

(Reprinted with amendments adopted on June 5, 2023)

FIRST REPRINT

S.B. 431

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SENATE BILL NO. 431—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

MARCH 27, 2023

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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.

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AN ACT relating to governmental administration; revising the duties of the Chief Information Officer; providing for the appointment and prescribing the duties of a Chief Innovation Officer; 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 professional and occupational licensing boards; 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 governing the approval of work programs and allotments; revising provisions relating to the approval and acceptance of grants by state agencies; 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; transferring money from the State General Fund to the Account to Stabilize the Operation of the State Government; making an appropriation; and providing other matters properly relating thereto.



\* S B 4 3 1 R 1 \*

**Legislative Counsel's Digest:**

1 Existing law authorizes the Governor, within the limits of available money, to  
2 employ such staff for the Office of the Governor as he or she deems necessary.  
3 (NRS 223.085) **Section 8** of this bill provides that the staff and employees of the  
4 Office of the Governor include: (1) executive staff; (2) administrative and clerical  
5 staff; (3) outreach and communications staff; (4) research and analytical staff; and  
6 (5) any other persons the Governor determines are necessary to effectively fulfill  
7 the duties, responsibilities and obligations of the Office of the Governor. **Section 8**  
8 also: (1) revises the duties of the Chief Information Officer, who is appointed by  
9 the Governor; and (2) provides for the appointment by the Governor of a Chief  
10 Innovation Officer and prescribes his or her duties. **Section 141.5** of this bill makes  
11 an appropriation to the Governor for salaries for the staff and employees of the  
12 Office of the Governor.

13 Existing law creates the Office of Economic Development within the Office of  
14 the Governor, consisting of the Division of Economic Development and the Nevada  
15 Film Office. (NRS 231.043)

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

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

30 Existing law creates the Personnel Commission within the Division of Human  
31 Resource Management of the Department of Administration, which has various  
32 powers and duties relating to the Personnel System. (NRS 284.030-284.065)  
33 **Sections 70 and 71** of this bill amend the name of the System and Commission to  
34 be the Human Resources System and Human Resources Commission. **Sections 68,**  
35 **69, 72-74, 76, 77 and 83** of this bill make conforming changes to replace the term  
36 "personnel" with "human resources" throughout the provisions of the Nevada  
37 Revised Statutes relating to the System. **Sections 75 and 76** of this bill rename the  
38 Personnel Operating Fund to be the Human Resources Operating Fund.  
39 (NRS 284.110)

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

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

50 Existing law provides that the classified service of the State is comprised of all  
51 positions in the public service now existing or hereafter created which are, in  
52 relevant part, filled according to merit and fitness from eligible lists prepared upon  
53 the basis of examination, which must, with certain exceptions, be open and  
54 competitive. (NRS 284.150) Existing law further: (1) requires the Personnel



55 Commission to adopt regulations for open competitive examinations to test the  
56 relative fitness of applicants for classified positions; and (2) sets forth certain  
57 requirements for competitive examinations and preparing lists of eligible persons  
58 for positions in the classified service. (NRS 284.205-284.260) **Sections 79 and 91**  
59 of this bill provide instead that positions in the classified service are, with certain  
60 exceptions, filled from the eligible pool of persons prepared upon the basis of the  
61 evaluation of persons by an appointing authority. **Sections 84-100, 102, 103 and**  
62 **146** eliminate existing provisions relating to competitive examination and the  
63 preparation of eligible lists of persons for positions in the classified service.

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

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

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

78 Existing law sets forth certain duties and responsibilities of the Administrator  
79 of the Division of Human Resource Management of the Department of  
80 Administration in, and certain requirements for, examining and certifying  
81 applicants and filling positions in the classified service. (NRS 284.240, 284.245,  
82 284.253-284.265, 284.295, 284.305, 284.309, 284.310) **Sections 86-98** of this bill  
83 provide instead that each appointing authority has duties and responsibilities  
84 relating to evaluating applicants and filling positions in the classified service.

85 Existing law requires the Administrator to prepare, maintain and revise a  
86 classification plan for all positions in the classified service and allocate the position  
87 of every employee in the classified service to one of the positions in the plan. (NRS  
88 284.160, 284.165) **Section 80** of this bill provides instead that the Administrator  
89 shall prepare, maintain and revise a master classification plan and that the  
90 Administrator shall review annually the classification plan of each appointing  
91 authority.

92 Under the State Budget Act, a department, institution or agency of the  
93 Executive Department of State Government is required to obtain approval from the  
94 Interim Finance Committee, except in certain limited circumstances, before  
95 revising a work program in an amount more than \$30,000 if the revision will  
96 increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure  
97 level approved by the Legislature for any of the allotments within the work  
98 program. (NRS 353.220) **Section 110** of this bill increases the monetary threshold  
99 to an amount of more than \$75,000 if the revision will increase by 20 percent or  
100 \$350,000, whichever is less, the expenditure level approved by the Legislature for  
101 any of the allotments within the work program.

102 Under existing law, the Account to Stabilize the Operation of the State  
103 Government, also known as the Rainy Day Fund, is an account created in the State  
104 General Fund into which surplus state revenues are deposited to be used in case of  
105 fiscal emergencies. The balance in the Account to Stabilize the Operation of the  
106 State Government must not exceed 20 percent of the total of all appropriations from  
107 the State General Fund for the operation of all departments, institutions and  
108 agencies of the State Government and for the funding of schools and authorized  
109 expenditures from the State General Fund for the regulation of gaming for the fiscal



110 year in which the revenue will be transferred to the Account. (NRS 353.288)  
111 **Section 113** of this bill revises this limitation so that the balance must not exceed  
112 26 percent of the total of all appropriations from the State General Fund for the  
113 operation of all departments, institutions and agencies of the State Government and  
114 for the funding of schools and authorized expenditures from the State General Fund  
115 for the regulation of gaming for the fiscal year in which the revenue will be  
116 transferred to the Account.

117 **Section 141.7** requires the State Controller to transfer a certain amount of  
118 money from the State General Fund to the Account to Stabilize the Operation of the  
119 State Government.

120 Existing law authorizes a state agency, with certain exceptions, to accept a gift  
121 or grant of property or services that is not included in an act of the Legislature  
122 authorizing the expenditure of nonappropriated money if the gift or grant is  
123 approved by the Governor or the Interim Finance Committee, as applicable.  
124 Exceptions from the requirement for such approval are: (1) the acceptance by a  
125 state agency of a gift or grant from a private source that does not exceed \$20,000 in  
126 value; and (2) the acceptancy by a state agency of governmental grants not  
127 exceeding \$150,000 in value. (NRS 353.335) **Section 114** of this bill increases the  
128 threshold for both of these exceptions from such approval to \$200,000. **Section 114**  
129 also exempts from any approval a gift or grant to a state agency that will be  
130 deposited in a budget account that consists of money which is not appropriated by  
131 or authorized for expenditure by the Legislature.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

5 **Sec. 5.** (Deleted by amendment.)

6 **Sec. 6.** (Deleted by amendment.)

7 **Sec. 7.** (Deleted by amendment.)

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

9 223.085 1. The Governor may, within the limits of available  
10 money, employ such persons as he or she deems necessary to  
11 provide an appropriate staff for the Office of the Governor,  
12 including, without limitation, the Office of Economic Development,  
13 the Office of Federal Assistance, the Office of Science, Innovation  
14 and Technology, the Public Health Resource Office and the  
15 Governor’s mansion. Except as otherwise provided by specific  
16 statute, such employees are not in the classified or unclassified  
17 service of the State and, except as otherwise provided in NRS  
18 231.043 and 231.047, serve at the pleasure of the Governor. *Such*  
19 *staff and employees include, without limitation:*

20 (a) *Executive staff;*

21 (b) *Administrative and clerical staff;*

22 (c) *Outreach and communications staff;*



1       (d) *Research and analytical staff; and*  
2       (e) *Any other persons the Governor determines are necessary*  
3 *to effectively fulfill the duties, responsibilities and obligations of*  
4 *the Office of the Governor.*

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

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

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

13       3. The Governor ~~may:~~

14 ~~—(a) Appoint] shall appoint~~ a Chief Information Officer of the  
15 State ~~;~~ or

16 ~~—(b) Designate the Administrator as the Chief Information Officer~~  
17 ~~of the State.~~

18 ~~→ If the Administrator is so appointed, the Administrator shall serve~~  
19 ~~as the Chief Information Officer of the State without additional~~  
20 ~~compensation.~~

21 ~~—4. As used in this section, “Administrator” means the~~  
22 ~~Administrator of the Division of Enterprise Information Technology~~  
23 ~~Services of the Department of Administration.] who is responsible~~  
24 ~~for:~~

25       (a) *Information technology leadership and accountability;*  
26       (b) *Strategic planning for information technology;*  
27       (c) *Information technology workforce for the State;*  
28       (d) *Budgeting and planning for information technology for the*  
29 *State;*

30       (e) *Data storage and integrity;*  
31       (f) *Investment management for information technology;*  
32       (g) *Information technology security, cyber security and*  
33 *privacy; and*

34       (h) *Any other duties or responsibilities prescribed by statute or*  
35 *regulation.*

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

38       (a) *Providing overall leadership and guidance relating to*  
39 *employee acquisition, career development, succession planning,*  
40 *retention, professional development and training, leadership*  
41 *development, compensation and benefits;*

42       (b) *Developing human resource plans and strategies*  
43 *prospectively by at least 10 years;*

44       (c) *Reviewing and monitoring the efficiency of the State*  
45 *Government and providing recommendations on how to reduce*



1 *costs, improve the delivery of services and ensure the cost-*  
2 *effectiveness of all state governmental programs;*

3 *(d) Evaluating, overseeing and administering the*  
4 *competitiveness, appropriateness and effectiveness of the wages,*  
5 *salaries, benefits and work environment of public employees;*

6 *(e) Evaluating, overseeing and administering the training and*  
7 *readiness programs for public employees; and*

8 *(f) Developing comprehensive and strategic recruitment and*  
9 *retention plans to the meet the human resource needs of the State.*

10 **Sec. 9.** (Deleted by amendment.)

