

SENATE BILL NO. 10—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE STATE TREASURER)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions related to the Nevada State Infrastructure Bank. (BDR 35-358)

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 the Nevada State Infrastructure Bank; requiring the Bank to keep confidential certain information; removing the Bank from the Department of Transportation; revising provisions relating to the Board of Directors of the Bank; requiring the Office of the State Treasurer to provide staff assistance to the Bank upon request; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Nevada State Infrastructure Bank within the
2 Department of Transportation, the purpose of which is to provide loans and other
3 financial assistance to qualified borrowers for the development, construction,
4 repair, improvement, operation, maintenance, decommissioning and ownership of
5 certain transportation facilities, utility infrastructure, water and wastewater
6 infrastructure, renewable energy infrastructure, recycling and sustainability
7 infrastructure, digital infrastructure, social infrastructure and other infrastructure
8 related to economic development. (NRS 408.111, 408.55048-408.55088) Under
9 existing law, the Bank is administered by and operates under the direction of a
10 Board of Directors. (NRS 408.55069)

11 **Sections 1 and 15** of this bill require the Bank to keep confidential certain
12 information which is submitted or disclosed to, or otherwise obtained by, the Bank,
13 except under certain circumstances. **Section 10** of this bill authorizes the Board of
14 Directors to hold a closed meeting or to close a portion of a meeting to receive,
15 examine or consider information which the Bank is required to keep confidential.
16 **Section 16** of this bill makes a conforming change to reflect that the Board of
17 Directors is authorized to hold such closed meetings. **Sections 9, 12 and 13** of this



18 bill make conforming changes to indicate the proper placement of **section 1** in the
19 Nevada Revised Statutes.

20 **Section 10** provides that the State Treasurer or his or her designee serves as the
21 Chair of the Board of Directors and removes the requirement that the Board of
22 Directors annually elect a Chair.

23 **Sections 2 and 10** of this bill remove the Bank from the Department of
24 Transportation. **Sections 3-8** of this bill make conforming changes to reflect that
25 the Bank is no longer within the Department. **Section 14** of this bill requires the
26 Office of the State Treasurer to provide staff assistance to the Bank at the request of
27 the Board of Directors. **Section 11** of this bill makes a conforming change relating
28 to the staffing of the Bank.

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

1 **Section 1.** Chapter 408 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. Except as otherwise provided in subsections 2 and 3, the*
4 *Bank shall keep confidential any information that is:*

5 *(a) Submitted or disclosed to the Bank in an application for a*
6 *loan or other financial assistance;*

7 *(b) Submitted or disclosed to the Bank by another*
8 *governmental entity in connection with a loan or other financial*
9 *assistance or an application for a loan or other financial*
10 *assistance;*

11 *(c) Required to be submitted or disclosed to the Bank and kept*
12 *confidential pursuant to federal law; or*

13 *(d) Otherwise obtained by the Bank pursuant to this chapter or*
14 *the regulations adopted pursuant thereto in connection with a*
15 *loan or other financial assistance or an application for a loan or*
16 *other financial assistance.*

17 *2. The Bank shall disclose the information set forth in*
18 *subsection 1:*

19 *(a) Upon the lawful order of a court of competent jurisdiction;*

20 *(b) To any person upon the request of the person who is the*
21 *subject of the information; or*

22 *(c) In the course of the necessary administration of this*
23 *chapter.*

24 *3. The Bank may disclose the information set forth in*
25 *subsection 1 to an authorized agent of an agency of the United*
26 *States Government, a state, a political subdivision of a state, a*
27 *foreign government or a political subdivision of a foreign*
28 *government which finances infrastructure projects.*

29 *4. A person seeking an order of a court of competent*
30 *jurisdiction for the disclosure of information described in*
31 *subsection 1 must submit a motion in writing to the court*



1 *requesting the information. At least 10 days before submitting the*
2 *motion, the person must provide notice to the Bank, the Attorney*
3 *General and all persons who may be affected by the disclosure of*
4 *the information. The notice must:*

5 *(a) Include, without limitation, a copy of the motion and all*
6 *documents in support of the motion that are to be filed with the*
7 *court; and*

8 *(b) Be delivered in person or by certified mail to the last known*
9 *address of each person to whom notice must be provided.*

10 **Sec. 2.** NRS 408.111 is hereby amended to read as follows:

11 408.111 1. The Department consists of a Director, three
12 Deputy Directors, a Chief Engineer and the following:

13 (a) Administrative Division.

