Assembly members and the Senate members must be taken separately. No action may be taken unless it receives the affirmative vote of a majority of the Assembly members and a majority of the Senate members.

9. ~~The~~ *Except as otherwise provided in this subsection, the Interim Finance Committee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive. The Interim Finance Committee shall not take any action that interferes with or intervenes in the execution of the operations of the State Government, including, without limitation, decisions regarding personnel and the allocation of money that was appropriated or authorized for expenditure during a regular or special session of the Legislature.*

10. Except during a regular or special session, for each day or portion of a day during which a member of the Interim Finance Committee and appointed alternate attends a meeting of the Interim Finance Committee or is otherwise engaged in the business of the Interim Finance Committee, the member or appointed alternate is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

11. All such compensation, per diem allowances and travel expenses must be paid from the Contingency Fund in the State Treasury.

Sec. 53. 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 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020,



1 NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS
2 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS
3 341.145, subsection 3 of NRS 349.073, NRS 353.220, ~~353.224,~~
4 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.224,
5 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS
6 428.375, 433.732, 439.4905, 439.620, 439.630, 445B.830,
7 subsection 1 of NRS 445C.320 and NRS 538.650. In performing
8 those duties, the Senate Standing Committee on Finance and the
9 Assembly Standing Committee on Ways and Means may meet
10 separately and transmit the results of their respective votes to the
11 Chair of the Interim Finance Committee to determine the action of
12 the Interim Finance Committee as a whole.

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

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

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

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

28 **Sec. 54.** NRS 239.073 is hereby amended to read as follows:

29 239.073 1. The Committee to Approve Schedules for the
30 Retention and Disposition of Official State Records, consisting of
31 six members, is hereby created.

32 2. The Committee consists of:

33 (a) The Secretary of State;

34 (b) The Attorney General;

35 (c) The Director of the Department of Administration;

36 (d) The State Library, Archives and Public Records
37 Administrator;

38 (e) The ~~Administrator of the Division of Enterprise Information~~
39 ~~Technology Services of the Department of Administration;~~ *Chief*
40 *of the Office of the Chief Information Officer within the Office of*
41 *the Governor;* and

42 (f) One member who is a representative of the general public
43 appointed by the Governor.

44 ➤ All members of the Committee, except the representative of the
45 general public, are ex officio members of the Committee.



3. The Secretary of State or a person designated by the Secretary of State shall serve as Chair of the Committee. The State Library, Archives and Public Records Administrator shall serve as Secretary of the Committee and prepare and maintain the records of the Committee.

4. The Committee shall meet at least quarterly and may meet upon the call of the Chair.

5. An ex officio member of the Committee may designate a person to represent the ex officio member at any meeting of the Committee. The person designated may exercise all the duties, rights and privileges of the member that the person represents.

6. The Committee may adopt rules and regulations for its management.

Sec. 55. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 56 and 57 of this act.

Sec. 56. *"Chief" means the Chief of the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 57. *"Office" means the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 58. NRS 242.011 is hereby amended to read as follows:

242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[242.013]~~ **242.015** to 242.068, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the ~~{Division of Enterprise Information Technology Services of the Department of Administration}~~ **Office of the Chief Information Officer within the Office of the Governor** is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the ~~{Division}~~ **Office** are:

- (a) To perform information services for state agencies.
- (b) To provide technical advice but not administrative control of the information systems within the state agencies and, as authorized, of local governmental agencies.

Sec. 60. NRS 242.080 is hereby amended to read as follows:

242.080 1. The ~~{Division of Enterprise Information Technology Services of the Department}~~ **Office of the Chief Information Officer** is hereby created ~~[.]~~ **within the Office of the Governor.**

2. The Division **Office** consists of the ~~{Administrator}~~ **Chief** and the:



(a) Enterprise Application Services Unit.

(b) Communication and Computing Unit.

(c) Office of Information Security.

~~[3. A Communications Group and a Telecommunications Group are hereby created within the Communication and Computing Unit of the Division.]~~

(d) Other units, groups, divisions or departments deemed necessary by the Chief to the extent such functions are supported by the appropriations allocated to the functions of the Office.

Sec. 61. NRS 242.101 is hereby amended to read as follows:

242.101 1. The ~~[Administrator]~~ *Chief Information Officer* shall:

(a) Appoint ~~[the]~~ *a Deputy* Chief of the Office of Information Security who is in the classified service of the State;

(b) Administer the provisions of this chapter and other provisions of law relating to the duties of the ~~[Division;]~~ *Office of the Chief Information Officer;*

(c) Employ, within the limits of the approved budget of the Office, such other staff as is necessary for the performance of the duties of the Office; and

~~[(e)]~~ *(d)* Carry out other duties and exercise other powers specified by law.

2. The ~~[Administrator]~~ *Chief* may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 62. NRS 242.111 is hereby amended to read as follows:

242.111 The ~~[Administrator]~~ *Chief* shall adopt regulations necessary for the administration of this chapter, including:

1. The policy for the information systems of the Executive Branch of Government, excluding the Nevada System of Higher Education and the Nevada Criminal Justice Information System, as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of state agencies and officers at the least cost to the State;

2. The procedures of the ~~[Division]~~ *Office* in providing information services, which may include provision for the performance, by an agency which uses the services or equipment of the ~~[Division;]~~ *Office*, of preliminary procedures, such as data recording and verification, within the agency;

3. The effective administration of the ~~[Division;]~~ *Office*, including, without limitation, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;



4. The development of standards to ensure the security of the information systems of the Executive Branch of Government; and
5. Specifications and standards for the employment of all personnel of the ~~[Division]~~ *Office*.

Sec. 63. NRS 242.115 is hereby amended to read as follows:

242.115 ~~[1.—Except as otherwise provided in subsection 2, the Administrator]~~ *The Chief* shall:

~~[(a)]~~ 1. Develop policies and standards for the information systems of the Executive Branch of Government;

~~[(b)]~~ 2. Coordinate the development of a biennial state plan for the information systems of the Executive Branch of Government;

~~[(c)]~~ 3. Develop guidelines to assist state agencies in the development of short- and long-term plans for their information systems; and

~~[(d)]~~ 4. Develop guidelines and procedures for the procurement and maintenance of the information systems of the Executive Branch of Government.

~~[2.—This section does not apply to the Nevada System of Higher Education or the Nevada Criminal Justice Information System used to provide support for the operations of law enforcement agencies in this State.]~~

Sec. 64. NRS 242.131 is hereby amended to read as follows:

242.131 1. The ~~[Division]~~ *Office* shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the ~~[Division]~~ *Office* for its services or the use of its equipment, subject to the provisions of this chapter, and the ~~[Division]~~ *Office* shall provide those services and the use of that equipment as may be mutually agreed:

(a) The Court Administrator;

(b) The Department of Motor Vehicles;

(c) The Department of Public Safety;

(d) The Department of Transportation;

~~[(e) The [Employment Security Division of the Department of Employment, Training and Rehabilitation;]]~~ *Department of Workforce;*

(f) The Department of Wildlife;

(g) The Housing Division of the Department of Business and Industry;

(h) The Legislative Counsel Bureau;

(i) The State Controller;



(j) The Nevada Gaming Control Board and Nevada Gaming Commission; and

(k) The Nevada System of Higher Education.

3. Any state agency or elected state officer who uses the services of the ~~[Division]~~ *Office* and desires to withdraw substantially from that use must apply to the ~~[Administrator]~~ *Chief* for approval. The application must set forth justification for the withdrawal. If the ~~[Administrator]~~ *Chief* denies the application, the agency or officer must:

(a) If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

(b) If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The ~~[Administrator]~~ *Chief* shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

4. If the demand for services or use of equipment exceeds the capability of the ~~[Division]~~ *Office* to provide them, the ~~[Division]~~ *Office* may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

Sec. 65. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 66 and 67 of this act.

Sec. 66. *1. This chapter and the regulations adopted pursuant thereto do not create or confer upon any state employee a contractual right to employment.*

2. Except as authorized by specific statute, an appointing authority shall not execute any contract for employment with any state employee.

Sec. 67. *The Administrator shall develop and implement:*

1. An audit function to review each appointing authority's processes and compliance with applicable policies, procedures and provisions of law relating to human resources.

2. A centralized job announcement system that streamlines employment recruiting for all appointing authorities.

3. A centralized employment system that includes, without limitation, a platform that all applicants may use to apply for state employment.

Sec. 68. NRS 284.010 is hereby amended to read as follows:

284.010 1. The Legislature declares that the purpose of this chapter is:



(a) To provide all citizens a fair and equal opportunity for public service;

(b) To establish conditions of service which will attract officers and employees of character and ability;

(c) To establish uniform job and salary classifications; and

(d) To increase the efficiency and economy of the agencies in the Executive Department of the State Government by the improvement of methods of ~~{personnel}~~ *human resources* administration.

2. The Legislature declares that, in its considered judgment, the proper administration of the Executive Department of our State Government requires the enactment of this chapter.

Sec. 69. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Division.

2. “Commission” means the ~~{Personnel}~~ *Human Resources* Commission.

3. “Disability,” includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.

4. “Division” means the Division of Human Resource Management of the Department of Administration.

5. “Essential functions” has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. “Marginalized identity” means an identity that causes or has historically caused a person of such an identity to be disproportionately subject to discrimination, harassment or other negative treatment as a result of the identity.

7. “Protective hairstyle” includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

8. “Public service” means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

9. “Race” includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

10. “Veteran” means a person who:

(a) Was regularly enlisted, drafted, inducted or commissioned in the:



(1) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;

(2) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or

(3) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and

(b) Was separated from such service under conditions other than dishonorable.

11. “Veteran with a service-connected disability” has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to NRS 417.0187.

Sec. 70. NRS 284.022 is hereby amended to read as follows:

284.022 The Division may include within the ~~Personnel~~ **Human Resources** System all employees of any governmental agency acquired for administration by the State.

Sec. 71. NRS 284.030 is hereby amended to read as follows:

284.030 1. There is hereby created in the Division a ~~Personnel~~ **Human Resources** Commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public ~~personnel~~ **human resources** administration.

(b) One member who is a representative of labor and has a background in ~~personnel~~ **human resources** administration.

(c) One member who is a representative of employers or managers and has a background in ~~personnel~~ **human resources** administration.

(d) An alternate member for each member appointed pursuant to paragraphs (a), (b) and (c) to serve when the regular member is unable to attend a meeting of the Commission.

Sec. 72. NRS 284.065 is hereby amended to read as follows:

284.065 1. The Commission has only such powers and duties as are authorized by law.

2. In addition to the powers and duties set forth elsewhere in this chapter, the Commission shall:

(a) Advise the Administrator concerning the organization and administration of the Division.



(b) Report to the Governor on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.

(c) Advise and make recommendations to the Governor or the Legislature relative to the ~~{personnel}~~ *human resources* policy of the State.

(d) Adopt regulations to carry out the provisions of this chapter.

(e) Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of ~~{personnel}~~ *human resources* standards in the state service.

(f) Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions.

(g) Exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

Sec. 73. NRS 284.073 is hereby amended to read as follows:

284.073 1. The Employee-Management Committee shall:

(a) Serve in an advisory capacity to the Governor, the Commission and the Division with respect to all matters of ~~{personnel}~~ *human resources* administration and relations between management and employees.

(b) Receive, consider and make recommendations on matters relating to ~~{personnel}~~ *human resources* administration, policy and procedures.

(c) Provide a forum for the hearing of employees' suggestions, complaints or disciplinary problems.

(d) Provide a means of communication for disseminating information to employees regarding the ~~{personnel}~~ *human resources* program.

(e) Except as otherwise provided in subsection 2, hold hearings, when requested, and make final decisions for the adjustment of grievances as provided by the regulations of the Commission.

2. The Committee shall not hold any hearing or make a final decision for the adjustment of a grievance unless an equal number of members appointed pursuant to paragraphs (a) and (b) of subsection 2 of NRS 284.068 attend the hearing and take part in making the final decision.

Sec. 74. NRS 284.075 is hereby amended to read as follows:

284.075 The Administrator:

1. Shall not engage in any other gainful employment or occupation.

2. Must be selected with special reference to the person's training, experience, capacity and interest in the field of ~~{personnel}~~ *human resources* administration. The knowledge and abilities of the person selected as the Administrator should include:



(a) A comprehensive knowledge of the principles and practices of ~~{personnel}~~ *human resources* administration.

(b) A working knowledge of job and salary classification methods.

(c) An extensive knowledge of the organization and operations of state departments, agencies and institutions, and of statutes and regulations concerning government ~~{personnel}~~ *human resources*.

(d) An extensive knowledge of principles of public organization and administration.