11 **Sec. 10.** (Deleted by amendment.)

12 **Sec. 11.** (Deleted by amendment.)

13 **Sec. 12.** (Deleted by amendment.)

14 **Sec. 13.** (Deleted by amendment.)

15 **Sec. 14.** (Deleted by amendment.)

16 **Sec. 15.** (Deleted by amendment.)

17 **Sec. 16.** (Deleted by amendment.)

18 **Sec. 17.** (Deleted by amendment.)

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

22 **Sec. 19. 1.** *The Office of Nevada Boards, Commissions and*  
23 *Councils Standards is hereby created within the Department of*  
24 *Business and Industry.*

25 *2. The Director shall appoint a Deputy Director of the Office*  
26 *and shall retain the required staff and adopt the necessary*  
27 *regulations and procedures to effectively administer the*  
28 *responsibilities of the Office.*

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

31 *(a) Centralized administration;*

32 *(b) A uniform set of standards for investigations, licensing*  
33 *and discipline, including, without limitation, separating the roles*  
34 *and responsibilities for occupational licensure from the roles and*  
35 *responsibilities for occupational discipline;*

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

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

38 *(e) A consistent set of structural standards for boards and*  
39 *commissions;*

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

41 *(g) Efficacy and efficiency.*

42 *2. To the extent permitted by the Nevada Constitution and*  
43 *federal law, all professional and occupational licensing boards*  
44 *created by the Legislature shall be under the purview of the Office,*  
45 *including, without limitation:*



1 (a) *The Nevada State Board of Accountancy created by NRS*  
2 *628.035.*

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

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

7 (d) *The Board of Athletic Trainers created by*  
8 *NRS 640B.170.*

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

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

13 (g) *The Chiropractic Physicians' Board of Nevada created by*  
14 *NRS 634.020.*

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

16 (i) *The Commission on Construction Education created by*  
17 *NRS 624.570.*

18 (j) *The State Board of Cosmetology created by*  
19 *NRS 644A.200.*

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

22 (l) *The Board of Dental Examiners of Nevada created by NRS*  
23 *631.120.*

24 (m) *The Committee on Dental Hygiene and Dental Therapy*  
25 *created by NRS 631.205.*

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

28 (o) *The Nevada Funeral and Cemetery Services Board created*  
29 *by NRS 642.020.*

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

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

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

37 (s) *The Board of Massage Therapy created by*  
38 *NRS 640C.150.*

39 (t) *The Board of Medical Examiners created pursuant to NRS*  
40 *630.050.*

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

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

44 (w) *The Board of Occupational Therapy created by*  
45 *NRS 640A.080.*



1 (x) *The Board of Dispensing Opticians created by*  
2 *NRS 637.030.*

3 (y) *The Nevada State Board of Optometry created by*  
4 *NRS 636.030.*

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

7 (aa) *The State Board of Osteopathic Medicine created*  
8 *pursuant to NRS 633.181.*

9 (bb) *The Commission on Postsecondary Education created by*  
10 *NRS 394.383.*

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

12 (dd) *The Nevada Physical Therapy Board created by*  
13 *NRS 640.030.*

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

15 (ff) *The Private Investigator's Licensing Board created by*  
16 *NRS 648.020.*

17 (gg) *The Board of Psychological Examiners created by NRS*  
18 *641.030.*

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

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

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

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

27 **Sec. 21.** (Deleted by amendment.)

28 **Sec. 22.** (Deleted by amendment.)

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

30 232.213 1. The Department of Administration is hereby  
31 created.

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

33 (a) Risk Management Division.

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

36 (c) State Public Works Division.

37 (d) Purchasing Division.

38 (e) Administrative Services Division.

39 (f) Division of Human Resource Management.

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

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

42 ~~{(i)}~~ (h) Fleet Services Division.

43 ~~{(j)}~~ (i) Public Employees' Deferred Compensation Program.

44 ~~{(k)}~~ (j) Mail Services Division.





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

232.215 The Director:

1. Shall appoint an Administrator of the:

- (a) Risk Management Division;
- (b) State Public Works Division;
- (c) Purchasing Division;
- (d) Administrative Services Division;
- (e) Division of Human Resource Management;
- (f) ~~Division of Enterprise Information Technology Services;~~
- ~~(g)~~ (g) Division of State Library, Archives and Public Records;
- ~~(h)~~ (g) Fleet Services Division; and
- ~~(i)~~ (h) Mail Services Division.

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



1 unclassified service of the State and serves at the pleasure of the  
2 Director, except that he or she may be removed by a majority vote  
3 of the Committee to Administer the Public Employees' Deferred  
4 Compensation Program.

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

6 232.217 Unless federal law or regulation otherwise requires,  
7 the Administrator of the:

- 8 1. State Public Works Division;
- 9 2. Purchasing Division;
- 10 3. Division of Human Resource Management;
- 11 4. ~~Division of Enterprise Information Technology Services;~~
- 12 ~~5.~~ Division of State Library, Archives and Public Records;
- 13 and

14 ~~6.~~ 5. Fleet Services Division,

15 → may appoint a Deputy and a Chief Assistant in the unclassified  
16 service of the State, who shall not engage in any other gainful  
17 employment or occupation except as otherwise provided in  
18 NRS 284.143.

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

20 232.219 1. The Department of Administration's Operating  
21 Fund for Administrative Services is hereby created as an internal  
22 service fund.

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

- 26 (a) State Public Works Division;
- 27 (b) Purchasing Division;
- 28 (c) Hearings Division;
- 29 (d) Risk Management Division;
- 30 (e) Division of Human Resource Management;
- 31 (f) ~~Division of Enterprise Information Technology Services;~~
- 32 ~~(g)~~ Division of State Library, Archives and Public Records;
- 33 ~~(h)~~ (g) Fleet Services Division;
- 34 ~~(i)~~ (h) Public Employees' Deferred Compensation Program;

35 and

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

37 3. All money received for the central accounting services of the  
38 Department must be deposited in the State Treasury for credit to the  
39 Operating Fund.

40 4. All expenses of the central accounting function of the  
41 Department must be paid from the Fund as other claims against the  
42 State are paid.



1       **Sec. 28.** NRS 232.505 is hereby amended to read as follows:  
2       232.505 As used in NRS 232.505 to 232.866, inclusive, *and*  
3 *sections 19 to 22, inclusive, of this act*, unless the context requires  
4 otherwise:

5       1. "Department" means the Department of Business and  
6 Industry.

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

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

9       232.510 1. The Department of Business and Industry is  
10 hereby created.

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

12       (a) Consumer Affairs Unit within the Office of the Director.

13       (b) Division of Financial Institutions.

14       (c) Housing Division.

15       (d) Real Estate Division.

16       (e) Division of Insurance.

17       (f) Division of Industrial Relations.

18       (g) Office of Labor Commissioner.

19       (h) Taxicab Authority.

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

21       (j) Nevada Transportation Authority.

22       (k) Division of Mortgage Lending.

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

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

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

31       232.520 The Director:

32       1. Shall appoint a chief or executive director, or both of them,  
33 of each of the divisions, offices, commissions, boards, agencies or  
34 other entities of the Department, unless the authority to appoint such  
35 a chief or executive director, or both of them, is expressly vested in  
36 another person, board or commission by a specific statute. In  
37 making the appointments, the Director may obtain lists of qualified  
38 persons from professional organizations, associations or other  
39 groups recognized by the Department, if any. The chief of the  
40 Consumer Affairs Unit is the Commissioner of Consumer Affairs,  
41 the chief of the Division of Financial Institutions is the  
42 Commissioner of Financial Institutions, the chief of the Housing  
43 Division is the Administrator of the Housing Division, the chief of  
44 the Real Estate Division is the Real Estate Administrator, the chief  
45 of the Division of Insurance is the Commissioner of Insurance, the



1 chief of the Division of Industrial Relations is the Administrator of  
2 the Division of Industrial Relations, the chief of the Office of Labor  
3 Commissioner is the Labor Commissioner, the chief of the Taxicab  
4 Authority is the Taxicab Administrator, the chief of the Nevada  
5 Transportation Authority is the Chair of the Authority, the chief of  
6 the Division of Mortgage Lending is the Commissioner of Mortgage  
7 Lending , *the chief of the Office of Nevada Boards, Commissions*  
8 *and Councils Standards is the Deputy Director of the Office*  
9 *appointed pursuant to section 19 of this act* and the chief of any  
10 other entity of the Department has the title specified by the Director,  
11 unless a different title is specified by a specific statute.

12 2. Is responsible for the administration of all provisions of law  
13 relating to the jurisdiction, duties and functions of all divisions and  
14 other entities within the Department. The Director may, if he or she  
15 deems it necessary to carry out his or her administrative  
16 responsibilities, be considered as a member of the staff of any  
17 division or other entity of the Department for the purpose of budget  
18 administration or for carrying out any duty or exercising any power  
19 necessary to fulfill the responsibilities of the Director pursuant to  
20 this subsection. This subsection does not allow the Director to  
21 preempt any authority or jurisdiction granted by statute to any  
22 division or other entity within the Department or to act or take on a  
23 function that would contravene a rule of court or a statute.

24 3. May:

25 (a) Establish uniform policies for the Department, consistent  
26 with the policies and statutory responsibilities and duties of the  
27 divisions and other entities within the Department, relating to  
28 matters concerning budgeting, accounting, planning, program  
29 development, personnel, information services, dispute resolution,  
30 travel, workplace safety, the acceptance of gifts or donations, the  
31 management of records and any other subject for which a uniform  
32 departmental policy is necessary to ensure the efficient operation of  
33 the Department.