14 (b) Operations Division.

15 (c) Engineering Division.

16 (d) Planning Division.

17 ~~[(e) Nevada State Infrastructure Bank.]~~

18 2. The head of a Division is an assistant director. Assistant
19 directors are in the unclassified service of the State.

20 **Sec. 3.** NRS 408.116 is hereby amended to read as follows:

21 408.116 ~~[(Except as otherwise provided in NRS 408.55048 to~~
22 ~~408.55088, inclusive:)]~~

23 1. All legal notices, writs, service and process issued or
24 ordered by a court of competent jurisdiction wherein the Department
25 is named as a defendant must be personally served upon both the
26 Director and the Chair of the Board or, in the absence of the
27 Director and the Chair of the Board, the process must be served
28 personally upon both the Secretary of State and one of the Deputy
29 Directors.

30 2. All legal actions brought and defended by the Department
31 must be in the name of the State of Nevada on relation of its
32 Department.

33 3. This section is not a consent on the part of the Department to
34 be sued.

35 **Sec. 4.** NRS 408.131 is hereby amended to read as follows:

36 408.131 ~~[(Except as otherwise provided in NRS 408.55048 to~~
37 ~~408.55088, inclusive, the)]~~ **The** Board shall:

38 1. Consider, at its meetings, all questions relating to the general
39 policy of the Department and transact such business as properly
40 comes before it.

41 2. Receive and consider, at such time as the Board selects, an
42 annual report by the Director.

43 3. Except as otherwise provided in NRS 408.203, act for the
44 Department in all matters relating to recommendations, reports and



1 such other matters as the Board finds advisable to submit to the
2 Legislature.

3 4. Maintain a record of all proceedings of the Board.

4 5. Execute or approve all instruments and documents in the
5 name of the State or the Department necessary to carry out the
6 provisions of this chapter.

7 6. Except as otherwise provided in NRS 408.389, delegate to
8 the Director such authority as it deems necessary under the
9 provisions of this chapter.

10 7. Act by resolution, vote or order entered in its records.

11 **Sec. 5.** NRS 408.172 is hereby amended to read as follows:

12 408.172 1. Subject to the approval of the Board, the Attorney
13 General shall, immediately upon request by the Board, appoint an
14 attorney at law as the Chief Counsel of the Department, and such
15 assistant attorneys as are necessary. Attorneys so appointed are
16 deputy attorneys general.

17 2. ~~{Except as otherwise provided in NRS 408.55048 to~~
18 ~~408.55088, inclusive, the}~~ **The** Chief Counsel shall act as the
19 attorney and legal adviser of the Department in all actions,
20 proceedings, hearings and all matters relating to the Department and
21 to the powers and duties of its officers.

22 3. Under the direction of or in the absence of the Chief
23 Counsel, the assistant attorneys may perform any duty required or
24 permitted by law to be performed by the Chief Counsel.

25 4. The Chief Counsel and assistant attorneys are in the
26 unclassified service of the State.

27 5. ~~{Except as otherwise provided in NRS 408.55048 to~~
28 ~~408.55088, inclusive, all}~~ **All** contracts, instruments and documents
29 executed by the Department must be first approved and endorsed as
30 to legality and form by the Chief Counsel.

31 **Sec. 6.** NRS 408.175 is hereby amended to read as follows:

32 408.175 1. The Director shall:

33 (a) Appoint one Deputy Director who in the absence, inability or
34 failure of the Director has full authority to perform any duty
35 required or permitted by law to be performed by the Director.

36 (b) Appoint one Deputy Director for southern Nevada whose
37 principal office must be located in an urban area in southern
38 Nevada.

39 (c) Appoint one Deputy Director with full authority to perform
40 any duty required or allowed by law to be performed by the Director
41 to implement, manage, oversee and enforce any environmental
42 program of the Department.

43 (d) ~~{Except as otherwise provided in NRS 408.55071, employ}~~
44 **Employ** such engineers, engineering and technical assistants, clerks
45 and other personnel as in the Director's judgment may be necessary



1 to the proper conduct of the Department and to carry out the
2 provisions of this chapter.