(e) Administrative ability in the direction of staff analyses of government salaries and positions, and in the maintenance of effective working relationships with all state officials concerned with ~~{personnel}~~ *human resources*.

(f) Ability to organize and present clearly oral and written reports of findings and recommendations.

3. Must have progressively responsible experience in ~~{personnel}~~ *human resources* administration in an amount to be determined by the Commission and have been graduated from an accredited 4-year college or university, or have an equivalent combination of experience in ~~{personnel}~~ *human resources* administration or training, substituting 2 years of experience for 1 year of training.

Sec. 75. NRS 284.110 is hereby amended to read as follows:

284.110 1. The ~~{Personnel}~~ *Human Resources* Operating Fund is hereby created as an internal service fund.

2. The Division may accept on behalf of the State any grant or contribution, federal or otherwise, made to assist in meeting the costs of carrying out the purposes of this chapter. All such grants and contributions must be deposited with the State Treasurer to the credit of the ~~{Personnel}~~ *Human Resources* Operating Fund.

3. All costs of administering the provisions of this chapter must be paid out of the ~~{Personnel}~~ *Human Resources* Operating Fund on claims in the same manner as other claims against the State are paid.

Sec. 76. NRS 284.115 is hereby amended to read as follows:

284.115 1. The Administrator shall:

(a) Maintain accurate records reflecting the costs of administering the provisions of this chapter.

(b) In preparation for the budget for each biennium, determine, on the basis of experience during the 2 preceding fiscal years, the estimated cost of carrying out the functions of the Division for the 2 succeeding fiscal years, and inform each department, agency and institution operating under the provisions of this chapter of that cost.



2. Each department, agency and institution shall include in its budget for each of the 2 succeeding fiscal years an amount of money equal to the cost estimated pursuant to subsection 1.

3. Except as otherwise provided in subsection 4, on July 1 of each year each department, agency and institution shall pay to the Administrator for deposit in the ~~{Personnel}~~ *Human Resources* Operating Fund an assessment equal to the amount of money appropriated to or authorized for that department, agency or institution pursuant to its budget for the costs of ~~{personnel}~~ *human resources* administration.

4. Any state department, agency or institution may pay the assessment required by subsection 3 on a date or dates other than July 1 if compliance with federal law or regulation so requires.

5. Changes in assessments are effective upon approval of the Governor and the Interim Finance Committee.

Sec. 77. NRS 284.125 is hereby amended to read as follows:

284.125 1. When requested by the Governor, the Legislature, or their authorized representatives, the Administrator may:

(a) Investigate duplication of ~~{personnel}~~ *human resources* work of departments, institutions and agencies in the Executive Department of the State Government.

(b) Study the personnel organization and administration of those departments, institutions and agencies.

(c) Formulate plans for better and more effective ~~{personnel}~~ *human resources* management.

2. The Administrator shall prepare and report any ~~{personnel}~~ *human resources* data or statistics which the Governor or the Legislature may require.

3. The Administrator shall cooperate with the heads of departments and agencies in making similar ~~{personnel}~~ *human resources* studies in their respective departments and agencies.

Sec. 78. NRS 284.145 is hereby amended to read as follows:

284.145 Officers authorized by law to make appointments to positions in the unclassified service and appointing officers of departments or institutions whose employees are exempt from the provisions of this chapter may make appointments from appropriate ~~{registers}~~ *pools* of eligible persons maintained by the Division .
~~{without affecting the continuance of the names on the list.}~~

Sec. 79. NRS 284.150 is hereby amended to read as follows:

284.150 1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are:

(a) Lawfully designated as being in the classified service; and

(b) Filled ~~{according to merit and fitness}~~ from *the* eligible ~~{lists}~~ *pools of persons* prepared *by appointing authorities* upon the



1 basis of ~~[examination, which must be open and competitive,]~~
2 *evaluation by an appointing authority*, except as otherwise
3 provided in this chapter and NRS 209.161.

4 2. Except as otherwise provided in NRS 193.105, 209.161 and
5 416.070, a person must not be appointed, transferred, promoted,
6 demoted or discharged in the classified service in any manner or by
7 any means other than those prescribed in this chapter and the
8 regulations adopted in accordance therewith.

9 3. A person must not be discriminated against on account of
10 the person's religious *or political* opinions or affiliations, race, sex,
11 sexual orientation, gender identity or expression, age or disability.

12 **Sec. 80.** NRS 284.160 is hereby amended to read as follows:

13 284.160 1. The Administrator shall prepare, maintain and
14 revise as necessary a *master* classification plan for all positions in
15 the classified service, based upon similarity of duties and
16 responsibilities, so that the same qualifications may reasonably be
17 required for, and the same schedule of pay may be equitably applied
18 to, all positions in the same class.

19 2. The ~~[duty of the Administrator to classify extends to all~~
20 ~~offices, employments and positions held by persons who may~~
21 ~~become members of the classified service under the provisions of~~
22 ~~this chapter.]~~ *The Administrator shall review annually the*
23 *classification plan of each appointing authority using the audit*
24 *function developed and implemented pursuant to section 67 of this*
25 *act.*

26 3. ~~[The]~~ *Subject to the provisions of subsection 4, with the*
27 *approval of the Administrator, an appointing authority* may ~~[, after~~
28 ~~consultation with the head of a department or agency,]~~ make
29 changes in the classification of positions *within its agency*
30 whenever the ~~[Administrator]~~ *the appointing authority* deems it
31 necessary for the efficiency of the public service.

32 4. The classification plan and changes therein are subject to
33 approval by the Commission, except that the Administrator, *at the*
34 *request of an appointing authority*, may make a change in the
35 classification plan without the prior approval of the Commission if:

36 (a) The Administrator deems it necessary for the efficiency of
37 the public service;

38 (b) The change is not proposed in conjunction with an
39 occupational study; and

40 (c) The Administrator, at least 20 working days before acting
41 upon the proposed change:

42 (1) Provides written notice of the proposal to each member
43 of the Commission, to all departments and to any head of an
44 employees' organization who requests notice of such proposals; and



(2) Posts a written notice of the proposal in each of the principal offices of the Division.

➔ Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.

Sec. 81. NRS 284.165 is hereby amended to read as follows:

284.165 1. As soon as practicable and after consultation with ~~appointing authorities~~ *the Administrator* and principal supervisory officials, ~~the Administrator~~ *an appointing authority* shall allocate the position of every employee in the classified service *within its agency* to one of the positions in the ~~position~~ *the master* classification plan.

2. Any employee affected by the allocation of a position to a grade or class or by a change in classification, after filing with the ~~Administrator~~ *appointing authority* a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the ~~Administrator.~~ *appointing authority.*

3. Any employee who is aggrieved by the ~~Administrator's~~ *appointing authority's* decision concerning an allocation or change in classification is entitled to have the decision reviewed by the Commission if the employee submits a written request to the Commission for such a review not later than 30 days after the ~~Administrator's~~ *appointing authority's* decision.

Sec. 82. NRS 284.171 is hereby amended to read as follows:

284.171 For the purposes of NRS 353.205, ~~and 353.224,~~ the Administrator shall prepare and maintain an index which categorizes all positions in the classified service of the State into the following broad occupational groups:

1. Occupations in the fields of agriculture and conservation.
2. Clerical and related occupations.
3. Occupations relating to custodial and domestic services.
4. Occupations relating to library services.
5. Occupations in the field of education.
6. Engineering and allied occupations.
7. Occupations in fiscal management and related staff services.



8. Occupations relating to legal services.
9. Occupations in the mechanical and construction trades.
10. Occupations in the fields of medicine and health and related services.
11. Occupations in regulatory fields and in public safety.
12. Occupations in social services and rehabilitation.
13. Positions that require certification by the Peace Officers' Standards and Training Commission pursuant to NRS 289.150 to 289.360, inclusive.
14. Other occupations.

Sec. 83. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient ~~personnel~~ *human resources* system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➤ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.



5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. The Division shall prepare and submit quarterly to the Budget Division of the Office of Finance a report regarding all overtime worked by employees of the Executive Department in the quarter. The Budget Division shall:

(a) Review the report and analyze the overtime reported; and

(b) Transmit quarterly to the State Board of Examiners the report and the analysis of the Budget Division regarding the report.

12. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 84. NRS 284.205 is hereby amended to read as follows:

284.205 1. The Commission shall adopt regulations for ~~open competitive examinations to test the relative fitness of~~ *the recruitment and evaluation of* applicants ~~[for the respective]~~ *to*



1 *establish pools of eligible persons and fill* positions ~~[]~~ *in the*
2 *classified service.*

3 *2. Each appointing authority shall comply with the*
4 *regulations of the Commission when filling positions in the*
5 *classified service.*

6 **Sec. 85.** NRS 284.210 is hereby amended to read as follows:

7 284.210 ~~[1.—All competitive examinations for]~~ *In relation to*
8 positions in the classified service ~~[must:~~

9 ~~—(a) Relate to those matters which fairly test the capacity and~~
10 ~~fitness of the persons examined to perform in an efficient manner~~
11 ~~the duties of the class in which employment is sought.~~

12 ~~—(b) Be open to all applicants who meet the reasonable standards~~
13 ~~or requirements fixed by the Administrator with regard to~~
14 ~~experience, character, age, education, physical condition and any~~
15 ~~other factors relating to the ability of the applicants to perform the~~
16 ~~duties of the position with reasonable efficiency.~~

17 ~~—2. An examination may consist of:~~

18 ~~—(a) An evaluation of the applicant's training and experience;~~

19 ~~—(b) A written examination;~~

20 ~~—(c) An oral examination;~~

21 ~~—(d) An evaluation of the applicant's performance, such as the~~
22 ~~ability to operate successfully certain equipment; or~~

23 ~~—(e) Any combination of paragraphs (a) to (d), inclusive.~~

24 ~~—3. An examination may be conducted by using a center for~~
25 ~~assessment as defined by regulations adopted by the Commission.~~
26 ~~An employee of the department for which an examination is being~~
27 ~~held may not serve on the panel or score the examination.~~

28 ~~—4. An oral examination given pursuant to this section must be:~~

29 ~~—(a) Except as otherwise provided in subsection 5, conducted by~~
30 ~~a panel of which no more than one third of the members are~~
31 ~~employed by the department in which a vacancy exists for the~~
32 ~~position for which the examination is given.~~

33 ~~—(b) Recorded and maintained by the department for:~~

34 ~~—(1) Not less than 2 years after the date of the examination; or~~

35 ~~—(2) Until the final disposition of a charge of discrimination,~~

36 ~~➔ whichever is longer, and must be available to an affected person~~
37 ~~upon request.~~

38 ~~—5. Employees of the department in which a vacancy exists may~~
39 ~~comprise more than one third of the members of the panel if:~~

40 ~~—(a) A member who is not such an employee is unable to serve on~~
41 ~~the panel because of illness or an emergency;~~

42 ~~—(b) The department has more than 1,000 employees; and~~

43 ~~—(c) The department has two or more divisions that administer~~
44 ~~separate and diverse programs and the employees of the department~~
45 ~~on the panel are not employed by the same division.] , each~~



appointing authority shall, consistent with the regulations adopted by the Commission pursuant to NRS 284.205, recruit, evaluate, select, manage and promote employees through open competition on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Sec. 86. NRS 284.240 is hereby amended to read as follows:

284.240 ~~{The Administrator}~~ *An appointing authority* may refuse to ~~{examine}~~ *evaluate* an applicant or, after ~~{examination,}~~ *evaluation*, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the ~~{examination}~~ *evaluation* for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. Has been dismissed from the public service for delinquency or misconduct.

4. Has made a false statement of any material fact.

5. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the ~~{examination,}~~ *evaluation*, appointment or proposed appointment of the applicant or ~~{eligible}~~ person.

6. Has practiced, or attempted to practice, any deception or fraud in the application, certificate or ~~{examination}~~ *evaluation* of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

Sec. 87. NRS 284.245 is hereby amended to read as follows:

284.245 1. When ~~{the Administrator}~~ *an appointing authority* refuses to ~~{examine}~~ *evaluate* an applicant or, after an ~~{examination,}~~ *evaluation*, refuses to certify ~~{an eligible}~~ *a* person, the applicant or eligible person may request the ~~{Administrator}~~ *appointing authority* to furnish to the applicant or eligible person a statement of the reasons for the refusal to ~~{examine}~~ *evaluate* or the refusal to certify, as the case may be. The ~~{Administrator}~~ *appointing authority* shall furnish the statement upon request.