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

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

42 4. May, within the limits of the financial resources made  
43 available to the Director, promote, participate in the operation of,  
44 and create or cause to be created, any nonprofit corporation,  
45 pursuant to chapter 82 of NRS, which he or she determines is



1 necessary or convenient for the exercise of the powers and duties of  
2 the Department. The purposes, powers and operation of the  
3 corporation must be consistent with the purposes, powers and duties  
4 of the Department.

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

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

15 7. May designate any person within the Department to perform  
16 any of the duties or responsibilities, or exercise any of the authority,  
17 of the Director on his or her behalf.

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

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

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

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

34 **Sec. 31.** (Deleted by amendment.)

35 **Sec. 32.** (Deleted by amendment.)

36 **Sec. 33.** (Deleted by amendment.)

37 **Sec. 34.** (Deleted by amendment.)

38 **Sec. 35.** (Deleted by amendment.)

39 **Sec. 36.** (Deleted by amendment.)

40 **Sec. 37.** (Deleted by amendment.)

41 **Sec. 38.** (Deleted by amendment.)

42 **Sec. 39.** (Deleted by amendment.)

43 **Sec. 40.** (Deleted by amendment.)

44 **Sec. 41.** (Deleted by amendment.)

45 **Sec. 42.** (Deleted by amendment.)



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

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

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

7     **Sec. 46.** NRS 233F.010 is hereby amended to read as follows:  
8     233F.010 As used in this chapter, unless the context otherwise  
9     requires, the words and terms defined in NRS ~~233F.015~~ 233F.020  
10    to 233F.065, inclusive, *and sections 44 and 45 of this act*, have the  
11    meanings ascribed to them in those sections.

12    **Sec. 47.** NRS 233F.110 is hereby amended to read as follows:  
13    233F.110 1. The ~~Administrator~~ *Chief* may, upon receiving  
14    a request for a microwave channel or channels from an agency,  
15    approve or disapprove that request. If the request is approved, the  
16    ~~Division~~ *Office* shall assign a channel or channels to the agency at  
17    a cost which reflects the actual share of costs incurred for services  
18    provided to the agency, in accordance with the comprehensive  
19    system of equitable billing and charges developed by the  
20    coordinator of communications.

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

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

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

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

- 35    (a) The existing services do not meet the needs of the agency; or  
36    (b) The equipment will not be used to duplicate services which  
37    are provided by the state communications system or a private  
38    company.

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

42    **Sec. 48.** NRS 205.4765 is hereby amended to read as follows:  
43    205.4765 1. Except as otherwise provided in subsection 6, a  
44    person who knowingly, willfully and without authorization:

- 45    (a) Modifies;



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

12 (l) Enters,  
13 ↪ data, a program or any supporting documents which exist inside  
14 or outside a computer, system or network is guilty of a  
15 misdemeanor.

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

- 18 (a) Modifies;
- 19 (b) Destroys;
- 20 (c) Uses;
- 21 (d) Takes;
- 22 (e) Damages;
- 23 (f) Transfers;
- 24 (g) Conceals;
- 25 (h) Copies;
- 26 (i) Retains possession of; or
- 27 (j) Obtains or attempts to obtain access to, permits access to or
- 28 causes to be accessed,

29 ↪ equipment or supplies that are used or intended to be used in a  
30 computer, system or network is guilty of a misdemeanor.

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

- 33 (a) Destroys;
- 34 (b) Damages;
- 35 (c) Takes;
- 36 (d) Alters;
- 37 (e) Transfers;
- 38 (f) Discloses;
- 39 (g) Conceals;
- 40 (h) Copies;
- 41 (i) Uses;
- 42 (j) Retains possession of; or
- 43 (k) Obtains or attempts to obtain access to, permits access to or
- 44 causes to be accessed,

45 ↪ a computer, system or network is guilty of a misdemeanor.



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

- 3 (a) Obtains and discloses;
- 4 (b) Publishes;
- 5 (c) Transfers; or
- 6 (d) Uses,

7 ↪ a device used to access a computer, network or data is guilty of a  
8 misdemeanor.

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

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

14 (a) Was committed to devise or execute a scheme to defraud or  
15 illegally obtain property;

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

18 (c) Caused an interruption or impairment of a public service,  
19 including, without limitation, a governmental operation, a system of  
20 public communication or transportation or a supply of water, gas or  
21 electricity,

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

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

36 (a) "Information system" has the meaning ascribed to it in  
37 NRS 242.057.

38 (b) "Penetration testing" has the meaning ascribed to it in  
39 NRS 242.171.

40 **Sec. 49.** NRS 205A.040 is hereby amended to read as follows:  
41 205A.040 1. The Technological Crime Advisory Board is  
42 hereby created.

43 2. The Board consists of 13 members as follows:

- 44 (a) The Attorney General.





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

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

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

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

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

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

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

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

19 3. Each member of the Board who is appointed to the Board  
20 serves for a term of 4 years. A vacancy on the Board in an appointed  
21 position must be filled in the same manner as the original  
22 appointment. A member may be reappointed to the Board.

23 4. The members of the Board shall elect a Chair and Vice Chair  
24 by majority vote. After the initial election, the Chair and Vice Chair  
25 shall hold office for a term of 1 year beginning on July 1 of each  
26 year. If the position of Chair or Vice Chair becomes vacant, the  
27 members of the Board shall elect a Chair or Vice Chair, as  
28 appropriate, from among its members for the remainder of the  
29 unexpired term.

30 5. The members of the Board:

31 (a) Serve without compensation; and

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

35 6. A member of the Board who is an officer or employee of  
36 this State or a political subdivision of this State must be relieved  
37 from duties without loss of regular compensation so that the officer  
38 or employee may prepare for and attend meetings of the Board and  
39 perform any work necessary to carry out the duties of the Board in  
40 the most timely manner practicable. A state agency or political  
41 subdivision of this State shall not require an officer or employee  
42 who is a member of the Board to make up the time the officer or  
43 employee is absent from work to carry out duties as a member of the  
44 Board or use annual vacation or compensatory time for the absence.



1       **Sec. 50.** NRS 205A.050 is hereby amended to read as follows:  
2       205A.050 1. The Board shall meet at least once every quarter  
3 and at the times and places specified by a call of the Chair or a  
4 majority of the members of the Board.

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

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

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

14       3. The Attorney General may designate a representative to  
15 serve in his or her place on the Board or attend a meeting of the  
16 Board in his or her place. The ~~Administrator of the Division of~~  
17 ~~Enterprise Information Technology Services of the Department of~~  
18 ~~Administration]~~ *Chief of the Office of the Chief Information*  
19 *Officer within the Office of the Governor* may designate a  
20 representative to serve in his or her place on the Board or attend a  
21 meeting of the Board in his or her place.

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

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

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

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

31       **Sec. 51.** NRS 205A.060 is hereby amended to read as follows:  
32       205A.060 The Board shall:

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

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

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



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

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

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

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

15 **Sec. 52.** (Deleted by amendment.)

16 **Sec. 53.** (Deleted by amendment.)

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

18 239.073 1. The Committee to Approve Schedules for the  
19 Retention and Disposition of Official State Records, consisting of  
20 six members, is hereby created.

21 2. The Committee consists of:

22 (a) The Secretary of State;

23 (b) The Attorney General;

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

25 (d) The State Library, Archives and Public Records  
26 Administrator;

27 (e) The ~~[Administrator of the Division of Enterprise Information~~  
28 ~~Technology Services of the Department of Administration;]~~ *Chief*  
29 *of the Office of the Chief Information Officer within the Office of*  
30 *the Governor;* and

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

33 ↪ All members of the Committee, except the representative of the  
34 general public, are ex officio members of the Committee.

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

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

42 5. An ex officio member of the Committee may designate a  
43 person to represent the ex officio member at any meeting of the  
44 Committee. The person designated may exercise all the duties,  
45 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 of Administration}~~ *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.*



1       **Sec. 61.** NRS 242.101 is hereby amended to read as follows:  
2       242.101 1. The ~~[Administrator]~~ *Chief Information Officer*  
3 shall:

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

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

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

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

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

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

18       242.111 The ~~[Administrator]~~ *Chief* shall adopt regulations  
19 necessary for the administration of this chapter, including:

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

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

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

36       4. The development of standards to ensure the security of the  
37 information systems of the Executive Branch of Government; and

38       5. Specifications and standards for the employment of all  
39 personnel of the ~~[Division;]~~ *Office.*

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

41       242.115 1. Except as otherwise provided in subsection 2, the  
42 ~~[Administrator]~~ *Chief* shall:

43       (a) Develop policies and standards for the information systems  
44 of the Executive Branch of Government;



1 (b) Coordinate the development of a biennial state plan for the  
2 information systems of the Executive Branch of Government;

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

6 (d) Develop guidelines and procedures for the procurement and  
7 maintenance of the information systems of the Executive Branch of  
8 Government.

9 2. This section does not apply to the Nevada System of Higher  
10 Education or the Nevada Criminal Justice Information System used  
11 to provide support for the operations of law enforcement agencies in  
12 this State.

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

14 242.131 1. The ~~Division~~ Office shall provide state agencies  
15 and elected state officers with all their required design of  
16 information systems. All agencies and officers must use those  
17 services and equipment, except as otherwise provided in  
18 subsection 2.

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

- 24 (a) The Court Administrator;
- 25 (b) The Department of Motor Vehicles;
- 26 (c) The Department of Public Safety;
- 27 (d) The Department of Transportation;
- 28 (e) The Employment Security Division of the Department of  
29 Employment, Training and Rehabilitation;
- 30 (f) The Department of Wildlife;
- 31 (g) The Housing Division of the Department of Business and  
32 Industry;
- 33 (h) The Legislative Counsel Bureau;
- 34 (i) The State Controller;
- 35 (j) The Nevada Gaming Control Board and Nevada Gaming  
36 Commission; and
- 37 (k) The Nevada System of Higher Education.

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

- 44 (a) If the Legislature is in regular or special session, obtain the  
45 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.



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

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

5 284.015 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "Administrator" means the Administrator of the Division.