3 2. Except as otherwise provided in NRS 284.143, the Deputy
4 Directors shall devote their entire time and attention to the business
5 of the office and shall not pursue any other business or occupation
6 or hold any other office of profit.

7 3. The Director may delegate such authority as may be
8 necessary for the Deputy Director appointed pursuant to paragraph
9 (b) of subsection 1 to carry out his or her duties.

10 **Sec. 7.** NRS 408.215 is hereby amended to read as follows:

11 408.215 1. The Director has charge of all the records of the
12 Department, keeping records of all proceedings pertaining to the
13 Department and keeping on file information, plans, specifications,
14 estimates, statistics and records prepared by the Department, ~~except~~
15 ~~as otherwise provided in NRS 408.55048 to 408.55088, inclusive,~~
16 ~~and~~ except those financial statements described in NRS 408.333
17 and the financial or proprietary information described in paragraph
18 (c) of subsection 6 of NRS 408.3886, which must not become
19 matters of public record.

20 2. The Director may photograph, film, place an image of on
21 microfilm, save as an image in an electronic recordkeeping system
22 or dispose of the records of the Department referred to in subsection
23 1 as provided in NRS 239.051, 239.080 and 239.085.

24 3. The Director shall maintain an index or record of deeds or
25 other references of title or interests in and to all lands or interests in
26 land owned or acquired by the Department.

27 4. The Director shall adopt such regulations as may be
28 necessary to carry out and enforce the provisions of this chapter.

29 **Sec. 8.** NRS 408.389 is hereby amended to read as follows:

30 408.389 1. Except as otherwise provided in subsection 2 ,
31 ~~[and NRS 408.55048 to 408.55088, inclusive,]~~ the Department shall
32 not purchase any equipment which exceeds \$50,000, unless the
33 purchase is first approved by the Board.

34 2. Before the Board may approve the purchase of any mobile
35 equipment which exceeds \$50,000, the Department shall:

36 (a) Prepare and present to the Board an analysis of the costs and
37 benefits, including, without limitation, all related personnel costs,
38 that are associated with:

39 (1) Purchasing, operating and maintaining the same item of
40 equipment;

41 (2) Leasing, operating and maintaining the same item of
42 mobile equipment; or

43 (3) Contracting for the performance of the work which would
44 have been performed using the mobile equipment; and

45 (b) Justify the need for the purchase based on that analysis.



1 3. The Board shall not:

2 (a) Delegate to the Director its authority to approve purchases of
3 equipment pursuant to subsection 1; or

4 (b) Approve any purchase of mobile equipment which exceeds
5 \$50,000 and for which the Department is unable to provide
6 justification pursuant to subsection 2.

7 **Sec. 9.** NRS 408.55048 is hereby amended to read as follows:

8 408.55048 As used in NRS 408.55048 to 408.55088, inclusive,
9 *and section 1 of this act*, unless the context otherwise requires, the
10 words and terms defined in NRS 408.55049 to 408.550685,
11 inclusive, have the meanings ascribed to them in those sections.

12 **Sec. 10.** NRS 408.55069 is hereby amended to read as
13 follows:

14 408.55069 1. The Nevada State Infrastructure Bank is hereby
15 created. ~~[within the Department.]~~

16 2. The purpose of the Bank is to provide loans and other
17 financial assistance to qualified borrowers for the development,
18 construction, repair, improvement, operation, maintenance,
19 decommissioning and ownership of transportation facilities, utility
20 infrastructure, water and wastewater infrastructure, renewable
21 energy infrastructure, recycling and sustainability infrastructure,
22 digital infrastructure, social infrastructure and other infrastructure
23 related to economic development as necessary for public purposes.

24 3. The Bank is administered by and operates under the
25 direction of a Board of Directors consisting of:

26 (a) ~~[The Director of the Department of Transportation or his or
27 her designee;~~

28 ~~—(b)]~~ The State Treasurer or his or her designee ~~[;]~~, *who shall*
29 *serve as Chair of the Board of Directors;*

30 (b) *The Director of the Department of Transportation or his or*
31 *her designee;*

32 (c) The Director of the Department of Business and Industry or
33 his or her designee;

34 (d) The Executive Director of the Office of Economic
35 Development or his or her designee;

36 (e) The Director of the Office of Energy or his or her designee;
37 and

38 (f) Two representatives of the general public, at least one of
39 whom must reside in a county whose population is 700,000 or more,
40 appointed by the Governor.