2. If ~~{the Administrator}~~ *an appointing authority* refuses to ~~{examine}~~ *evaluate* an applicant or, after an ~~{examination,}~~ *evaluation*, refuses to certify ~~{an eligible}~~ *a* person, the applicant or eligible person may take an appeal to the Commission in accordance with regulations adopted by the Commission. If the Commission finds that the ~~{Administrator}~~ *appointing authority* is in error in



1 refusing to ~~[examine]~~ *evaluate* an applicant or in refusing to certify
2 ~~[an eligible]~~ *a* person, the Commission shall order the
3 ~~[Administrator]~~ *appointing authority* to examine or certify, and the
4 ~~[Administrator]~~ *appointing authority* shall comply.

5 **Sec. 88.** NRS 284.250 is hereby amended to read as follows:

6 284.250 ~~[1.]~~ The Commission shall adopt regulations for the
7 establishment of ~~[eligible lists]~~ *pools of eligible persons by an*
8 *appointing authority* for appointment and promotion ~~[which must~~
9 ~~contain the names of successful applicants in the order of their~~
10 ~~relative excellence in the respective examinations.~~

11 ~~— 2. The term of eligibility of applicants on such lists is 1 year,~~
12 ~~but the term may be extended by the Administrator to a maximum~~
13 ~~of 3 years.]~~ *based on evaluations.*

14 **Sec. 89.** NRS 284.253 is hereby amended to read as follows:

15 284.253 In establishing the ~~[lists]~~ *pools* of eligible persons, *an*
16 *appointing authority must allow* a preference ~~[must be allowed]~~ for
17 persons who reside in this State . ~~[at the time the examination is~~
18 ~~completed. Five points must be added to the passing grade achieved~~
19 ~~on the examination.]~~ For the purposes of this section, the person
20 examined must reside physically within the State. If any person is
21 absent from the State with the intention in good faith to return
22 without delay and continue the person's residence, the time of the
23 absence must not be considered in determining the fact of the
24 person's residence.

25 **Sec. 90.** NRS 284.254 is hereby amended to read as follows:

26 284.254 In establishing ~~[lists]~~ *pools* of eligible persons, *an*
27 *appointing authority must allow* a preference ~~[must be allowed]~~ for
28 each person in the classified service who has been separated from
29 the service because the agency by which the person was employed
30 was terminated pursuant to NRS 232B.100.

31 **Sec. 91.** NRS 284.255 is hereby amended to read as follows:

32 284.255 1. Appointments ~~[must]~~ *may* be made ~~[from the~~
33 ~~appropriate eligible list, but if no such list exists then the~~
34 ~~Administrator may certify from such other list as the Administrator~~
35 ~~deems the next most appropriate. A new and separate list must be~~
36 ~~created for a stated position only when there is no satisfactory list.]~~
37 *by an appointing authority only after pools of eligible persons are*
38 *established by the appointing authority through the recruitment*
39 *process.*

40 2. Unless otherwise provided by this chapter, no person may be
41 appointed or employed under any title not appropriate to the duties
42 performed.

43 **Sec. 92.** NRS 284.260 is hereby amended to read as follows:

44 284.260 ~~[1.]~~ In establishing the ~~[lists]~~ *pools* of eligible
45 persons, ~~[the following preferences]~~ *an appointing authority* must



~~[be allowed, except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person:~~

~~—(a) For veterans, 10 points must be added to the passing grade achieved on the examination.~~

~~—(b) For widows] *give a preference to:*~~

1. Veterans.

2. Widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States . ~~[, 10 points must be added to the passing grade achieved on the examination.~~

~~—(c) For widows]~~

3. Widows and widowers of veterans . ~~[, 5 points must be added to the passing grade achieved on the examination.~~

~~—(d) For a]~~

4. A member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit . ~~[, 5 points must be added to the passing grade achieved on the examination.~~

~~—2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive or promotional examination in the classified service.]~~

Sec. 93. NRS 284.265 is hereby amended to read as follows:

284.265 1. Except as otherwise provided in NRS 284.305, appointing authorities shall ~~[give notice to the Administrator of their intention to fill any vacancy in the classified service.~~

~~—2. Except as otherwise provided in this subsection, within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified:~~

~~—(a) The five names at the head thereof. If the competitive examination for that position is scored to the nearest one hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.~~

~~—(b) Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service connected disability. The appointing authority shall interview for the position each veteran with a service connected disability who is so certified.~~

~~—3. If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the] *use the centralized system established by the Administrator pursuant to section 67 of*~~



this act to obtain applicants for a position in the classified service .
~~[is not governed by the provisions of subsection 2, the]~~

2. An appointing authority shall:

(a) Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and

(b) If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.

Sec. 94. NRS 284.295 is hereby amended to read as follows:

284.295 1. Vacancies in positions must be filled, so far as practicable, by promotion within a department or agency from among persons holding positions in the classified service. Promotions must be based upon merit and fitness, to be ascertained in accordance with regulations adopted by the Commission. In such regulations, the employee's efficiency, character, conduct and length of service must all constitute factors. For the purposes of this subsection, a person employed by the Legislative Branch of Government pursuant to subsection 7 of NRS 284.3775 shall be deemed to hold the position the person held before the legislative session.

2. Eligibility for promotion must be determined on recommendation ~~[of the appointing authority]~~ and ~~[certification]~~ *evaluation* by the ~~[Administrator]~~ *appointing authority* that the employee meets the minimum requirements and demonstrates the employee's qualifications in accordance with regulations adopted by the Commission.

3. The Administrator may provide, in specific cases, for competitive promotional ~~[examinations]~~ *evaluations* among employees of departments other than that in which a particular vacancy in a higher classification may exist.

4. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class constitutes a promotion.

Sec. 95. NRS 284.300 is hereby amended to read as follows:

284.300 1. The Commission shall adopt regulations requiring that a promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee's part from the position to which the appointee was



promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee's continuance in the position, must be:

(a) Restored to the position from which the appointee was promoted, *if there is only one such position within the appointing authority*, unless the position has been filled by an employee with greater seniority;

(b) Placed in a position other than the position from which the appointee was promoted and for which a vacancy exists in the class held immediately before the promotion ~~[]~~, *if there is more than one such position within the appointing authority*; or

(c) If no position described in paragraph (a) or (b) exists:

(1) Appointed to a position for which a vacancy exists in a class equal to or lower than the class held immediately before the promotion; or

(2) Placed on an appropriate reemployment ~~[list]~~ pool.

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from ~~[competing for places upon lists of persons eligible]~~ *seeking eligibility* for original appointments.

Sec. 96. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled *by an appointing authority* without ~~[competition]~~ *competitive evaluation* only as provided in NRS 284.155, 284.300, 284.307, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775.

2. The Commission may adopt regulations which provide for filling positions in the classified service without ~~[competition]~~ *competitive evaluation* in cases involving:

(a) The appointment of a current employee with a disability to a position at or below the grade of his or her position if the employee becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;

(b) The demotion of a current employee;

(c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or

(d) The reappointment of a current employee.

Sec. 97. NRS 284.309 is hereby amended to read as follows:

284.309 If a competitive ~~[examination]~~ *evaluation* is required for a vacancy and fewer than five qualified applicants respond after extensive efforts at recruitment, the ~~[examination]~~ *evaluation by the appointing authority* may be waived. ~~[and the Administrator may~~



~~submit the applications of the qualified applicants without certification to the appointing authority for selection.]~~

Sec. 98. NRS 284.310 is hereby amended to read as follows:

284.310 1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service ~~[and the Administrator is unable to certify from any appropriate eligible list for the vacancy, the Administrator]~~, *an appointing authority* may issue a provisional permit or certify a suitable person to fill the vacancy provisionally only until a selection and appointment can be made after competitive ~~[examination.]~~ *evaluation.*

2. No person may receive more than one provisional appointment or serve more than 6 months in any 12-month period as a provisional appointee.

3. A provisional appointee must meet the minimum qualifications established for the ~~[class of positions involved.]~~ *position in the master classification plan.*

Sec. 99. NRS 284.320 is hereby amended to read as follows:

284.320 1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for specific reasons ~~[competition]~~ *competitive evaluation* in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the Administrator may suspend the requirements of ~~[competition.]~~ *competitive evaluation.*

2. The Administrator may suspend the requirements of competitive ~~[examination]~~ *evaluation* for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.

3. Upon specific written justification by the appointing authority, the Administrator may suspend the requirement of competitive ~~[examination]~~ *evaluation* for a position where extreme difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

4. Except in the circumstances described in subsection 2, no suspension may be general in its application to any position.

Sec. 100. NRS 284.327 is hereby amended to read as follows:

284.327 1. Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the ~~[Rehabilitation]~~ *Division of Workforce Development* of the Department of ~~[Employment, Training and Rehabilitation,]~~ *Workforce*, the



1 appointing authority shall, if possible, make a temporary limited
2 appointment of a certified person with a disability for a period not to
3 exceed 700 hours notwithstanding that the position so filled is a
4 continuing position.

5 2. A person with a disability who is certified by the
6 ~~[Rehabilitation]~~ Division *of Workforce Development* must be
7 placed ~~on~~ *in* the appropriate ~~[list]~~ *pool* for which the person is
8 eligible. Each such person must:

9 (a) Possess the training and skills necessary for the position for
10 which the person is certified; and

11 (b) Be able to perform, with or without reasonable
12 accommodation, the essential functions of that position.

13 3. The ~~[Rehabilitation]~~ Division *of Workforce Development*
14 must be notified of an appointing authority's request for a list of
15 eligibility on which the names of one or more certified persons with
16 disabilities appear. ~~[A temporary limited appointment of a certified~~
17 ~~person with a disability pursuant to this section constitutes the~~
18 ~~person's examination as required by NRS 284.215.]~~

19 4. An appointing authority shall not make a temporary limited
20 appointment of a certified person with a disability pursuant to this
21 section in any circumstance that the appointing authority determines
22 would create an actual or potential conflict of interest between the
23 certified person with the disability and the agency of the Executive
24 Department of the State Government in which the position exists.
25 For the purposes of this subsection, the receipt of benefits by the
26 certified person with the disability from the agency of the Executive
27 Department of the State Government in which the position exists
28 shall not be deemed to create an actual or potential conflict of
29 interest between the certified person with the disability and the
30 agency.

31 5. Each appointing authority shall ensure that there is at least
32 one person on the staff of the appointing authority who has training
33 concerning:

34 (a) Making a temporary limited appointment of a certified
35 person with a disability pursuant to this section; and

36 (b) The unique challenges a person with a disability faces in the
37 workplace.

38 6. The Commission shall adopt regulations to carry out the
39 provisions of subsections 1 and 2.

40 7. This section does not deter or prevent appointing authorities
41 from employing:

42 (a) A person with a disability if the person is available and
43 eligible for permanent employment.

44 (b) A person with a disability who is employed pursuant to the
45 provisions of subsection 1 in permanent employment if the person



1 qualifies for permanent employment before the termination of the
2 person's temporary limited appointment.

3 8. If a person appointed pursuant to this section is subsequently
4 appointed to a permanent position during or after the 700-hour
5 period, the 700 hours or portion thereof counts toward the
6 employee's probationary period.

7 **Sec. 101.** NRS 284.350 is hereby amended to read as follows:

8 284.350 1. Except as otherwise provided in subsections 2 ~~3~~
9 ~~3~~ and 4, an employee in the public service, whether in the classified
10 or unclassified service, is entitled to annual leave with pay of 1 1/4
11 working days for each month of continuous public service. The
12 annual leave may be cumulative from year to year not to exceed
13 ~~30~~ 60 working days. The Commission may by regulation provide
14 for additional annual leave for long-term employees, ~~and~~ for
15 prorated annual leave for part-time employees ~~and~~ *and for periodic*
16 *payout of annual leave to employees.*

17 2. Except as otherwise provided in this subsection, any annual
18 leave in excess of ~~30~~ 60 working days must be used before
19 January 1 of the year following the year in which the annual leave in
20 excess of ~~30~~ 60 working days is accumulated or the amount of
21 annual leave in excess of ~~30~~ 60 working days is forfeited on that
22 date. If an employee:

23 (a) On or before October 15, requests permission to take annual
24 leave; and

25 (b) The employee's request for leave is denied in writing for any
26 reason,

27 ➤ the employee is entitled to payment for any annual leave in
28 excess of ~~30~~ 60 working days which the employee requested to
29 take and which the employee would otherwise forfeit as the result of
30 the denial of the employee's request, unless the employee has final
31 authority to approve use of the employee's own accrued leave and
32 the employee received payment pursuant to this subsection for any
33 unused annual leave in excess of ~~30~~ 60 working days accumulated
34 during the immediately preceding calendar year. The payment for
35 the employee's unused annual leave must be made to the employee
36 not later than January 31.