8 2. "Commission" means the ~~{Personnel}~~ *Human Resources*  
9 Commission.

10 3. "Disability," includes, but is not limited to, physical  
11 disability, intellectual disability and mental or emotional disorder.

12 4. "Division" means the Division of Human Resource  
13 Management of the Department of Administration.

14 5. "Essential functions" has the meaning ascribed to it in 29  
15 C.F.R. § 1630.2.

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

20 7. "Protective hairstyle" includes, without limitation, hairstyles  
21 such as natural hairstyles, afros, bantu knots, curls, braids, locks and  
22 twists.

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

30 9. "Race" includes traits associated with race, including,  
31 without limitation, hair texture and protective hairstyles.

32 10. "Veteran" means a person who:

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

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

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

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





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

3 11. "Veteran with a service-connected disability" has the  
4 meaning ascribed to it in NRS 338.13843 and includes a veteran  
5 who is deemed to be a veteran with a service-connected disability  
6 pursuant to NRS 417.0187.

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

8 284.022 The Division may include within the ~~{Personnel}~~  
9 *Human Resources* System all employees of any governmental  
10 agency acquired for administration by the State.

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

12 284.030 1. There is hereby created in the Division a  
13 ~~{Personnel}~~ *Human Resources* Commission composed of five  
14 members appointed by the Governor.

15 2. The Governor shall appoint:

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

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

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

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

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

28 284.065 1. The Commission has only such powers and duties  
29 as are authorized by law.

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

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

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

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

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

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

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



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

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

4 284.073 1. The Employee-Management Committee shall:

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

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

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

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

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

20 2. The Committee shall not hold any hearing or make a final  
21 decision for the adjustment of a grievance unless an equal number of  
22 members appointed pursuant to paragraphs (a) and (b) of subsection  
23 2 of NRS 284.068 attend the hearing and take part in making the  
24 final decision.

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

26 284.075 The Administrator:

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

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

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

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

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

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

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



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

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

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

11 284.110 1. The ~~{Personnel}~~ *Human Resources* Operating  
12 Fund is hereby created as an internal service fund.

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

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

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

23 284.115 1. The Administrator shall:

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

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

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

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

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

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



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

2       284.125 1. When requested by the Governor, the Legislature,  
3 or their authorized representatives, the Administrator may:

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

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

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

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

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

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

18       284.145 Officers authorized by law to make appointments to  
19 positions in the unclassified service and appointing officers of  
20 departments or institutions whose employees are exempt from the  
21 provisions of this chapter may make appointments from appropriate  
22 ~~{registers}~~ *pools* of eligible persons maintained by the Division .  
23 ~~{without affecting the continuance of the names on the list.}~~

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

25       284.150 1. The classified service of the State of Nevada is  
26 comprised of all positions in the public service now existing or  
27 hereafter created which are:

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

29       (b) Filled ~~{according to merit and fitness}~~ from *the* eligible  
30 ~~{lists}~~ *pools of persons* prepared *by appointing authorities* upon the  
31 basis of ~~{examination, which must be open and competitive,}~~  
32 *evaluation by an appointing authority*, except as otherwise  
33 provided in this chapter and NRS 209.161.

34       2. Except as otherwise provided in NRS 193.105, 209.161 and  
35 416.070, a person must not be appointed, transferred, promoted,  
36 demoted or discharged in the classified service in any manner or by  
37 any means other than those prescribed in this chapter and the  
38 regulations adopted in accordance therewith.

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

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

43       284.160 1. The Administrator shall prepare, maintain and  
44 revise as necessary a *master* classification plan for all positions in  
45 the classified service, based upon similarity of duties and



1 responsibilities, so that the same qualifications may reasonably be  
2 required for, and the same schedule of pay may be equitably applied  
3 to, all positions in the same class.

4 2. The ~~[duty of the Administrator to classify extends to all~~  
5 ~~offices, employments and positions held by persons who may~~  
6 ~~become members of the classified service under the provisions of~~  
7 ~~this chapter.]~~ *The Administrator shall review annually the*  
8 *classification plan of each appointing authority using the audit*  
9 *function developed and implemented pursuant to section 67 of this*  
10 *act.*

11 3. ~~[The]~~ *Subject to the provisions of subsection 4, with the*  
12 *approval of the Administrator, an appointing authority may* ~~[, after~~  
13 ~~consultation with the head of a department or agency,]~~ *make*  
14 *changes in the classification of positions within its agency*  
15 *whenever the* ~~[Administrator]~~ *the appointing authority* *deems it*  
16 *necessary for the efficiency of the public service.*

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

21 (a) The Administrator deems it necessary for the efficiency of  
22 the public service;

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

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

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

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

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

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

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



1       **Sec. 81.** NRS 284.165 is hereby amended to read as follows:  
2       284.165 1. As soon as practicable and after consultation with  
3       ~~[appointing authorities]~~ *the Administrator* and principal supervisory  
4       officials, ~~[the Administrator]~~ *an appointing authority* shall allocate  
5       the position of every employee in the classified service *within its*  
6       *agency* to one of the positions in the ~~[position]~~ *the master*  
7       classification plan.

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

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

19       **Sec. 82.** (Deleted by amendment.)

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

21       284.180 1. The Legislature declares that since uniform salary  
22       and wage rates and classifications are necessary for an effective and  
23       efficient ~~[personnel]~~ *human resources* system, the pay plan must set  
24       the official rates applicable to all positions in the classified service,  
25       but the establishment of the pay plan in no way limits the authority  
26       of the Legislature relative to budgeted appropriations for salary and  
27       wage expenditures.

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

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

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

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

- 44       (a) Twenty-four hours in one scheduled shift; or



1 (b) Fifty-three hours average per week during one work period  
2 for those hours worked or on paid leave.

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

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

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

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

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

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

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

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

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

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



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

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

7 284.205 **1.** The Commission shall adopt regulations for ~~open~~  
8 ~~competitive examinations to test the relative fitness of~~ *the*  
9 *recruitment and evaluation of* applicants ~~[for the respective]~~ *to*  
10 *establish pools of eligible persons and fill* positions ~~[.]~~ *in the*  
11 *classified service.*

12 **2.** *Each appointing authority shall comply with the*  
13 *regulations of the Commission when filling positions in the*  
14 *classified service.*

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

16 284.210 ~~[1.—All competitive examinations for]~~ *In relation to*  
17 *positions in the classified service [must]:*

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

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

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

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

28 ~~—(b) A written examination;~~

29 ~~—(c) An oral examination;~~

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

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

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

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

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

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

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

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





1 → whichever is longer, and must be available to an affected person  
2 upon request.

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

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

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

8 —(c) The department has two or more divisions that administer  
9 separate and diverse programs and the employees of the department  
10 on the panel are not employed by the same division.] , each  
11 appointing authority shall, consistent with the regulations adopted  
12 by the Commission pursuant to NRS 284.205, recruit, evaluate,  
13 select, manage and promote employees through open competition  
14 on the basis of knowledge, skills and ability and without regard to  
15 an applicant's or employee's religious or political opinions or  
16 affiliations, race, sex, sexual orientation, gender identity or  
17 expression, age or disability.

18 **Sec. 86.** NRS 284.240 is hereby amended to read as follows:

19 284.240 [The Administrator] An appointing authority may  
20 refuse to [examine] evaluate an applicant or, after [examination,]  
21 evaluation, may refuse to certify an eligible person who:

22 1. Lacks any of the preliminary requirements established for  
23 the [examination] evaluation for the position or employment for  
24 which the applicant or eligible person applies.

25 2. Submitted to a screening test administered pursuant to NRS  
26 284.4066, the results of which indicated the presence of a controlled  
27 substance, and the person did not provide the proof required by  
28 NRS 284.4066.

29 3. Has been dismissed from the public service for delinquency  
30 or misconduct.

31 4. Has made a false statement of any material fact.

32 5. Has, directly or indirectly, given, rendered or paid, or  
33 promised to give, render or pay, any money, service or other  
34 valuable thing to any person for, or on account of or in connection  
35 with, the [examination,] evaluation, appointment or proposed  
36 appointment of the applicant or [eligible] person.

37 6. Has practiced, or attempted to practice, any deception or  
38 fraud in the application, certificate or [examination] evaluation of  
39 the applicant or eligible person, or in securing the eligibility or  
40 appointment of the applicant or eligible person.

41 **Sec. 87.** NRS 284.245 is hereby amended to read as follows:

42 284.245 1. When [the Administrator] an appointing  
43 authority refuses to [examine] evaluate an applicant or, after an  
44 [examination,] evaluation, refuses to certify [an eligible] a person,  
45 the applicant or eligible person may request the [Administrator]



1 *appointing authority* to furnish to the applicant or eligible person a  
2 statement of the reasons for the refusal to ~~[examine]~~ *evaluate* or the  
3 refusal to certify, as the case may be. The ~~[Administrator]~~  
4 *appointing authority* shall furnish the statement upon request.

5 2. If ~~[the Administrator]~~ *an appointing authority* refuses to  
6 ~~[examine]~~ *evaluate* an applicant or, after an ~~[examination,]~~  
7 *evaluation*, refuses to certify ~~[an eligible]~~ *a* person, the applicant or  
8 eligible person may take an appeal to the Commission in accordance  
9 with regulations adopted by the Commission. If the Commission  
10 finds that the ~~[Administrator]~~ *appointing authority* is in error in  
11 refusing to ~~[examine]~~ *evaluate* an applicant or in refusing to certify  
12 ~~[an eligible]~~ *a* person, the Commission shall order the  
13 ~~[Administrator]~~ *appointing authority* to examine or certify, and the  
14 ~~[Administrator]~~ *appointing authority* shall comply.