41 4. Each member of the Board of Directors who is appointed
42 pursuant to subsection 3 serves at the pleasure of the appointing
43 authority.



1 5. A vacancy on the Board of Directors in an appointed
2 position must be filled by the appointing authority in the same
3 manner as the original appointment.

4 6. The Board of Directors shall elect annually from among its
5 members ~~[a Chair and]~~ a Vice Chair.

6 7. Four members of the Board of Directors constitute a quorum
7 for the transaction of business, and the affirmative vote of at least
8 four members of the Board of Directors is required to take action.

9 8. The members of the Board of Directors are public officers
10 and are subject to all applicable provisions of law, including,
11 without limitation, the provisions of chapter 281A of NRS.

12 9. A meeting of the Board of Directors must be conducted in
13 accordance with the provisions of chapter 241 of NRS ~~H~~, *except*
14 *that the Board of Directors may hold a closed meeting or close a*
15 *portion of a meeting to receive, examine or consider information*
16 *which the Bank is required to keep confidential pursuant to*
17 *section 1 of this act.*

18 10. Each member of the Board of Directors who is not
19 otherwise an officer or employee of this State is entitled:

20 (a) To receive \$100 for each full day of attending a meeting of
21 the Board of Directors; and

22 (b) While engaged in the business of the Board of Directors, to
23 receive the per diem allowance and travel expenses provided for
24 state officers and employees generally. The per diem allowance and
25 travel expenses provided to a member of the Board of Directors who
26 is an officer or employee of this State or a political subdivision of
27 this State must be paid by the state agency or political subdivision
28 that employs him or her.

29 11. A member of the Board of Directors who is an officer or
30 employee of this State or a political subdivision of this State must be
31 relieved from his or her duties without loss of regular compensation
32 so that he or she may prepare for and attend meetings of the Board
33 of Directors and perform any work necessary to carry out the duties
34 of the Board of Directors in the most timely manner practicable. A
35 state agency or political subdivision of this State shall not require an
36 officer or employee who is a member of the Board of Directors to:

37 (a) Make up the time the member is absent from work to carry
38 out his or her duties as a member of the Board of Directors; or

39 (b) Take annual leave or compensatory time for the absence.

40 **Sec. 11.** NRS 408.55071 is hereby amended to read as
41 follows:

42 408.55071 1. The Board of Directors may:

43 (a) Make, and from time to time amend and repeal, bylaws not
44 inconsistent with NRS 408.55048 to 408.55088, inclusive, *and*
45 *section 1 of this act*, to carry into effect the powers and purposes of



1 NRS 408.55048 to 408.55088, inclusive **[H]**, *and section 1 of this*
2 *act.*

3 (b) Sue and be sued in the name of the Bank.

4 (c) Have a seal and alter the same at the pleasure of the Board of
5 Directors, but the failure to affix the seal does not affect the validity
6 of an instrument executed on behalf of the Bank.

7 (d) Make loans to qualified borrowers to finance all or part of
8 the eligible costs of a qualified project.

9 (e) Provide qualified borrowers with other financial assistance
10 necessary to defray all or part of the eligible costs of a qualified
11 project.

12 (f) Acquire, hold and sell loan obligations at such prices and in
13 such a manner as the Board of Directors deems advisable.

14 (g) Enter into contracts, arrangements and agreements with
15 qualified borrowers and other persons and execute and deliver all
16 financing agreements and other instruments necessary or convenient
17 to carry out the powers and duties of the Board of Directors.

18 (h) Enter into agreements with a department, agency or
19 instrumentality of the United States or governmental unit of this
20 State or another state for the purpose of providing for the financing
21 of qualified projects.

22 (i) Establish:

23 (1) Policies and procedures to govern the selection of
24 qualified projects and the issuance and administration of loans and
25 other financial assistance provided by the Bank; and

26 (2) Fiscal controls and accounting procedures to ensure
27 proper accounting and reporting by the Bank and qualified
28 borrowers.

29 (j) Acquire, by purchase, lease, donation or other lawful means,
30 real or personal property and any interest therein.