37 3. ~~Officers and members of the faculty of the Nevada System~~
38 ~~of Higher Education are entitled to annual leave as provided by the~~
39 ~~regulations adopted pursuant to subsection 2 of NRS 284.345.~~

40 —4.] The Commission shall establish by regulation a schedule
41 for the accrual of annual leave for employees who regularly work
42 more than 40 hours per week or 80 hours biweekly. The schedule
43 must provide for the accrual of annual leave at the same rate
44 proportionately as employees who work a 40-hour week accrue
45 annual leave.



~~[5.]~~ 4. No elected state officer may be paid for accumulated annual leave upon termination of the officer's service.

~~[6.—During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.—~~

~~—7.]~~ 5. No employee in the public service may be paid for accumulated annual leave upon termination of employment unless the employee has been employed for 6 months or more.

~~[8.]~~ 6. Upon the request of an employee, the appointing authority of the employee may approve the reduction or satisfaction of an overpayment of the salary of the employee that was not obtained by the fraud or willful misrepresentation of the employee with a corresponding amount of the accrued annual leave of the employee.

Sec. 102. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals or employees in the unclassified service of the Executive Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

2. An employee of the Legislative Branch of the Government of the State of Nevada who has served for 4 consecutive months or more is entitled to transfer to:

(a) Any position in the classified service of the State having similar duties and compensation; or

(b) Any other position in the classified service of the State for which the employee is qualified, without regard to the duties and compensation of the position.

➤ Except as otherwise provided in this subsection and subsection 6, such an employee is entitled to transfer to such a position on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

3. The benefit conferred by subsections 1 and 2 includes any ~~[exemption from the taking of a competitive examination,]~~ retention of credits for annual and sick leave, and priority ~~[on]~~ **in** the ~~[lists]~~ **pools** of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

4. Except as otherwise provided in subsection 6, the benefits conferred by subsection 1 do not apply to an employee in the



1 unclassified service who is the chief officer of a department or
2 division.

3 5. Except as otherwise provided in this subsection and
4 subsection 6, a person may not transfer pursuant to subsection 1 to a
5 class composed of:

6 (a) Professionally qualified persons; or

7 (b) Officers and administrators who set broad policies and
8 exercise responsibility for the execution of those policies.

9 ➔ A person may transfer to a class described in paragraph (a) or (b)
10 if that class is provided for pursuant to subsection 2 of
11 NRS 284.155.

12 6. The restrictions provided in subsections 4 and 5 do not apply
13 to:

14 (a) An employee of the Legislative Branch of Government; or

15 (b) An employee of the Supreme Court, an employee of the
16 Court of Appeals or an employee in the unclassified service of the
17 Executive Branch of Government whose appointment to that
18 position was immediately preceded by an appointment in the
19 classified service, except that an employee described in this
20 paragraph may only transfer to a position in the classified service
21 that has duties and compensation that are similar either to the
22 employee's current position or to a position the employee previously
23 held in the classified service.

24 7. An employee in the classified service of the State who is
25 granted leave without pay to accept a position in the Legislative
26 Branch of Government during a regular or special session:

27 (a) Is entitled to be restored to the employee's previous position
28 in the classified service upon the completion of the legislative
29 session without loss of seniority or benefits. Seniority must be
30 calculated as if the employee had not taken the leave.

31 (b) Is eligible to fill vacancies in positions within the classified
32 service to the extent that the employee would be eligible if the
33 employee was not on leave from the employee's position in the
34 classified service.

35 8. An employee of the Legislative Branch of the Government
36 of the State of Nevada who is employed at the conclusion of a
37 regular session of the Legislature and is eligible at that time
38 pursuant to subsection 2 to transfer to a position in the classified
39 service of the State may transfer to such a position on or before
40 November 1 following session notwithstanding the termination of
41 the employee's employment with the Legislative Branch of
42 Government before that date.

43 9. For the purposes of this section, the weekly compensation of
44 an employee of the Legislative Branch of Government who is paid a



1 daily salary during a legislative session is seven times the daily
2 salary.

3 **Sec. 103.** NRS 284.380 is hereby amended to read as follows:

4 284.380 1. In accordance with regulations, an appointing
5 authority may lay off an employee in the classified service
6 whenever the appointing authority deems it necessary by reason of
7 shortage of work or money or of the abolition of a position or of
8 other material changes in duties or organization.

9 2. Among other factors, an appointing authority shall consider,
10 in the manner provided by regulation, the status, seniority and
11 service rating of employees in determining the order of layoffs.

12 3. Within a reasonable time before the effective date of a
13 proposed layoff, the appointing authority shall give written notice
14 thereof to the Administrator. The Administrator shall make such
15 orders relating thereto as the Administrator considers necessary to
16 secure compliance with the regulations.

17 4. The name of every regular employee so laid off must be
18 placed ~~on~~ in an appropriate reemployment ~~list~~ pool.

19 **Sec. 104.** NRS 286.160 is hereby amended to read as follows:

20 286.160 1. The Board shall employ an Executive Officer who
21 serves at the pleasure of the Board. The Executive Officer shall
22 select a General Counsel, Operations Officer, Chief Investment
23 Officer, Deputy Investment Officer, Chief Financial Officer,
24 Manager of Information Systems, Administrative Services
25 Coordinator and Administrative Analyst whose appointments are
26 effective upon confirmation by the Board. The General Counsel,
27 Operations Officer, Chief Investment Officer, Deputy Investment
28 Officer, Chief Financial Officer, Manager of Information Systems,
29 Administrative Services Coordinator and Administrative Analyst
30 serve at the pleasure of the Executive Officer.

31 2. The Executive Officer, General Counsel, Operations Officer,
32 Chief Investment Officer, Deputy Investment Officer, Chief
33 Financial Officer, Manager of Information Systems, Administrative
34 Services Coordinator and Administrative Analyst are entitled to
35 annual salaries fixed by the Board with the approval of the Interim
36 Retirement and Benefits Committee of the Legislature created
37 pursuant to NRS 218E.420. ~~[The salaries of these employees are~~
38 ~~exempt from the limitations of NRS 281.123.]~~

39 3. The Executive Officer must:

40 (a) Be a graduate of a 4-year college or university with a degree
41 in business administration or public administration or equivalent
42 degree.

43 (b) Possess at least 5 years' experience in a high level
44 administrative or executive capacity, including responsibility for a



1 variety of administrative functions such as retirement, insurance,
2 investment or fiscal operations.

3 4. The General Counsel must be an attorney in good standing
4 licensed and admitted to practice law in this State.

5 5. The Operations Officer, Chief Investment Officer, Deputy
6 Investment Officer, Chief Financial Officer, Manager of
7 Information Systems and Administrative Analyst must each be a
8 graduate of a 4-year college or university with a degree in business
9 administration or public administration or an equivalent degree.

10 6. Except as otherwise provided in NRS 284.143, the
11 Executive Officer shall not pursue any other business or occupation
12 or perform the duties of any other office of profit during normal
13 office hours unless on leave approved in advance. The Executive
14 Officer shall not participate in any business enterprise or investment
15 in real or personal property if the System owns or has a direct
16 financial interest in that enterprise or property.

17 **Sec. 105.** NRS 287.0424 is hereby amended to read as
18 follows:

19 287.0424 1. The Board shall employ an Executive Officer,
20 subject to the approval of the Governor. The Executive Officer is in
21 the unclassified service of the State and serves at the pleasure of the
22 Board. The Board may delegate to the Executive Officer the
23 exercise or discharge of any power, duty or function vested in or
24 imposed upon the Board.

25 2. The Executive Officer must:

26 (a) Be a graduate of a 4-year college or university with a degree
27 in business administration or public administration or an equivalent
28 degree, as determined by the Board; and

29 (b) Possess at least 5 years' experience in a high-level
30 administrative or executive capacity in the field of insurance,
31 management of employees' benefits or risk management, including,
32 without limitation, responsibility for a variety of administrative
33 functions such as personnel, accounting, data processing or the
34 structuring of insurance programs.

35 3. Except as otherwise provided in NRS 284.143, the
36 Executive Officer shall not pursue any other business or occupation
37 or perform the duties of any other office of profit during normal
38 office hours unless on leave approved in advance. The Executive
39 Officer shall not participate in any business enterprise or
40 investment:

41 (a) With any vendor or provider to the Program; or

42 (b) In real or personal property if the Program owns or has a
43 direct financial interest in that enterprise or property.



4. The Executive Officer is entitled to an annual salary fixed by the Board. ~~[The salary of the Executive Officer is exempt from the limitations set forth in NRS 281.123.]~~

Sec. 106. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 107 and 108 of this act.

Sec. 107. 1. The Nevada Way Account is hereby created in the State General Fund.

2. Money transferred to the Nevada Way Account pursuant to NRS 353.288 is a continuing appropriation solely for the purpose of making awards of money from the Nevada Way Account pursuant to this section.

3. The balance in the Nevada Way Account must not exceed 5 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Account to Stabilize the Operation of the State Government.

4. Money in the Nevada Way Account may only be:

(a) Used for making awards of money pursuant to this section for the following purposes:

(1) Efforts relating to economic development or diversification that diversify or stabilize the State's tax structure.

(2) Opportunities that leverage tax revenues of the State at a ratio of not less than \$3 to \$1, including, without limitation:

(I) Financing opportunities through the Nevada State Infrastructure Bank created pursuant to NRS 408.55069;

(II) Public-private partnerships, including, without limitation, public-private partnerships in infrastructure, workforce housing, education, health care and resource conservation and development;

(III) Public-public partnerships, including, without limitation, those in infrastructure, workforce housing, education, healthcare and resource conservation and development; and

(IV) Opportunities to obtain federal money, including, without limitation, research grants and required matching money.

(3) Any combination of the purposes set forth in this paragraph.

(b) Allocated in the event of a fiscal emergency.

(c) Allocated directly by the Legislature to be used for any other purpose.

5. A request for an award of money from the Nevada Way Account may be submitted to the Governor from:

(a) The Speaker of the Assembly;



(b) *The Majority Leader of the Senate;*
(c) *The Minority Leader of the Assembly;*
(d) *The Minority Leader of the Senate;*
(e) *A member of the Nevada Congressional Delegation;*
(f) *The chair of a board of county commissioners in this State;*
(g) *A mayor of an incorporated city in this State;*
(h) *The Executive Director of the Office of Economic Development; or*

(i) *The president of any university, state college or community college within the Nevada System of Higher Education.*

6. *A request for an award of money from the Nevada Way Account submitted pursuant to subsection 5 must be evaluated by the Nevada Way Leadership Advisory Committee, which must be comprised of:*

- (a) *The Governor, who serves as chair;*
- (b) *The Speaker of the Assembly;*
- (c) *The Majority Leader of the Senate;*
- (d) *The Minority Leader of the Assembly; and*
- (e) *The Minority Leader of the Senate.*

7. *The Nevada Way Leadership Advisory Committee shall:*

(a) *Meet at the call of the chair.*
(b) *Review all requests submitted to the Governor for awards of money from the Nevada Way Account pursuant to subsection 5 to determine whether the request is for a purpose that:*

- (1) *Is set forth in paragraph (a) or (b) of subsection 4;*
- (2) *Will result in a reduction in the dependence on the Account to Stabilize the Operation of State Government; and*
- (3) *Does not violate any federal or state law.*

(c) *Recommend to the Governor the award of money for a request that received a majority vote of the members of the Committee.*

8. *After receipt of a recommendation pursuant to subsection 7, the Governor may, within the limits of available money, make an award of money from the Nevada Way Account.*

9. *Any award of money from the Nevada Way Account must include, without limitation, a requirement for:*

(a) *The use of the award within 2 years after the award and a prohibition on the award being a recurring need.*

(b) *Annual reporting relating to performance and accountability.*

(c) *Repayment of the award if any required performance target is not met.*

(d) *Use of other money, including, without limitation, private money, before use of the award of money from the Nevada Way*



Account, unless otherwise specifically required to obtain additional money.

Sec. 108. *The Legislature hereby pledges not to require a state agency to reduce its appropriations from the State General Fund upon the receipt of money from a gift or grant unless the gift or grant is intended specifically to supplant such appropriations.*

Sec. 109. NRS 353.185 is hereby amended to read as follows:

353.185 The powers and duties of the Chief are:

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

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

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

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

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

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

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

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

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

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



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

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

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

7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein ~~§~~, *in accordance with NRS 353.220.*

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.