15 **Sec. 88.** NRS 284.250 is hereby amended to read as follows:

16 284.250 ~~[+]~~ The Commission shall adopt regulations for the  
17 establishment of ~~[eligible lists]~~ *pools of eligible persons by an*  
18 *appointing authority* for appointment and promotion ~~[which must~~  
19 ~~contain the names of successful applicants in the order of their~~  
20 ~~relative excellence in the respective examinations.~~

21 ~~—2. The term of eligibility of applicants on such lists is 1 year,~~  
22 ~~but the term may be extended by the Administrator to a maximum~~  
23 ~~of 3 years.] based on evaluations.~~

24 **Sec. 89.** NRS 284.253 is hereby amended to read as follows:

25 284.253 In establishing the ~~[lists]~~ *pools* of eligible persons, *an*  
26 *appointing authority must allow* a preference ~~[must be allowed]~~ for  
27 persons who reside in this State . ~~[at the time the examination is~~  
28 ~~completed. Five points must be added to the passing grade achieved~~  
29 ~~on the examination.]~~ For the purposes of this section, the person  
30 examined must reside physically within the State. If any person is  
31 absent from the State with the intention in good faith to return  
32 without delay and continue the person's residence, the time of the  
33 absence must not be considered in determining the fact of the  
34 person's residence.

35 **Sec. 90.** NRS 284.254 is hereby amended to read as follows:

36 284.254 In establishing ~~[lists]~~ *pools* of eligible persons, *an*  
37 *appointing authority must allow* a preference ~~[must be allowed]~~ for  
38 each person in the classified service who has been separated from  
39 the service because the agency by which the person was employed  
40 was terminated pursuant to NRS 232B.100.

41 **Sec. 91.** NRS 284.255 is hereby amended to read as follows:

42 284.255 1. Appointments ~~[must]~~ *may* be made ~~[from the~~  
43 ~~appropriate eligible list, but if no such list exists then the~~  
44 ~~Administrator may certify from such other list as the Administrator~~  
45 ~~deems the next most appropriate. A new and separate list must be~~



~~created for a stated position only when there is no satisfactory list.]~~  
*by an appointing authority only after pools of eligible persons are established by the appointing authority through the recruitment process.*

2. Unless otherwise provided by this chapter, no person may be appointed or employed under any title not appropriate to the duties performed.

**Sec. 92.** NRS 284.260 is hereby amended to read as follows:

284.260 ~~[1.]~~ In establishing the ~~[lists]~~ *pools* of eligible 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~~



1 ~~highest scores, the names of each of those persons must be so~~  
2 ~~certified.~~

3 ~~—(b) Unless otherwise included among the names certified~~  
4 ~~pursuant to paragraph (a), the name of any eligible person on the list~~  
5 ~~who is a veteran with a service-connected disability. The appointing~~  
6 ~~authority shall interview for the position each veteran with a~~  
7 ~~service-connected disability who is so certified.~~

8 ~~—3. If, pursuant to this chapter or the regulations adopted~~  
9 ~~pursuant thereto, the process for filling the] use the centralized~~  
10 ~~system established by the Administrator pursuant to section 67 of~~  
11 ~~this act to obtain applicants for a position in the classified service .~~  
12 ~~[is not governed by the provisions of subsection 2, the]~~

13 2. An appointing authority shall:

14 (a) Interview for the position each veteran with a service-  
15 connected disability who is a qualified applicant for the position;  
16 and

17 (b) If there are veterans without a service-connected disability  
18 who are qualified applicants for the position, interview for the  
19 position a number of such veterans that is equal to at least 22  
20 percent of the total number of qualified applicants interviewed for  
21 the position or, if there is not a sufficient number to reach that  
22 percentage, interview for the position each such veteran who is a  
23 qualified applicant for the position. For the purpose of calculating  
24 percentages pursuant to this paragraph, percentages that are not  
25 whole numbers must be rounded to the next highest whole number.

26 **Sec. 94.** NRS 284.295 is hereby amended to read as follows:

27 284.295 1. Vacancies in positions must be filled, so far as  
28 practicable, by promotion within a department or agency from  
29 among persons holding positions in the classified service.  
30 Promotions must be based upon merit and fitness, to be ascertained  
31 in accordance with regulations adopted by the Commission. In such  
32 regulations, the employee's efficiency, character, conduct and  
33 length of service must all constitute factors. For the purposes of this  
34 subsection, a person employed by the Legislative Branch of  
35 Government pursuant to subsection 7 of NRS 284.3775 shall be  
36 deemed to hold the position the person held before the legislative  
37 session.

38 2. Eligibility for promotion must be determined on  
39 recommendation ~~[of the appointing authority]~~ and ~~[certification]~~  
40 *evaluation* by the ~~[Administrator]~~ *appointing authority* that the  
41 employee meets the minimum requirements and demonstrates the  
42 employee's qualifications in accordance with regulations adopted by  
43 the Commission.

44 3. The Administrator may provide, in specific cases, for  
45 competitive promotional ~~[examinations]~~ *evaluations* among



1 employees of departments other than that in which a particular  
2 vacancy in a higher classification may exist.

3 4. An advancement in rank or grade or an increase in salary  
4 beyond the maximum fixed for the class constitutes a promotion.

5 **Sec. 95.** NRS 284.300 is hereby amended to read as follows:

6 284.300 1. The Commission shall adopt regulations requiring  
7 that a promotional appointee who fails to attain permanent status in  
8 the position to which the appointee was promoted, or who is  
9 dismissed for cause other than misconduct or delinquency on the  
10 appointee's part from the position to which the appointee was  
11 promoted, either during the probationary period or at the conclusion  
12 thereof by reason of the failure of the appointing authority to file a  
13 request for the appointee's continuance in the position, must be:

14 (a) Restored to the position from which the appointee was  
15 promoted, *if there is only one such position within the appointing*  
16 *authority*, unless the position has been filled by an employee with  
17 greater seniority;

18 (b) Placed in a position other than the position from which the  
19 appointee was promoted and for which a vacancy exists in the class  
20 held immediately before the promotion ~~[ ]~~, *if there is more than*  
21 *one such position within the appointing authority*; or

22 (c) If no position described in paragraph (a) or (b) exists:

23 (1) Appointed to a position for which a vacancy exists in a  
24 class equal to or lower than the class held immediately before the  
25 promotion; or

26 (2) Placed on an appropriate reemployment ~~[list]~~ *pool*.

27 2. Nothing contained in this section shall be construed to  
28 prevent any employee of the classified service from ~~[competing for~~  
29 ~~places upon lists of persons eligible]~~ *seeking eligibility* for original  
30 appointments.

31 **Sec. 96.** NRS 284.305 is hereby amended to read as follows:

32 284.305 1. Except as otherwise provided in subsection 2,  
33 positions in the classified service may be filled *by an appointing*  
34 *authority* without ~~[competition]~~ *competitive evaluation* only as  
35 provided in NRS 284.155, 284.300, 284.307, 284.309, 284.310,  
36 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and  
37 284.3775.

38 2. The Commission may adopt regulations which provide for  
39 filling positions in the classified service without ~~[competition]~~  
40 *competitive evaluation* in cases involving:

41 (a) The appointment of a current employee with a disability to a  
42 position at or below the grade of his or her position if the employee  
43 becomes unable to perform the essential functions of his or her  
44 position with or without reasonable accommodation;

45 (b) The demotion of a current employee;



1 (c) The reemployment of a current or former employee who was  
2 or will be adversely affected by layoff, military service,  
3 reclassification or a permanent partial disability arising out of and in  
4 the course of the employment of the current or former employee; or

5 (d) The reappointment of a current employee.

6 **Sec. 97.** NRS 284.309 is hereby amended to read as follows:

7 284.309 If a competitive ~~[examination]~~ *evaluation* is required  
8 for a vacancy and fewer than five qualified applicants respond after  
9 extensive efforts at recruitment, the ~~[examination]~~ *evaluation by the*  
10 *appointing authority* may be waived. ~~[and the Administrator may~~  
11 ~~submit the applications of the qualified applicants without~~  
12 ~~certification to the appointing authority for selection.]~~

13 **Sec. 98.** NRS 284.310 is hereby amended to read as follows:

14 284.310 1. Whenever there are urgent reasons for filling a  
15 vacancy in any position in the classified service ~~[and the~~  
16 ~~Administrator is unable to certify from any appropriate eligible list~~  
17 ~~for the vacancy, the Administrator]~~, *an appointing authority* may  
18 issue a provisional permit or certify a suitable person to fill the  
19 vacancy provisionally only until a selection and appointment can be  
20 made after competitive ~~[examination.]~~ *evaluation.*

21 2. No person may receive more than one provisional  
22 appointment or serve more than 6 months in any 12-month period as  
23 a provisional appointee.

24 3. A provisional appointee must meet the minimum  
25 qualifications established for the ~~[class of positions involved.]~~  
26 *position in the master classification plan.*

27 **Sec. 99.** NRS 284.320 is hereby amended to read as follows:

28 284.320 1. In case of a vacancy in a position where peculiar  
29 and exceptional qualifications of a scientific, professional or expert  
30 character are required, and upon satisfactory evidence that for  
31 specific reasons ~~[competition]~~ *competitive evaluation* in that case is  
32 impracticable, and that the position can best be filled by the  
33 selection of some designated person of high and recognized  
34 attainments in the required qualities, the Administrator may suspend  
35 the requirements of ~~[competition.]~~ *competitive evaluation.*

36 2. The Administrator may suspend the requirements of  
37 competitive ~~[examination]~~ *evaluation* for positions requiring highly  
38 professional qualifications if past experience or current research  
39 indicates a difficulty in recruitment or if the qualifications include a  
40 license or certification.

41 3. Upon specific written justification by the appointing  
42 authority, the Administrator may suspend the requirement of  
43 competitive ~~[examination]~~ *evaluation* for a position where extreme  
44 difficulty in recruitment has been experienced and extensive efforts



1 at recruitment have failed to produce five persons in the state service  
2 who are qualified applicants for promotion to the position.

3 4. Except in the circumstances described in subsection 2, no  
4 suspension may be general in its application to any position.