31 (k) Sell, convey, pledge, lease, exchange, transfer and dispose of
32 all or any part of the property and assets of the Bank.

33 (l) Procure insurance, guarantees, letters of credit and other
34 forms of collateral or security or credit support for the payment of
35 bonds or other securities issued by the Bank and the payment of
36 premiums or fees on such insurance, guarantees, letters of credit and
37 other forms of collateral or security or credit support.

38 (m) Collect or authorize the trustee under any trust indenture
39 that secures any bonds or other securities issued by the Bank to
40 collect amounts due from a qualified borrower under any loan
41 obligation owned by the Bank, including, without limitation, taking
42 any lawful action required to obtain payment of any sums in default.

43 (n) Unless restricted by the terms of an agreement with the
44 holders of bonds or other securities issued by the Bank, consent to
45 any modification of the terms of any loan obligations owned by the



1 Bank, including, without limitation, the rate of interest, period of
2 repayment and payment of any installment of principal or interest.

3 (o) Borrow money through the issuance of bonds and other
4 securities as provided in NRS 408.55048 to 408.55088, inclusive ~~[]~~
5 , *and section 1 of this act.*

6 (p) Incur expenses to obtain accounting, management, legal or
7 financial consulting and other professional services necessary to the
8 operations of the Bank.

9 (q) To the extent that money is available from public or private
10 sources of administrative costs, pay any costs incurred for the
11 administration of the operations of the Bank.

12 (r) Establish advisory committees, which may include persons
13 from the private sector with civil engineering, banking and financial
14 expertise.

15 (s) Procure insurance against losses in connection with the
16 Bank's property, assets or activities, including, without limitation,
17 insurance against liability for any act of the Bank or its employees
18 or agents, or establish cash reserves to enable the Bank to act as a
19 self-insurer against such losses.

20 (t) Impose and collect fees and charges in connection with the
21 activities of the Bank.

22 (u) Apply for, receive and accept from any source aid grants or
23 contributions of money, property, labor or other things of value to
24 be used to carry out the statutory purposes and powers of the Bank.

25 (v) Enter into contracts, arrangements or agreements for the
26 servicing and processing of financial agreements.

27 (w) Accept and hold, with payment of interest, money deposited
28 with the Bank.

29 (x) Request technical advice, support and assistance ~~[from the~~
30 ~~divisions of the Department.] pursuant to NRS 408.55088.~~

31 (y) Do all other things necessary or convenient to exercise any
32 power granted or reasonably implied by NRS 408.55048 to
33 408.55088, inclusive ~~[]~~ , *and section 1 of this act.*

34 2. Except as otherwise provided in NRS 408.55048 to
35 408.55088, inclusive, *and section 1 of this act*, the Bank may
36 exercise any fiscal power granted to the Bank in NRS 408.55048 to
37 408.55088, inclusive, *and section 1 of this act* without the review or
38 approval of any other department, division or agency of the State or
39 any political subdivision thereof, except for the Board of Directors.

40 3. In exercising the powers and performing the functions set
41 forth in NRS 408.55048 to 408.55088, inclusive, *and section 1 of*
42 *this act*, the members of the Board of Directors:

43 (a) Must act in a commercially reasonable manner and in the
44 interests of this State. For the purposes of this paragraph, the
45 interests of this State include, without limitation, the public welfare



1 and economy of this State and the long-term and short-term interests
2 of this State.

3 (b) May, unless a member of the Board of Directors has
4 knowledge concerning a matter in question that would cause
5 reliance thereon to be unwarranted, rely on information, opinions,
6 reports, books of account or statements, including, without
7 limitation, financial statements and other financial data, that are
8 prepared or presented by:

9 (1) One or more members of the Board of Directors or
10 officers or employees of the Bank reasonably believed to be reliable
11 and competent in the matters prepared or presented;

12 (2) Counsel, public accountants, financial advisers, valuation
13 advisers, investment bankers, engineers, architects or other persons
14 as to matters reasonably believed to be within the professional or
15 expert competence of the preparer or presenter; or

16 (3) A committee on which the director or officer relying
17 thereon does not serve, as to matters within the designated authority
18 of the committee and matters on which the committee is reasonably
19 believed to merit confidence.

