

JOE LOMBARDO
Governor

STATE OF NEVADA

KELLY D. WUEST
Commission Administrator

CHRISTOPHER SEWELL
Director



LYNDA PARVEN
Administrator

**DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION
EMPLOYMENT SECURITY DIVISION
500 E. THIRD STREET
CARSON CITY, NEVADA 89713-0001**

**Nevada Commission on Postsecondary Education
NOTICE OF PUBLIC MEETING**

Post Date: July 26, 2023

The Commission on Postsecondary Education will conduct a meeting on **August 2, 2023**, commencing 9:00 a.m., at the locations listed below via videoconferencing:

THIS MEETING WILL BE HELD VIA VIDEOCONFERENCE ONLY

The public may observe this meeting and provide public comment during the public comment section on Zoom.

Topic: CPE August Commission Meeting

Time: Aug 2, 2023 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://nvdetr-org.zoom.us/j/88191434114?pwd=SjhEN3dBem9iRmtdlD0VMUmMxOGtLQT09>

Meeting ID: 881 9143 4114

Passcode: 828132

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+12133388477,,88191434114#,,,,*828132# US (Los Angeles)

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• 833 548 0282 US Toll-free

• 833 928 4608 US Toll-free

• 833 928 4609 US Toll-free

• 833 928 4610 US Toll-free

• 877 853 5257 US Toll-free

• 888 475 4499 US Toll-free

Meeting ID: 881 9143 4114

Passcode: 828132

Find your local number: <https://nvdetr-org.zoom.us/u/kbFYDCyuC8>

Join by SIP

• 88191434114@zoomcrc.com

Join by H.323

• 162.255.37.11 (US West)

• 162.255.36.11 (US East)

Meeting ID: 881 9143 4114

Passcode: 828132

According to NRS 241.020, Meeting Materials are available at:
https://detr.nv.gov/page/public_meetings

The Commission may take items out of order; combine two or more items for consideration; remove an item from the agenda; or delay discussion on any item. The Commission will take public comment at the beginning and end of this meeting and may allow public comment after conclusion of any contested case or quasi-judicial proceedings that may affect the due process rights of an individual. The Commission will limit public comment to three minutes. Written submissions may be considered. While there will be no restriction on comments based on viewpoint, repetitive comments may be limited.

AGENDA

General Business

- A. Call to Order -----Informational
- B. Public Comment Phone Option Instructions -----Informational
- C. Public Comment -----Informational
Chair may limit public comment to 3 minutes per speaker but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agenda as an action item.
- D. Review Written Comments -----Informational
- E. Confirmation of Posting and Opening Meeting Compliance -----Informational
- F. Roll Call and Confirmation of Quorum -----Informational
- G. Adoption of Agenda -----For possible action
- H. Approval of May 3, 2023, Minutes -----For possible action
- I. Adoption of 2024 Meeting Dates -----For possible action
- J. Administrator’s Report -----Informational

Applicants for consideration of a Full-Term License

- K. Battle Born EMS Health and Science Learning Institute -----For possible action
- L. OceanPointe Dental Academy of Nevada -----For possible action

Applicants for consideration of Initial Provisional Licensure

- M. Olympic Career Training Institute -----For possible action
- N. Unity Dental Assisting -----For possible action

Elections

- O. Election of Officers -----For possible action

Comments

- P. Public Comment -----Informational
Chair may limit public comment to 3 minutes per speaker but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agenda as an action item.

Adjournment

- Q. Adjournment -----For possible action

A copy of the meeting Notice and Agenda can be requested either in person or by written request to the Commission on Postsecondary Education, 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104; email at sbeckett@detr.nv.gov; or telephone Susan Beckett at (702) 486-2898 or fax request to (702) 486-7340. Copies of pertinent documents will also be made available on the CPE and DETR website at: <http://cpe.nv.gov> and <http://detr.nv.gov>.

NOTE: Written comments must be received by the Commission on Postsecondary Education on or before July 31, 2023, at the following address:

Department of Employment, Training and Rehabilitation
Employment Security Division
Commission on Postsecondary Education
Attn: Susan Beckett
2800 E. St. Louis Avenue
Las Vegas, NV 89104
Or via e-mail at sbeckett@detr.nv.gov

NOTE: Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the Commission on Postsecondary Education in writing at 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104, or contact Susan Beckett at (702) 486-2898 or e-mail sbeckett@detr.nv.gov (*for individuals who are deaf or have hearing disabilities, dial TTY (800) 326-6868 or 711 for Relay Nevada*) or send a fax to (702) 486-7340 within 72 hours of meeting date and time. Supporting materials as provided for in NRS 241.020(5) may be obtained by contacting Susan Beckett at the above-noted contact information.