5 **Sec. 100.** NRS 284.327 is hereby amended to read as follows:

6 284.327 1. Except as otherwise provided in subsection 4, if  
7 an appointing authority has a position available and the position is  
8 not required to be filled in another manner pursuant to this chapter,  
9 to assist persons with disabilities certified by the Rehabilitation  
10 Division of the Department of Employment, Training and  
11 Rehabilitation, the appointing authority shall, if possible, make a  
12 temporary limited appointment of a certified person with a disability  
13 for a period not to exceed 700 hours notwithstanding that the  
14 position so filled is a continuing position.

15 2. A person with a disability who is certified by the  
16 Rehabilitation Division must be placed ~~on~~ *in* the appropriate ~~list~~  
17 *pool* for which the person is eligible. Each such person must:

18 (a) Possess the training and skills necessary for the position for  
19 which the person is certified; and

20 (b) Be able to perform, with or without reasonable  
21 accommodation, the essential functions of that position.

22 3. The Rehabilitation Division must be notified of an  
23 appointing authority's request for a list of eligibility on which the  
24 names of one or more certified persons with disabilities appear. ~~[A~~  
25 ~~temporary limited appointment of a certified person with a disability~~  
26 ~~pursuant to this section constitutes the person's examination as~~  
27 ~~required by NRS 284.215.]~~

28 4. An appointing authority shall not make a temporary limited  
29 appointment of a certified person with a disability pursuant to this  
30 section in any circumstance that the appointing authority determines  
31 would create an actual or potential conflict of interest between the  
32 certified person with the disability and the agency of the Executive  
33 Department of the State Government in which the position exists.  
34 For the purposes of this subsection, the receipt of benefits by the  
35 certified person with the disability from the agency of the Executive  
36 Department of the State Government in which the position exists  
37 shall not be deemed to create an actual or potential conflict of  
38 interest between the certified person with the disability and the  
39 agency.

40 5. Each appointing authority shall ensure that there is at least  
41 one person on the staff of the appointing authority who has training  
42 concerning:

43 (a) Making a temporary limited appointment of a certified  
44 person with a disability pursuant to this section; and



1 (b) The unique challenges a person with a disability faces in the  
2 workplace.

3 6. The Commission shall adopt regulations to carry out the  
4 provisions of subsections 1 and 2.

5 7. This section does not deter or prevent appointing authorities  
6 from employing:

7 (a) A person with a disability if the person is available and  
8 eligible for permanent employment.

9 (b) A person with a disability who is employed pursuant to the  
10 provisions of subsection 1 in permanent employment if the person  
11 qualifies for permanent employment before the termination of the  
12 person's temporary limited appointment.

13 8. If a person appointed pursuant to this section is subsequently  
14 appointed to a permanent position during or after the 700-hour  
15 period, the 700 hours or portion thereof counts toward the  
16 employee's probationary period.

17 **Sec. 101.** (Deleted by amendment.)

18 **Sec. 102.** NRS 284.3775 is hereby amended to read as  
19 follows:

20 284.3775 1. Except as otherwise provided in this section,  
21 employees of the Supreme Court, employees of the Court of  
22 Appeals or employees in the unclassified service of the Executive  
23 Branch of the Government of the State of Nevada who have served  
24 for 4 consecutive months or more are entitled to transfer to a  
25 position having similar duties and compensation in the classified  
26 service of the State on the same basis as employees may transfer  
27 within the classified service from a position under one appointing  
28 authority to a position under another appointing authority.

29 2. An employee of the Legislative Branch of the Government  
30 of the State of Nevada who has served for 4 consecutive months or  
31 more is entitled to transfer to:

32 (a) Any position in the classified service of the State having  
33 similar duties and compensation; or

34 (b) Any other position in the classified service of the State for  
35 which the employee is qualified, without regard to the duties and  
36 compensation of the position.

37 ↪ Except as otherwise provided in this subsection and subsection 6,  
38 such an employee is entitled to transfer to such a position on the  
39 same basis as employees may transfer within the classified service  
40 from a position under one appointing authority to a position under  
41 another appointing authority.

42 3. The benefit conferred by subsections 1 and 2 includes any  
43 ~~exemption from the taking of a competitive examination,~~ retention  
44 of credits for annual and sick leave, and priority ~~on~~ *in* the ~~lists~~





1 **pools** of eligible persons to the extent that such privileges are  
2 accorded to employees transferring within the classified service.

3 4. Except as otherwise provided in subsection 6, the benefits  
4 conferred by subsection 1 do not apply to an employee in the  
5 unclassified service who is the chief officer of a department or  
6 division.

7 5. Except as otherwise provided in this subsection and  
8 subsection 6, a person may not transfer pursuant to subsection 1 to a  
9 class composed of:

- 10 (a) Professionally qualified persons; or
- 11 (b) Officers and administrators who set broad policies and  
12 exercise responsibility for the execution of those policies.

13 ↪ A person may transfer to a class described in paragraph (a) or (b)  
14 if that class is provided for pursuant to subsection 2 of  
15 NRS 284.155.

16 6. The restrictions provided in subsections 4 and 5 do not apply  
17 to:

- 18 (a) An employee of the Legislative Branch of Government; or
- 19 (b) An employee of the Supreme Court, an employee of the  
20 Court of Appeals or an employee in the unclassified service of the  
21 Executive Branch of Government whose appointment to that  
22 position was immediately preceded by an appointment in the  
23 classified service, except that an employee described in this  
24 paragraph may only transfer to a position in the classified service  
25 that has duties and compensation that are similar either to the  
26 employee's current position or to a position the employee previously  
27 held in the classified service.

28 7. An employee in the classified service of the State who is  
29 granted leave without pay to accept a position in the Legislative  
30 Branch of Government during a regular or special session:

31 (a) Is entitled to be restored to the employee's previous position  
32 in the classified service upon the completion of the legislative  
33 session without loss of seniority or benefits. Seniority must be  
34 calculated as if the employee had not taken the leave.

35 (b) Is eligible to fill vacancies in positions within the classified  
36 service to the extent that the employee would be eligible if the  
37 employee was not on leave from the employee's position in the  
38 classified service.

39 8. An employee of the Legislative Branch of the Government  
40 of the State of Nevada who is employed at the conclusion of a  
41 regular session of the Legislature and is eligible at that time  
42 pursuant to subsection 2 to transfer to a position in the classified  
43 service of the State may transfer to such a position on or before  
44 November 1 following session notwithstanding the termination of



1 the employee's employment with the Legislative Branch of  
2 Government before that date.

3 9. For the purposes of this section, the weekly compensation of  
4 an employee of the Legislative Branch of Government who is paid a  
5 daily salary during a legislative session is seven times the daily  
6 salary.

7 **Sec. 103.** NRS 284.380 is hereby amended to read as follows:

8 284.380 1. In accordance with regulations, an appointing  
9 authority may lay off an employee in the classified service  
10 whenever the appointing authority deems it necessary by reason of  
11 shortage of work or money or of the abolition of a position or of  
12 other material changes in duties or organization.

13 2. Among other factors, an appointing authority shall consider,  
14 in the manner provided by regulation, the status, seniority and  
15 service rating of employees in determining the order of layoffs.

16 3. Within a reasonable time before the effective date of a  
17 proposed layoff, the appointing authority shall give written notice  
18 thereof to the Administrator. The Administrator shall make such  
19 orders relating thereto as the Administrator considers necessary to  
20 secure compliance with the regulations.

21 4. The name of every regular employee so laid off must be  
22 placed ~~on~~ *in* an appropriate reemployment ~~list~~ *pool*.

23 **Sec. 104.** (Deleted by amendment.)

24 **Sec. 105.** (Deleted by amendment.)

25 **Sec. 106.** (Deleted by amendment.)

26 **Sec. 107.** (Deleted by amendment.)

27 **Sec. 108.** (Deleted by amendment.)

28 **Sec. 109.** NRS 353.185 is hereby amended to read as follows:

29 353.185 The powers and duties of the Chief are:

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

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

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

42 4. To devise and prescribe the forms for reports on the  
43 operations of the agencies in the Executive Department to be  
44 required periodically from the several agencies in the Executive



1 Department, and to require the several agencies to make such  
2 reports.

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

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

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

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


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

19 (2) The proposed source of funding for the operation and  
20 maintenance of each capital improvement, including personnel, to  
21 be constructed during the next 2 fiscal years;

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

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

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

33 7. To examine and approve work programs and allotments to  
34 the several agencies in the Executive Department, and changes  
35 therein , *in accordance with NRS 353.220.*

36 8. To examine and approve statements and reports on the  
37 estimated future financial condition and the operations of the  
38 agencies in the Executive Department of the State Government and  
39 the several budgetary units that have been prepared by those  
40 agencies and budgetary units, before the reports are released to the  
41 Governor, to the Legislature or for publication.

42 9. To receive and deal with requests for information as to the  
43 budgetary status and operations of the executive agencies of the  
44 State Government.



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

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

8 **Sec. 110.** NRS 353.220 is hereby amended to read as follows:

9 353.220 1. The head of any department, institution or agency  
10 of the Executive Department of the State Government, whenever he  
11 or she deems it necessary because of changed conditions, may  
12 request the revision of the work program of his or her department,  
13 institution or agency at any time during the fiscal year, and submit  
14 the revised program to the Governor through the Chief with a  
15 request for revision of the allotments for the remainder of that fiscal  
16 year.

17 2. Every request for revision must be submitted to the Chief on  
18 the form and with supporting information as the Chief prescribes.

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

23 4. Except as otherwise provided in subsection 8, whenever a  
24 request for the revision of a work program of a department,  
25 institution or agency in an amount more than ~~[\$30,000]~~ **\$75,000**  
26 would, when considered with all other changes in allotments for that  
27 work program made pursuant to subsections 1, 2 and 3 and NRS  
28 353.215, increase or decrease by ~~[-10]~~ **20** percent or ~~[\$75,000,]~~  
29 **\$350,000** whichever is less, the expenditure level approved by the  
30 Legislature for any of the allotments within the work program, the  
31 request must be approved as provided in subsection 5 before any  
32 appropriated or authorized money may be encumbered for the  
33 revision.