20 4. This section does not authorize the Bank to be or conduct
21 business as a:

22 (a) Bank or trust company within the jurisdiction of chapters
23 657 to 671, inclusive, of NRS or under the control of an agency of
24 the United States or this State; or

25 (b) Bank, banker or dealer in securities within the meaning of,
26 or subject to the provisions of, any securities, securities exchange or
27 securities dealers' laws of the United States or of this State.

28 5. The Bank must, before accepting a deposit from any person
29 or governmental unit, provide a notice to the depositor stating that
30 the deposit is not insured by the Federal Deposit Insurance
31 Corporation.

32 6. The provisions of titles 55 and 57 of NRS do not apply to
33 the Bank.

34 **Sec. 12.** NRS 408.55081 is hereby amended to read as
35 follows:

36 408.55081 The Board of Directors and any member thereof,
37 and any officer, employee, agent or committee member of the Bank
38 is not liable in a civil action for any act performed on behalf of the
39 Bank in good faith and within the scope of their duties or the
40 exercise of their authority pursuant to NRS 408.55048 to 408.55088,
41 inclusive **H**, *and section 1 of this act.*

42 **Sec. 13.** NRS 408.55086 is hereby amended to read as
43 follows:

44 408.55086 1. To the extent possible, the provisions of NRS
45 408.55048 to 408.55088, inclusive, *and section 1 of this act* are



1 intended to supplement other statutory provisions governing the
2 development, construction, repair, improvement, maintenance,
3 decommissioning, operation and ownership of transportation
4 facilities, utility infrastructure, water and wastewater infrastructure,
5 renewable energy infrastructure, recycling and sustainability
6 infrastructure, digital infrastructure, social infrastructure or other
7 infrastructure related to economic development and the issuance of
8 bonds and other securities by this State or a political subdivision
9 thereof, and such other provisions must be given effect to the extent
10 that those provisions do not conflict with the provisions of NRS
11 408.55048 to 408.55088, inclusive ~~§~~, *and section 1 of this act*. If
12 there is a conflict between such other provisions and the provisions
13 of NRS 408.55048 to 408.55088, inclusive, *and section 1 of this*
14 *act*, the provisions of NRS 408.55048 to 408.55088, inclusive, *and*
15 *section 1 of this act* control.

16 2. The provisions of NRS 338.013 to 338.090, inclusive, apply
17 to any contract for construction work on a qualified project if all or
18 part of the costs of the qualified project are paid for using a loan or
19 other financial assistance from the Bank. The Bank, the qualified
20 borrower, any contractor who is awarded a contract or enters into an
21 agreement to perform construction work on the qualified project,
22 and any subcontractor who performs any portion of the construction
23 work shall comply with the provisions of NRS 338.013 to 338.090,
24 inclusive, in the same manner as if a public body had undertaken the
25 qualified project or had awarded the contract.

26 **Sec. 14.** NRS 408.55088 is hereby amended to read as
27 follows:

28 408.55088 *1.* Any division of the Department of
29 Transportation, the Department of Business and Industry, the Office
30 of Economic Development, the State Department of Conservation
31 and Natural Resources, ~~the Office of the State Treasurer,~~ the
32 Office of Energy or any other governmental unit may, to the extent
33 that money is available for that purpose, provide technical advice,
34 support and assistance to the Bank ~~§~~, *including, without*
35 *limitation, the Board of Directors.*

36 *2. The Office of the State Treasurer shall provide staff*
37 *assistance to the Bank, including, without limitation, the Board of*
38 *Directors, upon a request of the Board of Directors.*

39 **Sec. 15.** NRS 239.010 is hereby amended to read as follows:

40 239.010 *1.* Except as otherwise provided in this section and
41 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095,
42 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030,
43 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152,
44 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
45 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,



1 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
2 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
3 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640,
4 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730,
5 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312,
6 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,
7 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
8 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
9 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
10 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
11 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
12 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
13 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570,
14 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105,
15 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
16 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420,
17 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
18 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150,
19 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195,
20 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
21 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
22 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
23 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
24 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
25 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
26 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
27 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
28 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
29 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
30 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
31 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
32 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
33 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
34 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
35 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
36 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
37 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
38 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
39 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
40 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
41 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
42 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
43 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
44 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
45 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,