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

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

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

Sec. 110. NRS 353.220 is hereby amended to read as follows:

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

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



4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency in an amount more than ~~[\$30,000]~~ **\$100,000** would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by ~~[+10]~~ **25** percent or ~~[\$75,000,]~~ **\$500,000**, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

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

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

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

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

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

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

(a) The need for the proposed revision; and

(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

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



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

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

Sec. 111. NRS 353.228 is hereby amended to read as follows:

353.228 1. The Economic Forum impeneled pursuant to NRS 353.226 shall:

(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to paragraph (b);

(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on July 1 of the year following the date on which the Economic Forum was impeneled;

(c) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;

(d) On or before December 3 of each even-numbered year, prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a) and (b) and present the report to the Governor and the Legislature;

(e) On or before May 1 of each odd-numbered year, prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph (d) and present the report to the Governor and the Legislature; ~~and~~

(f) *Prepare an accurate estimate of the amount of money that would be required to be reserved:*

(1) In the Account to Stabilize the Operation of the State Government, as a percentage of the current balance of that Account, to avoid reductions in money for programs supported by direct appropriations from the State General Fund in four of the previous five qualifying periods of fiscal instability.

(2) In the Education Stabilization Account, as a percentage of the current balance of that Account, to avoid reductions in money for programs supported by direct appropriations from the State Education Fund in four of the previous five qualifying periods of fiscal instability.

(g) On or before June 10 of each even-numbered year, prepare a written report of its estimates of required reserves as required by paragraph (f) and present the report to the Governor and the Legislature; and



(h) Except as otherwise provided in subsection 2, on or before June 10 of each even-numbered year and December 10 of each odd-numbered year, hold a meeting to consider current economic indicators, including, without limitation, employment, unemployment, personal income and any other indicators deemed appropriate by the Economic Forum. Based on current economic indicators, the Economic Forum shall update the status of actual State General Fund revenue compared to the most recent forecast of the Economic Forum. The provisions of this paragraph are not intended to authorize the Economic Forum to make additional forecasts pursuant to paragraph (b). At the next appropriate meeting of the Interim Finance Committee, the Chair of the Economic Forum or a member of the staff of the Economic Forum shall present to the Interim Finance Committee such matters considered at the meeting of the Economic Forum held pursuant to this paragraph, as the Economic Forum determines appropriate. Any such information presented to the Interim Finance Committee must be made available on the Internet website of the Legislature.

2. If the deadline for preparing a report or holding a meeting as required in subsection 1 falls on a Saturday, Sunday or legal holiday, the deadline is extended to the second business day following the deadline.

3. The Economic Forum may make preliminary projections of economic indicators and estimates of future state revenue at any time. Any such projections and estimates must be made available to the various agencies of the State through the Chief.

4. The Economic Forum may request information directly from any state agency, including, without limitation, the Nevada System of Higher Education. A state agency, including, without limitation, the Nevada System of Higher Education, that receives a reasonable request for information from the Economic Forum shall comply with the request as soon as is reasonably practicable after receiving the request.

5. The Economic Forum may request direct testimony from any state agency, including, without limitation, the Nevada System of Higher Education, at a meeting of the Economic Forum or the Technical Advisory Committee. The head, or a designee thereof, of a state agency, including, without limitation, the Nevada System of Higher Education, who receives a reasonable request for direct testimony at a meeting of the Economic Forum or the Technical Advisory Committee shall appear at the meeting and shall comply with the request.

6. To carry out its duties pursuant to this section, the Economic Forum may consider any information received from the Technical



Advisory Committee and any other information received from independent sources.

7. Copies of the projections and estimates made pursuant to this section must be made available to the public by the Director of the Legislative Counsel Bureau for the cost of reproducing the material.

8. As used in this section, “qualifying period of fiscal instability” means any fiscal year in which money was transferred from:

(a) The Account to Stabilize the Operation of the State Government pursuant to subsection 7 of NRS 353.288; or

(b) The Education Stabilization Account pursuant to subsection 4 of NRS 387.1213.

Sec. 112. NRS 353.269 is hereby amended to read as follows:

353.269 1. The recommendation of the State Board of Examiners for an allocation from the Contingency Account shall be transmitted to the Director of the Legislative Counsel Bureau, who shall notify the Chair of the Interim Finance Committee. The Chair shall call a meeting of the Committee to consider the recommendation.

2. No allocation from the Contingency Account may be made by the Interim Finance Committee to effect salary increases for state officers and employees. ~~[except as provided in NRS 281.1233.]~~

3. If the Interim Finance Committee, after independent determination, finds that an allocation recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and purpose of the allocation, and direct the State Controller to transfer that amount to the appropriate fund and account. The State Controller shall thereupon make the transfer.

Sec. 113. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Account to Stabilize the Operation of the State Government is hereby created in the State General Fund. Except as otherwise provided in subsections 3, ~~[and]~~ 4 ~~[and]~~ 6 each year after the close of the previous fiscal year and before the issuance of the State Controller’s annual report, the State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government:

(a) ~~[Forty percent of]~~ *If* the unrestricted balance of the State General Fund, as of the close of the previous fiscal year ~~[which remains after subtracting an amount equal to]~~ *is* 7 percent *or more but less than 9 percent* of ~~[all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for~~



~~the funding of schools; and~~ operating expenditures during the previous fiscal year, 40 percent of that excess amount.

(b) If the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, is 9 percent or more but less than 12 percent of operating expenditures during the previous fiscal year:

(1) Forty percent of the excess amount that is less than 9 percent of those operating expenditures; and

(2) Forty-five percent of the excess amount that is 9 percent or more of those operating expenditures.

(c) If the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, is 12 percent or more but is less than 15 percent of operating expenditures for the previous fiscal year:

(1) Forty percent of the excess amount that is less than 9 percent of those operating expenditures;

(2) Forty-five percent of the excess amount that is 9 percent or more but is less than 12 percent of those operating expenditures; and

(3) Fifty percent of the excess amount that is 12 percent or more of those operating expenditures.

(d) If the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, is 15 percent or more of operating expenditures for the previous fiscal year:

(1) Forty percent of the excess amount that is less than 9 percent of those operating expenditures;

(2) Forty-five percent of the excess amount that is 9 percent or more but is less than 12 percent of those operating expenditures;

(3) Fifty percent of the excess amount that is 12 percent or more but is less than 15 percent of those operating expenditures; and

(4) Fifty-five percent of the excess amount that is 15 percent or more of those operating expenditure.

(e) Commencing with the fiscal year that begins on July 1, 2017, 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.

2. ~~[Money]~~ Except as otherwise provided in section 107 of this act, money transferred pursuant to subsection 1 to the Account to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.



3. The balance in the Account to Stabilize the Operation of the State Government must not exceed ~~20~~ 30 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Account to Stabilize the Operation of the State Government.

4. *To the extent that the balance in the Account to Stabilize the Operations of State Government exceeds 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which revenue is transferred to the Account to Stabilize the Operation of State Government, except as otherwise provided in this subsection, the amount that exceeds 20 percent must be transferred to the Nevada Way Account created pursuant to section 107 of this act. The amount transferred to the Nevada Way Account pursuant to this subsection must not be more than 5 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which revenue is transferred to the Account to Stabilize the Operation of State Government.*

5. *If the Governor declares that a fiscal emergency exists, the Governor may request the transfer from the Account to Stabilize the Operation of State Government to the State General Fund of an amount not to exceed:*

(a) *Five percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming be transferred to the State General Fund. Upon such a request, the State Controller shall transfer the amount requested by the Governor to the State General Fund.*

(b) *Twenty percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming be transferred to the*



State General Fund upon approval by the Board of Examiners and the Interim Finance Committee.

(c) Twenty percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming be transferred to the State General Fund upon concurrence by resolution of the Legislature.

6. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government during the previous quarter. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.

~~5. The Director of the Office of Finance in the Office of the Governor may submit a request to the State Board of Examiners to transfer money from the Account to Stabilize the Operation of the State Government to the State General Fund:~~

~~—(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or~~

~~—(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.~~

~~6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.~~

~~7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.~~

~~8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the]~~



1 **7. The** money in the Account to Stabilize the Operation of the
2 State Government may be allocated directly by the Legislature to be
3 used for any other purpose.

4 **Sec. 114.** NRS 353.335 is hereby amended to read as follows:

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

10 2. If:

11 (a) Any proposed gift or grant is necessary because of an
12 emergency as defined in NRS 353.263 or for the protection or
13 preservation of life or property, the Governor shall take reasonable
14 and proper action to accept it and shall report the action and his or
15 her reasons for determining that immediate action was necessary to
16 the Interim Finance Committee at its first meeting after the action is
17 taken. Action by the Governor pursuant to this paragraph constitutes
18 acceptance of the gift or grant, and other provisions of this chapter
19 requiring approval before acceptance do not apply.

20 (b) The Governor determines that any proposed gift or grant
21 would be forfeited if the State failed to accept it before the
22 expiration of the period prescribed in paragraph (c), the Governor
23 may declare that the proposed acceptance requires expeditious
24 action by the Interim Finance Committee. Whenever the Governor
25 so declares, the Interim Finance Committee has 15 days after the
26 proposal is submitted to its Secretary within which to approve or
27 deny the acceptance. Any proposed acceptance which is not
28 considered within the 15-day period shall be deemed approved.

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

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

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

40 (a) The need for the facility or service to be provided or
41 improved;

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

43 (c) The extent of the program proposed; and

44 (d) The condition of the national economy, and any related fiscal
45 or monetary policies.



5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding ~~[\$20,000]~~ \$100,000 each in value; and

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

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490;

(c) Legal services provided on a pro bono basis by an attorney or law firm engaged in the private practice of law to the State of Nevada or any officer, agency or employee in the Executive Department of the State Government pursuant to a contract for legal services entered into by or at the request of the Attorney General in accordance with NRS 228.112 to 228.1127, inclusive;

(d) Artifacts donated to the Department of Tourism and Cultural Affairs; ~~[or]~~

(e) The initial \$250,000 received by the Department of Wildlife pursuant to subsection 1 of NRS 501.3585 as a gift, donation, bequest or devise, or combination thereof, for an unanticipated emergency event, as defined in NRS 501.3585 ~~[]~~; or

(f) A gift or grant that will be deposited in a budget account that consists of money which is not appropriated by or authorized for expenditure by the Legislature.

Sec. 115. NRS 388.605 is hereby amended to read as follows:

388.605 As used in NRS 388.605 to 388.655, inclusive, unless the context otherwise requires:

1. “Board” means the Board for the Education and Counseling of Displaced Homemakers.

2. “Director” means the Director of the Department of ~~[Employment, Training and Rehabilitation.]~~ *Workforce.*

3. “Displaced homemaker” means any person who:

(a) Is not gainfully employed or has less than full-time or adequate employment;

(b) Has worked at home for a substantial number of years providing household services to members of his or her family without compensation;

(c) Has difficulty in securing employment adequate for economic independence; and



(d) Has been dependent:

(1) On the income of another member of his or her family, but is no longer supported by that income;

(2) Upon public assistance but is no longer eligible; or

(3) On another member of his or her family for the management of his or her personal finances, but that person is no longer available to provide that assistance.

Sec. 116. NRS 388.790 is hereby amended to read as follows:

388.790 1. The Commission on Educational Technology, consisting of 2 members who serve ex officio and 11 members who are appointed, is hereby created. The Superintendent of Public Instruction and the ~~{Administrator of the Division of Enterprise Information Technology Services of the Department of Administration}~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor* shall serve ex officio as nonvoting members of the Commission.

2. The Governor shall appoint the following voting members to the Commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) One representative of the Nevada System of Higher Education who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The Majority Leader of the Senate shall appoint two voting members to the Commission:

(a) One of whom is a member of the Senate; and

(b) One of whom is employed in the field of technology.

4. The Speaker of the Assembly shall appoint two voting members to the Commission:

(a) One of whom is a member of the Assembly; and

(b) One of whom is employed in the field of technology.



1 5. The Governor shall appoint a Chair among the voting
2 members of the Commission.

3 6. After the initial terms, the term of each member of the
4 Commission is 2 years, commencing on January 1 of the year in
5 which the member is appointed and expiring on December 31 of the
6 immediately following year. A member shall continue to serve on
7 the Commission until his or her successor is appointed. Upon the
8 expiration of a term of a member, he or she may be reappointed if he
9 or she still possesses any requisite qualifications for appointment.
10 There is no limit on the number of terms that a member may serve.

11 7. The person or entity who appoints a member to the
12 Commission may remove that member if the member neglects his or
13 her duty or commits malfeasance in office, or for other just cause.
14 Any vacancy in the membership of the Commission must be filled
15 for the remainder of the unexpired term in the same manner as the
16 original appointment.

17 8. The Commission shall hold at least four regular meetings
18 each year and may hold special meetings at the call of the Chair.

19 9. Members of the Commission who are not Legislators serve
20 without compensation, except that for each day or portion of a day
21 during which a member of the Commission attends a meeting of the
22 Commission or is otherwise engaged in the business of the
23 Commission, the member is entitled to receive the per diem
24 allowance and travel expenses provided for state officers and
25 employees generally.