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

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



1 (b) The Governor determines that the revision is necessary and  
2 requires expeditious action, he or she may certify that the request  
3 requires expeditious action by the Interim Finance Committee.  
4 Whenever the Governor so certifies, the Interim Finance Committee  
5 has 15 days after the request is submitted to its Secretary within  
6 which to consider the revision. Any request for revision which is not  
7 considered within the 15-day period shall be deemed approved.

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

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

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

18 (a) The need for the proposed revision; and

19 (b) The intent of the Legislature in approving the budget for the  
20 present biennium and originally enacting the statutes which the  
21 work program is designed to effectuate.

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

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

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

29 **Sec. 111.** (Deleted by amendment.)

30 **Sec. 112.** (Deleted by amendment.)

31 **Sec. 113.** NRS 353.288 is hereby amended to read as follows:

32 353.288 1. The Account to Stabilize the Operation of the  
33 State Government is hereby created in the State General Fund.  
34 Except as otherwise provided in subsections 3 and 4, each year after  
35 the close of the previous fiscal year and before the issuance of the  
36 State Controller's annual report, the State Controller shall transfer  
37 from the State General Fund to the Account to Stabilize the  
38 Operation of the State Government:

39 (a) Forty percent of the unrestricted balance of the State General  
40 Fund, as of the close of the previous fiscal year, which remains after  
41 subtracting an amount equal to 7 percent of all appropriations made  
42 from the State General Fund during that previous fiscal year for the  
43 operation of all departments, institutions and agencies of State  
44 Government and for the funding of schools; and



1 (b) Commencing with the fiscal year that begins on July 1,  
2 2017, 1 percent of the total anticipated revenue for the fiscal year in  
3 which the transfer will be made, as projected by the Economic  
4 Forum for that fiscal year pursuant to paragraph (e) of subsection 1  
5 of NRS 353.228 and as adjusted by any legislation enacted by the  
6 Legislature that affects state revenue for that fiscal year.

7 2. Money transferred pursuant to subsection 1 to the Account  
8 to Stabilize the Operation of the State Government is a continuing  
9 appropriation solely for the purpose of authorizing the expenditure  
10 of the transferred money for the purposes set forth in this section.

11 3. The balance in the Account to Stabilize the Operation of the  
12 State Government must not exceed ~~20~~ 26 percent of the total of all  
13 appropriations from the State General Fund for the operation of all  
14 departments, institutions and agencies of the State Government and  
15 for the funding of schools and authorized expenditures from the  
16 State General Fund for the regulation of gaming for the fiscal year  
17 in which that revenue will be transferred to the Account to Stabilize  
18 the Operation of the State Government.

19 4. Except as otherwise provided in this subsection and NRS  
20 353.2735, beginning with the fiscal year that begins on July 1, 2003,  
21 the State Controller shall, at the end of each quarter of a fiscal year,  
22 transfer from the State General Fund to the Disaster Relief Account  
23 created pursuant to NRS 353.2735 an amount equal to not more than  
24 10 percent of the aggregate balance in the Account to Stabilize the  
25 Operation of the State Government during the previous quarter. The  
26 State Controller shall not transfer more than \$500,000 for any  
27 quarter pursuant to this subsection.

28 5. The Director of the Office of Finance in the Office of the  
29 Governor may submit a request to the State Board of Examiners to  
30 transfer money from the Account to Stabilize the Operation of the  
31 State Government to the State General Fund:

32 (a) If the total actual revenue of the State falls short by 5 percent  
33 or more of the total anticipated revenue for the biennium in which  
34 the transfer will be made, as determined by the Legislature, or the  
35 Interim Finance Committee if the Legislature is not in session; or

36 (b) If the Legislature, or the Interim Finance Committee if the  
37 Legislature is not in session, and the Governor declare that a fiscal  
38 emergency exists.

39 6. The State Board of Examiners shall consider a request made  
40 pursuant to subsection 5 and shall, if it finds that a transfer should  
41 be made, recommend the amount of the transfer to the Interim  
42 Finance Committee for its independent evaluation and action. The  
43 Interim Finance Committee is not bound to follow the  
44 recommendation of the State Board of Examiners.



1 7. If the Interim Finance Committee finds that a transfer  
2 recommended by the State Board of Examiners should and may  
3 lawfully be made, the Committee shall by resolution establish the  
4 amount and direct the State Controller to transfer that amount to the  
5 State General Fund. The State Controller shall thereupon make  
6 the transfer.

7 8. In addition to the manner of allocation authorized pursuant  
8 to subsections 5, 6 and 7, the money in the Account to Stabilize the  
9 Operation of the State Government may be allocated directly by the  
10 Legislature to be used for any other purpose.

11 **Sec. 114.** NRS 353.335 is hereby amended to read as follows:

12 353.335 1. Except as otherwise provided in subsections 5 and  
13 6, a state agency may accept any gift or grant of property or services  
14 from any source only if it is included in an act of the Legislature  
15 authorizing expenditures of nonappropriated money or, when it is  
16 not so included, if it is approved as provided in subsection 2.

17 2. If:

18 (a) Any proposed gift or grant is necessary because of an  
19 emergency as defined in NRS 353.263 or for the protection or  
20 preservation of life or property, the Governor shall take reasonable  
21 and proper action to accept it and shall report the action and his or  
22 her reasons for determining that immediate action was necessary to  
23 the Interim Finance Committee at its first meeting after the action is  
24 taken. Action by the Governor pursuant to this paragraph constitutes  
25 acceptance of the gift or grant, and other provisions of this chapter  
26 requiring approval before acceptance do not apply.

27 (b) The Governor determines that any proposed gift or grant  
28 would be forfeited if the State failed to accept it before the  
29 expiration of the period prescribed in paragraph (c), the Governor  
30 may declare that the proposed acceptance requires expeditious  
31 action by the Interim Finance Committee. Whenever the Governor  
32 so declares, the Interim Finance Committee has 15 days after the  
33 proposal is submitted to its Secretary within which to approve or  
34 deny the acceptance. Any proposed acceptance which is not  
35 considered within the 15-day period shall be deemed approved.

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

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



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

3 (a) The need for the facility or service to be provided or  
4 improved;

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

6 (c) The extent of the program proposed; and

7 (d) The condition of the national economy, and any related fiscal  
8 or monetary policies.

9 5. A state agency may accept:

10 (a) Gifts, including grants from nongovernmental sources, not  
11 exceeding ~~[\$20,000]~~ \$200,000 each in value; and

12 (b) Governmental grants not exceeding ~~[\$150,000]~~ \$200,000  
13 each in value,

14 ↪ if the gifts or grants are used for purposes which do not involve  
15 the hiring of new employees and if the agency has the specific  
16 approval of the Governor or, if the Governor delegates this power of  
17 approval to the Chief of the Budget Division of the Office of  
18 Finance, the specific approval of the Chief.

19 6. This section does not apply to:

20 (a) The Nevada System of Higher Education;

21 (b) The Department of Health and Human Services while acting  
22 as the state health planning and development agency pursuant to  
23 paragraph (d) of subsection 2 of NRS 439A.081 or for donations,  
24 gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490;

25 (c) Legal services provided on a pro bono basis by an attorney  
26 or law firm engaged in the private practice of law to the State of  
27 Nevada or any officer, agency or employee in the Executive  
28 Department of the State Government pursuant to a contract for legal  
29 services entered into by or at the request of the Attorney General in  
30 accordance with NRS 228.112 to 228.1127, inclusive;

31 (d) Artifacts donated to the Department of Tourism and Cultural  
32 Affairs; ~~for~~

33 (e) The initial \$250,000 received by the Department of Wildlife  
34 pursuant to subsection 1 of NRS 501.3585 as a gift, donation,  
35 bequest or devise, or combination thereof, for an unanticipated  
36 emergency event, as defined in NRS 501.3585 ~~[-]~~; or

37 *(f) A gift or grant that will be deposited in a budget account  
38 that consists of money which is not appropriated by or authorized  
39 for expenditure by the Legislature.*

40 **Sec. 115.** (Deleted by amendment.)

41 **Sec. 116.** NRS 388.790 is hereby amended to read as follows:

42 388.790 1. The Commission on Educational Technology,  
43 consisting of 2 members who serve ex officio and 11 members who  
44 are appointed, is hereby created. The Superintendent of Public  
45 Instruction and the ~~Administrator of the Division of Enterprise~~





1 ~~Information Technology Services of the Department of~~  
2 ~~Administration]~~ *Chief of the Office of the Chief Information*  
3 *Officer within the Office of the Governor* shall serve ex officio as  
4 nonvoting members of the Commission.

5 2. The Governor shall appoint the following voting members to  
6 the Commission, at least two of whom must reside in a county  
7 whose population is less than 100,000:

8 (a) One administrator in a public school who possesses  
9 knowledge and experience in the general application of technology;

10 (b) One school teacher in a public elementary school who  
11 possesses knowledge and experience in the use of educational  
12 technology in the public schools;

13 (c) One school teacher in a public secondary school who  
14 possesses knowledge and experience in the use of educational  
15 technology in the public schools;

16 (d) One representative of public libraries who possesses  
17 knowledge and experience in the general application of technology;

18 (e) One representative of the Nevada System of Higher  
19 Education who possesses knowledge and experience in the use of  
20 educational technology in institutions of higher education;

21 (f) One representative of the private sector who possesses  
22 knowledge and experience in the use of technology; and

23 (g) One parent or legal guardian who possesses knowledge and  
24 experience in the general application of technology.

25 3. The Majority Leader of the Senate shall appoint two voting  
26 members to the Commission:

27 (a) One of whom is a member of the Senate; and

28 (b) One of whom is employed in the field of technology.

29 4. The Speaker of the Assembly shall appoint two voting  
30 members to the Commission:

31 (a) One of whom is a member of the Assembly; and

32 (b) One of whom is employed in the field of technology.