Notice of this meeting was mailed to groups and individuals as requested at the following locations on or before 9 a.m. on the 3rd working day prior to the scheduled meeting date.

1. Commission on Postsecondary Education principal office at, 3405 S. Maryland Pkwy, Las Vegas, NV 89169
2. DETR – State Administrative Office, Stan Jones Building, 2800 E. St. Louis Avenue, Las Vegas, NV 89104
3. DETR – State Administrative Office, 500 E. Third Street, Carson City, NV 89713
4. Grant Sawyer Building, 2501 Washington Street, Las Vegas, NV 89101
5. State Capital Building, 101 N. Carson Street, Carson City, NV 89701

Notice of this meeting was posted on the Internet on the following websites: DETR's Public Notices website at: http://detr.nv.gov/Page/PUBLIC_NOTICES, the State of Nevada's Public Notices website at: <https://notice.nv.gov/>, the Commission on Postsecondary Education page at www.cpe.nv.gov.

DRAFT MINUTES
STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION
COMMISSION ON POSTSECONDARY EDUCATION

NEVADA COMMISSION ON POSTSECONDARY EDUCATION MINUTES

Topic: CPE May Commission Meeting
Time: May 3, 2023 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://nvdetr-org.zoom.us/j/86262593046?pwd=MENCUFpwdVBGU0RkUHdQVEZ0WE1FUT09>

Meeting ID: 862 6259 3046

Passcode: 328603

One tap mobile

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+12133388477,,86262593046#,,,*328603# US (Los Angeles)

Dial by your location

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+1 213 338 8477 US (Los Angeles)

+1 253 205 0468 US

Meeting ID: 862 6259 3046

Passcode: 328603

Find your local number: <https://nvdetr-org.zoom.us/j/86262593046>

Join by SIP

86262593046@zoomcrc.com

Join by H.323

162.255.37.11 (US West)

162.255.36.11 (US East)

Meeting ID: 862 6259 3046

Passcode: 328603

Staff Present during Video Conference

Kelly Wuest, CPE Administrator
Maricris Wu, CPE Postsecondary Education Specialist
Susan Beckett, CPE Administrative Assistant III

Members of the Public, Media, Educational Institutions and Other Agencies Present

Todd Weiss, Nevada Attorney General Office, Chief Deputy Attorney General
Kara Garner, Grand Canyon University
Jennifer Green, Galen College of Nursing
Donna Laffey
Kang Won Lee, Haven University
Jillian Plum, Grand Canyon University
Melissa Rodriquez, Next Level Dental Institute, LLC
Stephanie Schleidt, Grand Canyon University
Christina Smith, Sierra Mountain Education
Lisa Smith, Grand Canyon University
Joshua Smith, Haven University
Deborah Staten, Next Level Dental Institute, LLC
Brian Trott, Haven University
Junette West, Grand Canyon University
Karina Villa
Heather Ziemianski, Grand Canyon University

Member of the Commission on Postsecondary Education Present during Video Conference Meeting

Nate Clark, Chair
Sharon Frederick, Vice Chair
Janiese Clyne
Thomas Kenny
Jon Ponder
Joseph Rhodes
Steven Soares

STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION
COMMISSION ON POSTSECONDARY EDUCATION
MINUTES
May 3, 2023 – 9:00 A.M.

Call to Order

The meeting was held via Video Conference ZOOM. The meeting was called to order by Chair Commissioner Nate Clark at approximately 9:03AM.

Public Comments

Commissioner Clark asked for public comment – none.

Written Comments

This is Susan Beckett, no written comments.

Confirmation of Posting

Susan Beckett, for the record, Administrative Assistant III, Employment Security Division, Commission on Postsecondary Education. Yes, proper notice was provided for this meeting pursuant to Nevada's Open Meeting Law, NRS 241.020 and confirmation of posting was received. We are in compliance with the open meeting law.

Roll Call

- Commissioner Chair Clark - Present
- Commissioner Vice-Chair Frederick - Present
- Commissioner Eade - Excused
- Commissioner Kenny - Present
- Commissioner Ponder - Present
- Commissioner Rhodes - Present
- Commissioner Clyne - Present
- Commissioner Soares – Present

Administrator Kelly Wuest: took roll via verbal and video. Confirmation of a quorum.

Adoption of Agenda:

Motion: Commissioner Frederick – Move to approve adoption of Agenda for May 3, 2023.

Second: Commissioner Soares.

Discussion: None.

Results: Unanimous, agenda is adopted.

Approval of Minutes February 1, 2023, Meeting

Discussion: None.

Motion: Commissioner Frederick – Motion to approve the minutes for February 1, 2023, meeting.

Second: Commissioner Ponder.

Discussion: None.