26 10. For each day or portion of a day during which a member of
27 the Commission who is a Legislator attends a meeting of the
28 Commission or is otherwise engaged in the work of the
29 Commission, except during a regular or special session of
30 the Legislature, the Legislator is entitled to receive the:

31 (a) Compensation provided for a majority of the members of the
32 Legislature during the first 60 days of the preceding session;

33 (b) Per diem allowance provided for state officers and
34 employees generally; and

35 (c) Travel expenses provided pursuant to NRS 218A.655.

36 ➤ The compensation, per diem allowances and travel expenses of
37 the legislative members of the Commission must be paid from the
38 Legislative Fund.

39 **Sec. 117.** NRS 389.038 is hereby amended to read as follows:

40 389.038 The Department ~~[, in consultation with the Advisory~~
41 ~~Council on Science, Technology, Engineering and Mathematics~~
42 ~~created by NRS 223.640,]~~ shall:

43 1. Review each course in computer science submitted to the
44 State Board for approval pursuant to NRS 389.037 and all



1 instruction in computer education and technology submitted to the
2 State Board for approval pursuant to NRS 389.072; and

3 2. Make recommendations to the State Board concerning
4 whether the course or instruction should be approved.

5 **Sec. 118.** NRS 389.210 is hereby amended to read as follows:

6 389.210 1. The Department shall establish a pilot program to
7 provide competency-based education.

8 2. The State Board shall adopt regulations that prescribe:

9 (a) The process for submission of an application by the board of
10 trustees of a school district or the governing body of a charter school
11 to participate in the pilot program; and

12 (b) The qualifications and conditions for participation by a
13 school in the pilot program, including, without limitation:

14 (1) A commitment by the school district or charter school to
15 implement competency-based education for not less than 5 years;
16 **and**

17 (2) Evidence of support for the implementation of
18 competency-based education by the community served by the
19 school district or charter school. ~~}; and~~

20 ~~— (3) A commitment to participate in the Competency-Based~~
21 ~~Education Network established by NRS 389.220.]~~

22 3. A school selected to participate in the pilot program to
23 provide competency-based education shall:

24 (a) Implement a system of instruction by which a pupil advances
25 to a higher level of learning when the pupil demonstrates mastery of
26 a concept or skill;

27 (b) Establish concrete skills on which a pupil will be evaluated
28 that include explicit, measurable and transferable learning
29 objectives;

30 (c) Ensure that assessment is a meaningful and positive learning
31 experience for pupils;

32 (d) Ensure that pupils receive timely and differentiated support
33 based upon their individual learning needs; and

34 (e) Ensure that pupils are able to apply knowledge learned,
35 create new knowledge and develop important skills and dispositions
36 relating to such knowledge.

37 4. If at least one application to participate in the pilot program
38 is made on behalf of a school that primarily serves pupils who are at
39 risk or credit deficient, or in need of credit retrieval, the Department
40 must select at least one such school to participate in the pilot
41 program.

42 5. As used in this section, a pupil is “at risk” if the pupil has an
43 economic or academic disadvantage such that he or she requires
44 special services and assistance to enable him or her to succeed in
45 educational programs. The term includes, without limitation, pupils



1 who are members of economically disadvantaged families, pupils
2 who are English learners, pupils who are at risk of dropping out of
3 high school and pupils who do not meet minimum standards of
4 academic proficiency. The term does not include a pupil with a
5 disability.

6 **Sec. 119.** NRS 394.383 is hereby amended to read as follows:

7 394.383 1. The Commission on Postsecondary Education is
8 hereby created within the ~~{Employment Security Division of the}~~
9 Department of ~~{Employment, Training and Rehabilitation.}~~
10 **Workforce.** The Commission consists of:

11 (a) An employee of the Department of ~~{Employment, Training~~
12 ~~and Rehabilitation}~~ **Workforce** designated by the Director of the
13 Department of ~~{Employment, Training and Rehabilitation}~~
14 **Workforce** to serve as a nonvoting member; and

15 (b) Seven voting members appointed by the Governor.

16 2. The voting members of the Commission are entitled to
17 receive a salary of not more than \$80, as fixed by the Commission,
18 for each day's attendance at a meeting of the Commission.

19 3. The nonvoting member of the Commission designated
20 pursuant to paragraph (a) of subsection 1 must be relieved from his
21 or her duties with the Department of ~~{Employment, Training and~~
22 ~~Rehabilitation}~~ **Workforce** without loss of regular compensation so
23 that he or she may prepare for and attend meetings of the
24 Commission and perform any work necessary to carry out the duties
25 of the Commission in the most timely manner practicable. The
26 Department may not require the member to make up time or take
27 annual vacation or compensatory time for the time that he or she is
28 absent from work to carry out his or her duties as a member of the
29 Commission.

30 4. While engaged in the business of the Commission, each
31 member of the Commission is entitled to receive the per diem
32 allowance and travel expenses provided for state officers and
33 employees generally.

34 **Sec. 120.** NRS 394.411 is hereby amended to read as follows:

35 394.411 1. The Commission shall adopt regulations
36 governing the administration of NRS 394.383 to 394.560, inclusive,
37 and may adopt such other regulations as are proper or necessary for
38 the execution of the powers and duties conferred upon it by law.

39 2. Subject to the administrative supervision of the
40 ~~{Administrator of the Employment Security Division of the}~~
41 ~~Department of Employment, Training and Rehabilitation pursuant to~~
42 ~~NRS 612.220,}~~ **Director of the Department of Workforce or his or**
43 **her designee,** the Administrator of the Commission shall execute,
44 direct or supervise all administrative, technical and procedural



activities for which the Administrator is responsible in accordance with the policies and regulations of the Commission.

Sec. 121. NRS 408.55028 is hereby amended to read as follows:

408.55028 1. The Telecommunications Advisory Council is hereby created.

2. The Council consists of seven members appointed by the Governor. The Governor shall appoint to the Council:

(a) One member from the Office of Science, Innovation and Technology in the ~~{Office of the Governor;}~~ *Department of Workforce;*

(b) One member from the Department of Transportation;

(c) One member from the Department of Education;

(d) One member from the Nevada Office of Rural Health;

(e) One member from the Department of Public Safety;

(f) One member from the Nevada System of Higher Education; and

(g) One member from the ~~{Division of Enterprise Information Technology Services of the Department of Administration;}~~ *Office of the Chief Information Officer within the Office of the Governor.*

3. The member appointed from the Office of Science, Innovation and Technology in the ~~{Office of the Governor}~~ *Department of Workforce* shall serve as the Chair of the Council.

4. The Council shall meet as necessary at the call of the Chair.

5. The ~~{Director}~~ *Administrator* of the Office of Science, Innovation and Technology in the ~~{Office of the Governor}~~ *Department of Workforce* shall provide staff support to the Council.

6. A majority of the members of the Council constitutes a quorum for the transaction of business.

7. The members of the Council receive no compensation for their services, but are entitled to be reimbursed for all travel and other expenses actually and necessarily incurred by them in the performance of their duties, within the limits of money available to the Council.

8. The members of the Council may request assistance from technical advisors as the Council deems necessary.

9. The Council shall:

(a) Provide information, advice, strategic plans, priorities and recommendations to assist the Department in administering access to rights-of-way to telecommunications providers for statewide telecommunications purposes;

(b) Assist the Department in valuing in-kind compensation pursuant to NRS 408.5501 to 408.55029, inclusive, and approve or deny any valuation thereof;



(c) Seek input from telecommunications providers and the public relating to broadband access;

(d) Coordinate and exchange information with other entities of this State and its political subdivisions relating to technology and telecommunications;

(e) Approve or deny any agreement between the Department and a telecommunications provider proposed pursuant to NRS 408.5502, if the Council finds that the agreement is competitively neutral and nondiscriminatory; and

(f) Provide other assistance as requested by the Department.

Sec. 122. NRS 414.070 is hereby amended to read as follows:

414.070 **1.** The provisions of this section are operative only during the existence of a state of emergency or declaration of disaster. The existence of such an emergency or disaster may be proclaimed by the Governor or by resolution of the Legislature if the Governor in his or her proclamation, or the Legislature in its resolution, finds that an attack upon the United States has occurred or is anticipated in the immediate future, or that a natural, technological or man-made emergency or disaster of major proportions has actually occurred within this State, and that the safety and welfare of the inhabitants of this State require an invocation of the provisions of this section. Any ~~[such]~~ emergency or disaster ~~[, whether]~~ proclaimed by the Governor ~~[or by the Legislature,]~~ *pursuant to this section* terminates ~~[upon the]~~ *90 days after the original proclamation by the Governor, unless before such date, the Governor issues a subsequent* proclamation ~~[of the termination thereof by the Governor,]~~ *that terminates the emergency or disaster earlier* or ~~[the passage by]~~ the Legislature ~~[of]~~ *passes* a resolution ~~[terminating]~~ *approving the continuation of* the emergency or disaster ~~[,]~~ *beyond 90 days. Any emergency or disaster proclaimed by the Legislature pursuant to this section terminates upon the passage by the Legislature of a resolution terminating the emergency or disaster.*

2. During the period when a state of emergency or declaration of disaster exists or continues, the Governor may exercise the following additional powers:

~~[1.]~~ **(a)** To enforce all laws and regulations relating to emergency management and to assume direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State.

~~[2.]~~ **(b)** To sell, lend, lease, give, transfer or deliver materials or perform services for the purpose of emergency management on such terms and conditions as the Governor prescribes and without regard to the limitations of any existing law, and to account to the State Treasurer for any money received for such property.



~~§3-1~~ (c) Except as otherwise provided in NRS 414.155 and 414.340, to procure, by purchase, condemnation, seizure or other means, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency management without regard to the limitations of any existing law. The Governor shall make compensation for the property so seized, taken or condemned on the following basis:

~~§(a)~~ (1) If property is taken for temporary use, the Governor, within 90 days after the taking, shall fix the amount of compensation to be paid therefor. If the property is returned to the owner in a damaged condition, or is not returned to the owner, the Governor shall fix within 90 days the amount of compensation to be paid for the damage or failure to return the property. If the Governor deems it advisable for the State to take title to property taken under this section, the Governor shall forthwith cause the owner of the property to be notified thereof in writing by registered or certified mail, postage prepaid, or by the best means available, and forthwith cause to be filed a copy of the notice with the Secretary of State.

~~§(b)~~ (2) Within the 90-day period prescribed in ~~§paragraph (a)-1~~ *subparagraph (1)* the Governor shall make an offer in writing to the person or persons entitled to receive it of the amount of money proposed to be paid as full compensation. If the offer is accepted, the money must be paid out of such fund, funds or other sources as are available and no further action in law or in equity may ever be maintained in connection therewith. If the offer of payment is refused, the person or persons entitled thereto have the same rights as plaintiffs in actions of eminent domain insofar as the fixing of damages and compensation is concerned, NRS 37.060, 37.070, 37.080 and 37.090, so far as applicable, apply, and proceedings must be had in conformity therewith so far as possible. The action must be commenced within 1 year after the receipt of the offer of settlement from the Governor.

~~§4-1~~ (d) To provide for and compel the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons.

~~§5-1~~ (e) Subject to the provisions of the State Constitution, to remove from office any public officer having administrative responsibilities under this chapter for willful failure to obey an order or regulation adopted pursuant to this chapter. The removal must be upon charges after service upon the officer of a copy of the charges and after giving him or her an opportunity to be heard in his or her defense. Pending the preparation and disposition of charges, the Governor may suspend the officer for a period not exceeding



30 days. A vacancy resulting from removal or suspension pursuant to this section must be filled as provided by law.

~~[6-]~~ (f) To authorize providers of emergency medical services and providers of mental health services who are not licensed, certified or registered, as applicable, in this State but hold a license, certificate, registration or similar credential in good standing in another state of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any territory or insular possession subject to the jurisdiction of the United States to practice their profession within their scope of practice as if they were licensed, certified or registered, as applicable, in this State for the amount of time necessary to assist in responding to the emergency or disaster.

~~[7-]~~ (g) To perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

Sec. 123. NRS 426.071 is hereby amended to read as follows:
426.071 “Division” means the ~~[Rehabilitation]~~ **Workforce Development** Division of the Department.

Sec. 124. NRS 439.519 is hereby amended to read as follows:
439.519 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed to serve not more than two additional, consecutive terms.

2. A majority of the voting members of the Advisory Council shall select a Chair and a Vice Chair of the Advisory Council.

3. A majority of the voting members of the Advisory Council may:

(a) Appoint committees or subcommittees to study issues relating to wellness and the prevention of chronic disease.