1 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555,
2 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
3 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
4 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
5 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
6 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
7 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
8 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
9 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
10 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
11 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
12 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
13 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
14 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
15 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
16 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
17 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
18 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
19 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
20 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,
21 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
22 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
23 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
24 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
25 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
26 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
27 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
28 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
29 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
30 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
31 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
32 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
33 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
34 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
35 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
36 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
37 711.600, **and section 1 of this act**, sections 35, 38 and 41 of chapter
38 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes
39 of Nevada 2013 and unless otherwise declared by law to be
40 confidential, all public books and public records of a governmental
41 entity must be open at all times during office hours to inspection by
42 any person, and may be fully copied or an abstract or memorandum
43 may be prepared from those public books and public records. Any
44 such copies, abstracts or memoranda may be used to supply the
45 general public with copies, abstracts or memoranda of the records or



1 may be used in any other way to the advantage of the governmental
2 entity or of the general public. This section does not supersede or in
3 any manner affect the federal laws governing copyrights or enlarge,
4 diminish or affect in any other manner the rights of a person in any
5 written book or record which is copyrighted pursuant to federal law.

6 2. A governmental entity may not reject a book or record
7 which is copyrighted solely because it is copyrighted.

8 3. A governmental entity that has legal custody or control of a
9 public book or record shall not deny a request made pursuant to
10 subsection 1 to inspect or copy or receive a copy of a public book or
11 record on the basis that the requested public book or record contains
12 information that is confidential if the governmental entity can
13 redact, delete, conceal or separate, including, without limitation,
14 electronically, the confidential information from the information
15 included in the public book or record that is not otherwise
16 confidential.

17 4. If requested, a governmental entity shall provide a copy of a
18 public record in an electronic format by means of an electronic
19 medium. Nothing in this subsection requires a governmental entity
20 to provide a copy of a public record in an electronic format or by
21 means of an electronic medium if:

22 (a) The public record:

23 (1) Was not created or prepared in an electronic format; and

24 (2) Is not available in an electronic format; or

25 (b) Providing the public record in an electronic format or by
26 means of an electronic medium would:

27 (1) Give access to proprietary software; or

28 (2) Require the production of information that is confidential
29 and that cannot be redacted, deleted, concealed or separated from
30 information that is not otherwise confidential.

31 5. An officer, employee or agent of a governmental entity who
32 has legal custody or control of a public record:

33 (a) Shall not refuse to provide a copy of that public record in the
34 medium that is requested because the officer, employee or agent has
35 already prepared or would prefer to provide the copy in a different
36 medium.

37 (b) Except as otherwise provided in NRS 239.030, shall, upon
38 request, prepare the copy of the public record and shall not require
39 the person who has requested the copy to prepare the copy himself
40 or herself.

41 **Sec. 16.** NRS 241.016 is hereby amended to read as follows:

42 241.016 1. The meetings of a public body that are quasi-
43 judicial in nature are subject to the provisions of this chapter.

44 2. The following are exempt from the requirements of this
45 chapter:



1 (a) The Legislature of the State of Nevada.

2 (b) Judicial proceedings, including, without limitation,
3 proceedings before the Commission on Judicial Selection and,
4 except as otherwise provided in NRS 1.4687, the Commission on
5 Judicial Discipline.

6 (c) Meetings of the State Board of Parole Commissioners when
7 acting to grant, deny, continue or revoke the parole of a prisoner or
8 to establish or modify the terms of the parole of a prisoner.

9 3. Any provision of law, including, without limitation, NRS
10 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028,
11 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150,
12 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121,
13 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150,
14 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467,
15 392.4671, 394.1699, 396.1415, 396.3295, **408.55069**, 414.270,
16 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320,
17 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557,
18 686B.170, 696B.550, 703.196 and 706.1725, which:

19 (a) Provides that any meeting, hearing or other proceeding is not
20 subject to the provisions of this chapter; or

21 (b) Otherwise authorizes or requires a closed meeting, hearing
22 or proceeding,

23 ↪ prevails over the general provisions of this chapter.

24 4. The exceptions provided to this chapter, and electronic
25 communication, must not be used to circumvent the spirit or letter of
26 this chapter to deliberate or act, outside of an open and public
27 meeting, upon a matter over which the public body has supervision,
28 control, jurisdiction or advisory powers.

29 **Sec. 17.** This act becomes effective on July 1, 2023.