33 5. The Governor shall appoint a Chair among the voting  
34 members of the Commission.

35 6. After the initial terms, the term of each member of the  
36 Commission is 2 years, commencing on January 1 of the year in  
37 which the member is appointed and expiring on December 31 of the  
38 immediately following year. A member shall continue to serve on  
39 the Commission until his or her successor is appointed. Upon the  
40 expiration of a term of a member, he or she may be reappointed if he  
41 or she still possesses any requisite qualifications for appointment.  
42 There is no limit on the number of terms that a member may serve.

43 7. The person or entity who appoints a member to the  
44 Commission may remove that member if the member neglects his or  
45 her duty or commits malfeasance in office, or for other just cause.



1 Any vacancy in the membership of the Commission must be filled  
2 for the remainder of the unexpired term in the same manner as the  
3 original appointment.

4 8. The Commission shall hold at least four regular meetings  
5 each year and may hold special meetings at the call of the Chair.

6 9. Members of the Commission who are not Legislators serve  
7 without compensation, except that for each day or portion of a day  
8 during which a member of the Commission attends a meeting of the  
9 Commission or is otherwise engaged in the business of the  
10 Commission, the member is entitled to receive the per diem  
11 allowance and travel expenses provided for state officers and  
12 employees generally.

13 10. For each day or portion of a day during which a member of  
14 the Commission who is a Legislator attends a meeting of the  
15 Commission or is otherwise engaged in the work of the  
16 Commission, except during a regular or special session of  
17 the Legislature, the Legislator is entitled to receive the:

18 (a) Compensation provided for a majority of the members of the  
19 Legislature during the first 60 days of the preceding session;

20 (b) Per diem allowance provided for state officers and  
21 employees generally; and

22 (c) Travel expenses provided pursuant to NRS 218A.655.

23 ➤ The compensation, per diem allowances and travel expenses of  
24 the legislative members of the Commission must be paid from the  
25 Legislative Fund.

26 **Sec. 117.** (Deleted by amendment.)

27 **Sec. 118.** (Deleted by amendment.)

28 **Sec. 119.** (Deleted by amendment.)

29 **Sec. 120.** (Deleted by amendment.)

30 **Sec. 121.** NRS 408.55028 is hereby amended to read as  
31 follows:

32 408.55028 1. The Telecommunications Advisory Council is  
33 hereby created.

34 2. The Council consists of seven members appointed by the  
35 Governor. The Governor shall appoint to the Council:

36 (a) One member from the Office of Science, Innovation and  
37 Technology in the Office of the Governor;

38 (b) One member from the Department of Transportation;

39 (c) One member from the Department of Education;

40 (d) One member from the Nevada Office of Rural Health;

41 (e) One member from the Department of Public Safety;

42 (f) One member from the Nevada System of Higher Education;

43 and

44 (g) One member from the ~~Division of Enterprise Information~~  
45 ~~Technology Services of the Department of Administration.] Office~~



1 *of the Chief Information Officer within the Office of the*  
2 *Governor.*

3 3. The member appointed from the Office of Science,  
4 Innovation and Technology in the Office of the Governor shall serve  
5 as the Chair of the Council.

6 4. The Council shall meet as necessary at the call of the Chair.

7 5. The Director of the Office of Science, Innovation and  
8 Technology in the Office of the Governor shall provide staff support  
9 to the Council.

10 6. A majority of the members of the Council constitutes a  
11 quorum for the transaction of business.

12 7. The members of the Council receive no compensation for  
13 their services, but are entitled to be reimbursed for all travel and  
14 other expenses actually and necessarily incurred by them in the  
15 performance of their duties, within the limits of money available to  
16 the Council.

17 8. The members of the Council may request assistance from  
18 technical advisors as the Council deems necessary.

19 9. The Council shall:

20 (a) Provide information, advice, strategic plans, priorities and  
21 recommendations to assist the Department in administering access  
22 to rights-of-way to telecommunications providers for statewide  
23 telecommunications purposes;

24 (b) Assist the Department in valuing in-kind compensation  
25 pursuant to NRS 408.5501 to 408.55029, inclusive, and approve or  
26 deny any valuation thereof;

27 (c) Seek input from telecommunications providers and the  
28 public relating to broadband access;

29 (d) Coordinate and exchange information with other entities of  
30 this State and its political subdivisions relating to technology and  
31 telecommunications;

32 (e) Approve or deny any agreement between the Department and  
33 a telecommunications provider proposed pursuant to NRS 408.5502,  
34 if the Council finds that the agreement is competitively neutral and  
35 nondiscriminatory; and

36 (f) Provide other assistance as requested by the Department.

37 **Sec. 122.** (Deleted by amendment.)

38 **Sec. 123.** (Deleted by amendment.)

39 **Sec. 124.** (Deleted by amendment.)

40 **Sec. 125.** (Deleted by amendment.)

41 **Sec. 126.** (Deleted by amendment.)

42 **Sec. 127.** (Deleted by amendment.)

43 **Sec. 128.** (Deleted by amendment.)

44 **Sec. 129.** (Deleted by amendment.)



1 **Sec. 130.** NRS 603A.217 is hereby amended to read as  
2 follows:

3 603A.217 Upon receipt of a well-founded petition, the Office  
4 of ~~[Information Security of the Division of Enterprise Information~~  
5 ~~Technology Services of the Department of Administration]~~ *the*  
6 *Chief Information Officer within the Office of the Governor* may,  
7 pursuant to chapter 233B of NRS, adopt regulations which identify  
8 alternative methods or technologies which may be used to encrypt  
9 data pursuant to NRS 603A.215.

10 **Sec. 131.** (Deleted by amendment.)

11 **Sec. 132.** (Deleted by amendment.)

12 **Sec. 133.** (Deleted by amendment.)

13 **Sec. 134.** (Deleted by amendment.)

14 **Sec. 135.** (Deleted by amendment.)

15 **Sec. 136.** (Deleted by amendment.)

16 **Sec. 137.** (Deleted by amendment.)

17 **Sec. 138.** (Deleted by amendment.)

18 **Sec. 139.** (Deleted by amendment.)

19 **Sec. 140.** (Deleted by amendment.)

20 **Sec. 141.** (Deleted by amendment.)

21 **Sec. 141.5.** 1. There is hereby appropriated from the State  
22 General Fund to the Governor for salaries of staff and employees of  
23 the Office of the Governor for the following sums:

24 For the Fiscal Year 2023-2024..... \$900,000

25 For the Fiscal Year 2024-2025..... \$900,000

26 2. Any balance of the sums appropriated by subsection 1  
27 remaining at the end of the respective fiscal years must not be  
28 committed for expenditure after June 30 of the respective fiscal  
29 years by the entity to which the appropriation is made or any entity  
30 to which money from the appropriation is granted or otherwise  
31 transferred in any manner, and any portion of the appropriated  
32 money remaining must not be spent for any purpose after  
33 September 20, 2024, and September 19, 2025, respectively, by  
34 either the entity to which the money was appropriated or the entity  
35 to which the money was subsequently granted or transferred, and  
36 must be reverted to the State General Fund on or before  
37 September 20, 2024, and September 19, 2025, respectively.

38 **Sec. 141.7.** The State Controller shall transfer from the State  
39 General Fund to the Account to Stabilize the Operation of the State  
40 Government created by NRS 353.288 the sum of \$269,550,063.

41 **Sec. 142.** The amendatory provisions of this act do not apply  
42 to a collective bargaining agreement entered into before July 1,  
43 2023, but do apply to any renewal or extension of such contract.

44 **Sec. 143.** The Legislative Counsel shall:



1 1. In preparing the reprint and supplements to the Nevada  
2 Revised Statutes, appropriately change any references to an officer,  
3 agency or other entity whose name is changed or whose  
4 responsibilities are transferred pursuant to the provisions of this act  
5 to refer to the appropriate officer, agency or other entity.

6 2. In preparing supplements to the Nevada Administrative  
7 Code, appropriately change any references to an officer, agency or  
8 other entity whose name is changed or whose responsibilities are  
9 transferred pursuant to the provisions of this act to refer to the  
10 appropriate officer, agency or other entity.

11 **Sec. 144.** 1. Any administrative regulations adopted by an  
12 officer or an agency whose name has been changed or whose  
13 responsibilities have been transferred pursuant to the provisions of  
14 this act to another officer or agency remain in force until amended  
15 by the officer or agency to which the responsibility for the adoption  
16 of the regulations has been transferred.

17 2. Any contracts or other agreements entered into by an officer  
18 or agency whose name has been changed or whose responsibilities  
19 have been transferred pursuant to the provisions of this act to  
20 another officer or agency are binding upon the officer or agency to  
21 which the responsibility for the administration of the provisions of  
22 the contract or other agreement has been transferred. Such contracts  
23 and other agreements may be enforced by the officer or agency to  
24 which the responsibility for the enforcement of the provisions of the  
25 contract or other agreement has been transferred.

26 3. Any action taken by an officer or agency whose name has  
27 been changed or whose responsibilities have been transferred  
28 pursuant to the provisions of this act to another officer or agency  
29 remains in effect as if taken by the officer or agency to which the  
30 responsibility for the enforcement of such actions has been  
31 transferred.

32 **Sec. 145.** The provisions of subsection 1 of NRS 218D.380 do  
33 not apply to any provision of this act which adds or revises a  
34 requirement to submit a report to the Legislature.

35 **Sec. 146.** NRS 284.172, 284.215, 284.220, 284.230 and  
36 284.235 are hereby repealed.

37 **Sec. 147.** 1. This section and sections 113 and 141.7 of this  
38 act become effective upon passage and approval.

39 2. Sections 1 to 112, inclusive, 114 to 141.5, inclusive, and 142  
40 to 146, inclusive, of this act become effective on July 1, 2023.



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**LEADLINES OF REPEALED SECTIONS**

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**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.

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