(b) Remove a nonlegislative member of the Advisory Council for failing to carry out the business of, or serve the best interests of, the Advisory Council.

~~[(c) Establish an advisory group of interested persons and governmental entities to study the delivery of health care through patient centered medical homes. Interested persons and governmental entities that serve on the advisory group may include, without limitation:~~

~~— (1) Public health agencies;~~

~~— (2) Public and private insurers;~~

~~— (3) Providers of primary care, including, without limitation, physicians and advanced practice registered nurses who provide primary care; and~~

~~— (4) Recipients of health care services.]~~

4. The Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.



5. A majority of the voting members of the Advisory Council constitutes a quorum to transact all business, and a majority of those voting members present, physically or via telecommunications, must concur in any decision.

6. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chair or a majority of the voting members of the Advisory Council quarterly or as is necessary.

7. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

8. As used in this section, “patient-centered medical home” has the meaning ascribed to it in NRS 439A.190.

Sec. 125. NRS 451.005 is hereby amended to read as follows:

451.005 As used in NRS 451.010 to ~~[451.470,]~~ **451.340**, inclusive, unless the context otherwise requires, “human remains” or “remains” means the body of a deceased person, and includes the body in any stage of decomposition and the cremated remains of a body.

Sec. 126. NRS 451.010 is hereby amended to read as follows:

451.010 1. The right to dissect the dead body of a human being is limited to cases:

(a) Specially provided by statute or by the direction or will of the deceased.

(b) Where a coroner is authorized under NRS 259.050 or an ordinance enacted pursuant to NRS 244.163 to hold an inquest upon the body, and then only as the coroner may authorize dissection.

(c) Where the spouse or next of kin charged by law with the duty of burial authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized.

~~(d) [Where authorized by the provisions of NRS 451.350 to 451.470, inclusive.~~

~~—(e)]~~ Where authorized by the provisions of NRS 451.500 to 451.598, inclusive.

2. Every person who makes, causes or procures to be made any dissection of the body of a human being, except as provided in subsection 1, is guilty of a gross misdemeanor.

Sec. 127. NRS 451.596 is hereby amended to read as follows:

451.596 1. A coroner shall cooperate with procurement organizations to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research or education.



2. If a coroner receives notice from a procurement organization that an anatomical gift might be available or was made with respect to a decedent whose body is under the jurisdiction of the coroner and a postmortem examination is going to be performed, unless the coroner denies recovery in accordance with NRS 451.597, the coroner or designee shall conduct a postmortem examination of the body or the part in a manner and within a period compatible with its preservation for the purposes of the gift.

3. A part may not be removed from the body of a decedent under the jurisdiction of a coroner for transplantation, therapy, research or education unless the part is the subject of an anatomical gift or such removal is authorized or required by other law. The body of a decedent under the jurisdiction of the coroner may not be delivered to a person for research or education unless the body is the subject of an anatomical gift or such delivery is authorized or required by ~~[NRS 451.350 to 451.470, inclusive, or other]~~ law. This subsection does not preclude a coroner from performing the medicolegal investigation upon the body or parts of a decedent under the jurisdiction of the coroner.

Sec. 128. NRS 482.3794 is hereby amended to read as follows:

482.3794 1. The Department, in cooperation with the Office of Science, Innovation and Technology in the ~~[Office of Governor,]~~ *Department of Workforce*, shall design, prepare and issue license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics, using any colors that the Department *of Motor Vehicles* deems appropriate.

2. The Department shall issue license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics pursuant to subsection 3.

3. The fee for license plates that indicate support for educational programs in the areas of science, technology, engineering and mathematics is \$35, in addition to all other



1 applicable registration and license fees and governmental services
2 taxes. The license plates are renewable upon the payment to the
3 Department of \$10.

4 4. In addition to all other applicable registration and license
5 fees and governmental services taxes and the fee prescribed
6 pursuant to subsection 3, a person who requests a set of license
7 plates that indicate support for educational programs in the areas of
8 science, technology, engineering and mathematics must pay for the
9 issuance of the plates an additional fee of \$25 and for each renewal
10 of the plates an additional fee of \$20, to be deposited in accordance
11 with subsection 5.

12 5. Except as otherwise provided in NRS 482.38279, the
13 Department shall deposit the fees collected pursuant to subsection 4
14 with the State Treasurer for credit to the State General Fund. The
15 State Treasurer shall, on a quarterly basis, distribute the fees
16 deposited pursuant to this subsection to the ~~{Director}~~ **Administrator**
17 of the Office of Science, Innovation and Technology in the ~~{Office~~
18 ~~of the Governor.}~~ **Department of Workforce.** The ~~{Director}~~
19 **Administrator** of the Office ~~[- in consultation with the Advisory~~
20 ~~Council on Science, Technology, Engineering and Mathematics~~
21 ~~created by NRS 223.640.]}~~ shall identify nonprofit corporations in
22 this State to assist in the distribution of the funds from this section
23 in a manner designed to encourage the study of science, technology,
24 engineering and mathematics by pupils in this State.

25 6. The provisions of NRS 482.36705 do not apply to license
26 plates described in this section.

27 7. If, during a registration period, the holder of license plates
28 issued pursuant to the provisions of this section disposes of the
29 vehicle to which the plates are affixed, the holder shall:

30 (a) Retain the plates and affix them to another vehicle that meets
31 the requirements of this section if the holder pays the fee for the
32 transfer of the registration and any registration fee or governmental
33 services tax due pursuant to NRS 482.399; or

34 (b) Within 30 days after removing the plates from the vehicle,
35 return them to the Department.

36 8. The Department may accept any gifts, grants and donations
37 or other sources of money for the production and issuance of the
38 special license plates pursuant to this section. All money received
39 pursuant to this subsection must be deposited in the Revolving
40 Account for the Issuance of Special License Plates created by
41 NRS 482.1805.

42 **Sec. 129.** NRS 598.09635 is hereby amended to read as
43 follows:

44 598.09635 For each state of emergency or declaration of
45 disaster proclaimed pursuant to NRS 414.070, the Attorney General



1 shall prepare a report containing aggregate data or information
2 concerning the number and type of complaints received by the
3 Attorney General during the emergency or disaster that relate to the
4 commission of a deceptive trade practice of the type described in
5 NRS 598.09235. The Attorney General shall cause the report to be
6 posted on the Internet website of the Attorney General not later than
7 30 days after the earlier of:

8 1. The termination of the state of emergency or declaration of
9 disaster ~~[by the Governor or the Legislature]~~ pursuant to NRS
10 414.070; or

11 2. The 75th day that the state of emergency or declaration of
12 disaster is in effect.

13 **Sec. 130.** NRS 603A.217 is hereby amended to read as
14 follows:

15 603A.217 Upon receipt of a well-founded petition, the Office
16 of ~~[Information Security of the Division of Enterprise Information~~
17 ~~Technology Services of the Department of Administration]~~ *the*
18 *Chief Information Officer within the Office of the Governor* may,
19 pursuant to chapter 233B of NRS, adopt regulations which identify
20 alternative methods or technologies which may be used to encrypt
21 data pursuant to NRS 603A.215.

22 **Sec. 131.** NRS 607.035 is hereby amended to read as follows:

23 607.035 1. The ~~[Office of the Labor Commissioner]~~
24 *Department of Workforce* shall act as the State Apprenticeship
25 Agency as defined in 29 C.F.R. § 29.2 and has responsibility and
26 accountability for apprenticeship in this State.

27 2. The ~~[Labor Commissioner]~~ *Deputy Director of the*
28 *Workforce Innovation Division of the Department of Workforce*
29 *appointed pursuant to NRS 232.945* shall oversee the State
30 Apprenticeship Council and the State Apprenticeship Director
31 pursuant to NRS 610.110 to 610.185, inclusive, and perform such
32 other functions as may be deemed necessary to carry out the intent
33 and purposes of chapter 610 of NRS.

34 **Sec. 132.** NRS 610.030 is hereby amended to read as follows:

35 610.030 There is hereby created the State Apprenticeship
36 Council composed of:

37 1. The following voting members, appointed by the Governor
38 upon recommendation of the ~~[Labor Commissioner:]~~ *Director of the*
39 *Department of Workforce:*

40 (a) Two members who represent management and have, or have
41 had, a defined role in a jointly administered apprenticeship program,
42 one of whom must be from northern Nevada and one of whom must
43 be from southern Nevada.

44 (b) Two members who represent labor and have, or have had, a
45 defined role in a jointly administered apprenticeship program, one



1 of whom must be from northern Nevada and one of whom must be
2 from southern Nevada.

3 (c) Two members, one who represents management and one
4 who represents labor, who have, or have had, a defined role or job in
5 a statewide, jointly administered apprenticeship program.

6 (d) One member who is a representative of the general public.

7 2. The following nonvoting members:

8 (a) The Executive Director of the Office of Economic
9 Development or his or her designee.

10 (b) The Superintendent of Public Instruction or his or her
11 designee.

12 (c) One representative of a community college located in a
13 county whose population is 700,000 or more, appointed by the
14 Chancellor of the Nevada System of Higher Education.

15 (d) One representative of a community college located in a
16 county whose population is less than 700,000, appointed by the
17 Chancellor of the Nevada System of Higher Education.

18 **Sec. 133.** NRS 610.070 is hereby amended to read as follows:

19 610.070 1. The ~~{Labor Commissioner}~~ *Director of the*
20 *Department of Workforce* shall select from the membership of the
21 Council a Chair and Vice Chair, who shall hold office for 2 years.
22 Notwithstanding the provisions of NRS 610.030, the Chair, or the
23 Vice Chair in the absence of the Chair, is not entitled to a vote
24 except to break a tie.

25 2. The State Apprenticeship Director shall serve as the
26 nonvoting Secretary of the Council.

27 3. The Council may prescribe such bylaws as it deems
28 necessary for its operation.

29 4. The Council shall meet at least once in each calendar quarter
30 at a time and place specified by the call of the Chair, the State
31 Apprenticeship Director, the ~~{Labor Commissioner}~~ *Director of the*
32 *Department of Workforce* or a majority of the members of the
33 Council. Special meetings of the Council may be held at the call of
34 the Chair, the State Apprenticeship Director, the ~~{Labor~~
35 ~~Commissioner}~~ *Director of the Department of Workforce* or a
36 majority of the members of the Council at such additional times as
37 they deem necessary.

38 5. The Chair, or the Vice Chair in the absence of the Chair, and
39 four voting members of the Council constitutes a quorum, and a
40 quorum may exercise any power or authority conferred on the
41 Council.

42 **Sec. 134.** NRS 610.110 is hereby amended to read as follows:

43 610.110 1. The ~~{Labor Commissioner}~~ *Director of the*
44 *Department of Workforce* shall appoint a State Apprenticeship
45 Director.



2. The State Apprenticeship Director:

(a) Shall report to the ~~{Labor Commissioner,}~~ *Deputy Director of the Workforce Innovation Division of the Department of Workforce.*

(b) Is in the unclassified service of the State and serves at the pleasure of the ~~{Labor Commissioner,}~~ *Director of the Department of Workforce.*

(c) Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.

(d) Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:

(1) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.

(2) The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.

(3) An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.

(4) A background which demonstrates that he or she can impartially serve the interests of both employees and employers.

(e) Must not, at the time of appointment or at any time during his or her term of office, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.

Sec. 135. NRS 610.120 is hereby amended to read as follows:

610.120 1. Under the direction of the ~~{Labor Commissioner,}~~ *Director of the Department of Workforce,* the State Apprenticeship Director shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) Keep a record of agreements and their dispositions.

(c) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

(d) Promote apprenticeship programs through public engagement activities and other initiatives.

(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.



(f) Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.

(g) Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.

(h) Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.

(i) Prepare budgets and compile annual reports to the Legislature and the Governor.

(j) Perform other administrative duties on behalf of the Council.

(k) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for that instruction are the responsibility of the local joint apprenticeship committees.

3. As used in this section, "technical assistance" means guidance provided by the State Apprenticeship Director to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.

Sec. 136. NRS 610.144 is hereby amended to read as follows:

610.144 1. To be eligible for registration and approval by the Council, a proposed program must:

(a) Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an apprenticeable occupation, as defined in 29 C.F.R. § 29.4, and be subscribed to by a sponsor who has undertaken to carry out the program.

(b) Except as otherwise provided in this paragraph, use a:

(1) Time-based approach, as described in 29 C.F.R. § 29.5(b)(2)(i);

(2) Competency-based approach, as described in 29 C.F.R. § 29.5(b)(2)(ii); or

(3) Hybrid approach, as described in 29 C.F.R. § 29.5(b)(2)(iii).

➡ A program for a construction trade must use a time-based approach.



(c) Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(c) and, when applicable:

(1) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(2) A method of selection authorized in 29 C.F.R. § 30.10;

(3) A nondiscriminatory pool for application as an apprentice; or

(4) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the United States Department of Labor.

(d) Provide for the development of skills that are intended to enable an apprentice to engage in a skilled trade generally, rather than for a particular employer or sponsor.

(e) Contain:

(1) Provisions concerning the employment and training of the apprentice in a skilled trade;

(2) A term of apprenticeship that:

(I) If the program uses a time-based approach, requires the completion of not less than 2,000 hours of on-the-job learning, consistent with training requirements as established by practice in the trade;

(II) If the program uses a competency-based approach, specifies the skills that must be demonstrated by an apprentice and addresses how on-the-job learning will be integrated into the program; or

(III) If the program uses a hybrid approach, specifies the skills that must be acquired and the minimum number of hours of on-the-job learning that must be completed by an apprentice;

(3) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process;

(4) Provisions for organized, related and supplemental instruction in technical subjects related to the trade with a minimum of 144 hours for each year of apprenticeship, given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the Council;

(5) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations, by a collective bargaining agreement or by the minimum apprentice wage established by the Council;

(6) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related



1 instruction and the maintenance of appropriate records of such
2 progress;

3 (7) A numeric ratio of apprentices to journeymen consistent
4 with proper supervision, training, safety, continuity of employment
5 and applicable provisions in collective bargaining agreements, in
6 language that is specific and clear as to its application;

7 (8) A probationary period that is reasonable in relation to the
8 full term of apprenticeship, with full credit given for that period
9 toward the completion of the full term of apprenticeship;

10 (9) Provisions for adequate and safe equipment and facilities
11 for training and supervision and for the training of apprentices in
12 safety on the job and in related instruction;

13 (10) The minimum qualifications required by a sponsor for
14 persons entering the program, with an eligible starting age of not
15 less than 16 years;

16 (11) Provisions for the placement of an apprentice under a
17 written agreement as required by this chapter, incorporating directly
18 or by reference the standards of the program;

19 (12) Provisions for the granting of advanced standing or
20 credit to all applicants on an equal basis for previously acquired
21 experience, training or skills, with commensurate wages for each
22 advanced step granted;

23 (13) Provisions for the transfer of the employer's training
24 obligation when the employer is unable to fulfill his or her
25 obligation under the agreement to another employer under the same
26 or a similar program with the consent of the apprentice and the local
27 joint apprenticeship committee or sponsor of the program;

28 (14) Provisions for the assurance of qualified training
29 personnel and adequate supervision on the job;

30 (15) Provisions for the issuance of an appropriate certificate
31 evidencing the successful completion of an apprenticeship;

32 (16) An identification of the ~~Office of Labor Commissioner~~
33 *Department of Workforce* as the agency for registration of the
34 program;

35 (17) Provisions for the registration of agreements and of
36 modifications and amendments thereto;

37 (18) Provisions for notice to the State Apprenticeship
38 Director of persons who have successfully completed the program
39 and of all cancellations, suspensions and terminations of agreements
40 and the causes therefor;

41 (19) Provisions for the termination of an agreement during
42 the probationary period by either party without cause;

43 (20) A statement that the program will be conducted,
44 operated and administered in conformity with the applicable
45 provisions of 29 C.F.R. Part 30 or a state plan for equal opportunity



1 in employment in apprenticeships adopted pursuant to 29 C.F.R.
2 Part 30 and approved by the United States Department of Labor;

3 (21) The name and address of the appropriate authority under
4 the program to receive, process and make disposition of complaints;
5 and

6 (22) Provisions for the recording and maintenance of all
7 records concerning apprenticeships as may be required by the
8 Council and applicable laws.

9 2. If a program of apprenticeship in a skilled trade is proposed
10 by an employer or association of employers for approval and
11 registration by the Council and the Council has previously approved
12 and registered a program for the skilled trade, the Council shall
13 provide a copy of the proposed program to the sponsor of the
14 approved and registered program and hold a hearing before
15 approving or rejecting the application. The Council shall not
16 approve a proposed program pursuant to this subsection unless the
17 program requires the completion of at least as many hours of on-the-
18 job learning or the demonstration of at least the same number and
19 quality of skills, or both, as applicable, as all existing approved and
20 registered programs in the relevant skilled trade.

21 3. To determine whether a proposed program should be
22 approved or rejected pursuant to subsection 2, the Council shall
23 consider, in addition to the requirements in subsections 1 and 2,
24 without limitation:

25 (a) Relevant information concerning the approved and registered
26 program, including, without limitation, the standards for
27 apprenticeship of the program;

28 (b) Whether the sponsor of the approved and registered program
29 is jointly administered by labor and management;

30 (c) The provisions of any applicable collective bargaining
31 agreements;

32 (d) Dictionaries of occupational titles;

33 (e) Opinions of experts provided by interested parties, including,
34 without limitation, organized labor, licensed contractors and
35 associations of contractors;

36 (f) Recognized labor and management practices in the relevant
37 industry;

38 (g) Scope of work descriptions issued by the ~~Labor~~
39 ~~Commissioner}~~ *Director of the Department of Workforce* and the
40 United States Department of Labor; and

41 (h) The supply of skilled workers in the trade in relation to the
42 demand for skilled workers in the trade and the extent to which the
43 sponsor of the approved and registered program is willing and able
44 to provide apprentices to the proposed program.



➤ The Council may condition approval of the proposed program on the payment of compensation to apprentices that is equal to or greater than the compensation provided by the approved and registered apprenticeship program.

Sec. 137. NRS 612.016 is hereby amended to read as follows:

612.016 “Administrator” means the Administrator of the

~~[Division.]~~ **Bureau.**

Sec. 138. NRS 612.049 is hereby amended to read as follows:

612.049 ~~“[Division]”~~ **“Bureau”** means the ~~[Employment Security]~~ **Unemployment Insurance Administration Bureau of the Workforce Security** Division of the Department of ~~[Employment, Training and Rehabilitation.]~~ **Workforce.**

Sec. 139. NRS 612.220 is hereby amended to read as follows:

612.220 The Administrator:

1. Shall administer this chapter.

~~2. [Is responsible for the administration, through the Administrator of the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive.]~~

~~—3.]~~ Has power and authority to adopt, amend or rescind such rules and regulations consistent with the provisions of federal law, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.

~~[4.]~~ **3.** Shall determine his or her own organization and methods of procedure for the ~~[Division]~~ **Bureau** in accordance with the provisions of this chapter.

~~[5.]~~ **4.** To the extent allowed by federal law, may, by regulation, suspend, modify, amend or waive any requirement of this chapter for the duration of a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 and for any additional period of time during which the emergency or disaster directly affects the requirement of this chapter if:

(a) The Administrator determines the action is:

(1) In the best interest of the ~~[Division.]~~ **Bureau**, this State or the general health, safety and welfare of the citizens of this State; or

(2) Necessary to comply with instructions received from the Department of Labor; and

(b) The action of the Administrator is approved by the Governor.

Sec. 140. NRS 615.065 is hereby amended to read as follows:

615.065 “Division” means the ~~[Rehabilitation]~~ **Workforce Development** Division of the Department.

Sec. 141. 1. The Governor shall appoint the Director of the Department of Workforce within 90 days after July 1, 2023.



2. The Director appointed pursuant to subsection 1 shall, during the period of time between his or her appointment and July 1, 2024:

(a) Prepare for the orderly transition of all entities which will become part of the Department of Workforce on July 1, 2024.

(b) Identify all entities that receive, administer or use money pursuant to the federal workforce acts, as defined in NRS 232.900, as amended by section 31 of this act, or any other program to assist displaced workers or persons seeking employment.

(c) Consult with all relevant federal agencies to ensure that the Department of Workforce is organized in a manner that is efficient, effective and in compliance with all applicable federal laws. If any change to the organization of the Department of Workforce as a result of this act:

(1) Requires review or approval by a federal agency, the Director appointed pursuant to subsection 1 shall work with the federal agency to obtain such review or approval; and

(2) Would result in the loss of federal funding for any existing state or local program, the Director appointed pursuant to subsection 1 shall:

(I) Work with the federal agency to avoid the loss of such funding;

(II) Include in the report prepared pursuant to subsection 4 any statutory changes which would be required to avoid the loss of such funding; and

(III) Promptly report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission on any statutory changes which would be required to avoid the loss of such funding.

3. Each entity in the Executive Department of the State Government shall:

(a) Cooperate with and assist the Director appointed pursuant to subsection 1 in carrying out his or her duties pursuant to subsection 2; and

(b) Notify the Director appointed pursuant to subsection 1 of all money used by the entity pursuant to the federal workforce acts, as defined in NRS 232.900, as amended by section 31 of this act, or for any other program to assist displaced workers or persons seeking employment.

4. The Director appointed pursuant to subsection 1 shall, on or before September 1, 2024, prepare a report identifying all money received pursuant to the federal workforce acts, as defined in NRS 232.900, as amended by section 31 of this act, or used to carry out any other program to assist displaced workers or persons seeking employment and any statutory changes that the Director appointed



pursuant to subsection 1 determines are necessary to enable the Department of Workforce to effectively carry out its duties.

Sec. 142. The amendatory provisions of this act do not apply to a collective bargaining agreement entered into before July 1, 2023, but do apply to any renewal or extension of such contract.

Sec. 143. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 144. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 145. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 146. NRS 62A.055, 62B.605, 223.640, 223.650, 233F.015, 233F.055, 233F.059, 242.013, 242.031, 242.045, 242.090, 281.123, 281.1233, 281.157, 281.1571, 281.1572, 281.1573, 281.1574, 281.1575, 284.172, 284.215, 284.220, 284.230, 284.235, 389.220, 451.350, 451.360, 451.370, 451.380, 451.390,



1 451.400, 451.410, 451.420, 451.430, 451.440, 451.450, 451.460 and
2 451.470 are hereby repealed.

3 **Sec. 147.** This act becomes effective on July 1, 2023.

LEADLINES OF REPEALED SECTIONS

62A.055 “Committee” defined.

62B.605 Advisory Committee to Commission: Establishment; membership; duties; terms of members; compensation; quorum.

223.640 Advisory Council on Science, Technology, Engineering and Mathematics: Creation; membership; vacancy; meetings; quorum; authority to appoint subcommittees; allowances and expenses.

223.650 Advisory Council on Science, Technology, Engineering and Mathematics: Duties; submission of biennial report; duty of State Board of Education and Board of Regents to consider plans and report; duty of State Board of Education to adopt regulations.

233F.015 “Administrator” defined.

233F.055 “Department” defined.

233F.059 “Division” defined.

242.013 “Administrator” defined.

242.031 “Department” defined.

242.045 “Division” defined.

242.090 Administrator: Appointment; classification; other employment prohibited.

281.123 Limitation on maximum salary payable to persons employed by State.

281.1233 Procedure for state agency to obtain exception to limitation on salary.

281.157 Commission to Review Compensation: Definition.

281.1571 Commission to Review Compensation: Creation; composition.

281.1572 Commission to Review Compensation: Notification of appointment; terms; removal; vacancy.

281.1573 Commission to Review Compensation: Salary; meetings; administrative support.

281.1574 Commission to Review Compensation: Quorum; vote required to approve recommendations regarding compensation.

281.1575 Commission to Review Compensation: Duties.



284.172 List of positions in classified service primarily performing data processing; approval of new position or reclassification to position on list.

284.215 Examination of persons with disabilities.

284.220 Certificates of general or special qualifications.

284.230 Time and place of holding examination; use of public buildings.

284.235 Designation of persons to assist in examinations.

389.220 Competency-Based Education Network: Establishment; composition; duties; meetings; Chair; quorum; members serve without compensation.

451.350 "Committee" defined.

451.360 Establishment and composition of Committee; election and terms of Chair and Secretary.

451.370 Meetings, records and budget of Committee.

451.380 Compensation of members of Committee.

451.390 Regulations of Committee.

451.400 Notification of Committee or its designee concerning dead human body which is unclaimed or required to be buried at public expense; delivery of body as designated by Committee.

451.410 Retention of bodies received by Committee; referral of excess or unfit bodies to board of county commissioners for burial or cremation.

451.420 Committee to receive notice of death for unclaimed indigent person; limitations on delivery of bodies to Committee.

451.430 Delivery of body by Committee to friend or other claimant; payment of expenses; military funeral required by veterans' organization that claims body.

451.440 Contract for delivery of body to Committee prohibited; Committee authorized to accept body left by will.

451.450 Distribution of bodies among schools, teaching hospitals and other persons or entities; fees; penalty.

451.460 Recipient of body received from Committee required to give bond; approval, amount and conditions of bond.

451.470 Disposal of remains after use.