Results: Unanimous, motion carries.

Administrators Report

Administrator Wuest gave the Administrator's Report as submitted with the updated additions:

One correction on the quarterly activity 9 instead of 8.

We have 34 schools have not reported for the quarterly reporting. It seems high. However, we have found that since we have moved, we are experiencing a delay in the mail delivery. It can arrive three or four days later than normal. Our current number is 8316 students.

Commissioner Clark stated he hopes we will be able to get caught up with the backlog. Administrator Wuest furthered with the new computer system it should help and with the Compliance Audit Investigator position, which we should be able to recruit for in July, it should help.

Applications for Full Term License

Grand Canyon University

Testified: The following staff were in attendance - Jennifer Lech, Lisa Smith, Junette West, Heather Ziemianski, Jillian Plum, and Stephanie Schleidt. Jennifer Lech gave a brief introduction and background information.

Commissioner Soares – I heard a radio ad how is it going? Lisa Smith, advertising for nursing programs is always in the spotlight. We have received good response. There is ongoing interest, and we are excited.

Motion: Commissioner Kenny – A motion that Grand Canyon University be granted a full-term license.

Second: Commissioner Rhodes.

Discussion: None.

Results: Unanimous, motion carries.

Sierra Mountain Education

Testified: Christina Smith, Nevada Director gave background on the institution. She furthered with there were delays due to a family emergency last May shortly after the Commission Meeting that I was granted the Provisional Licensure. It did put me behind a bit, but I met the deadline and had my first class started with two students in March of this year. I am planning on keeping the class sizes small and limiting them to eight per term. I have been meeting with agencies and attending career fairs and have an interest list with 39 protentional students on the list.

Motion: Commissioner Soares – A motion that the provisional license for Sierra Mountain Education be extended for an additional nine months.

Second: Commissioner Ponder.

Discussion: None.

Results: Unanimous, motion carries.

Applications for Initial Provisional Licensure

Galen College of Nursing

Testified: Jennifer Green, Senior Director of Accreditation, Compliance and Regulatory Affairs The average student is second career nontraditional student with an average age of 32 years. Provided background information about the program and main campus.

Motion: Commissioner Frederick - A motion that a twelve-month provisional license be granted to Galen College of Nursing to the Bachelor of Science degree in Nursing, the Associate of Science Degree in Nursing, LPN and LVN to Associate of Nursing Bridge contingent upon approval of curriculum by the Nevada State Board of Nursing, faculty, and surety bond in the amount of \$363,000.

Second: Commissioner Rhodes.

Discussion: Commissioner Clark, during the discussion under the programs sections of the documents it mentions the curriculum changes required for final approval for the U.S. Constitution. Does that need to be a contingency or is that an administrative function? Administrator Wuest, that is an administrative function.

Results: Unanimous, motion carries.

Haven University

Testified: Dr. Brian Trott, Dean of Administration, Dr. Ken Wong Lee, and Dr. Joshua Smith, gave background of the University and the background information pertaining to the second submission.

Commissioner Clark, where do the students come from? Dr. Trott discussed recruitment of students, student origin and what their plans are with this education? Dr. Trott, we have a recruitment policy that's related to our interest and our serving the Asian American Communities. Because of the high movement of Asian Americans into the Las Vegas, Nevada areas this opens up the market for us. Most advertising is in person within the community and bringing student in through personal recommendations. We are very specific in what we are trying achieve and the people we are featuring.

Commissioner Clark, I noticed in the section three of program outcomes you mentioned that you enrolled 32 students and one of the completed and zero have dropped so can I assume there are 31 students still involved? You are correct because it's initial program and so the reporting periods for this are with CPE gives us to the end of this particular year before those figures come into play.

Motion: Commissioner Ponder - That a twelve-month provisional license be granted to Haven University to offer a Master of Business Administration and a Bachelor of Science degree in Business Administration upon faculty approval.

Second: Commissioner Clyne.

Discussion: None.

Results: Unanimous, motion carries.

Next Level Dental Institute, LLC

Testified: Dr. Deborah Staten, Owner and Melissa Rodriquez, Administrative Assistant were present. Dr. Staten provided her background as a dentist with her practice and her passion for dentistry.

Commissioner Soares, you have 50 hours of externships. What arrangements have you made to assist students for placements in externships? Dr. Staten, we are working towards establishing a few relationships around the city with colleagues. I am wanting to keep that more towards private practice jobs because the corporate dentists, there is a lot of corporate dentistry going on in Las Vegas. I am trying to partner specifically with some colleagues that I know and respect the way that dentistry and the laws are being done within their offices.

Commissioner Clark you mentioned the externship component, what about assistance with finding employment once the program is fully complete. Dr. Staten, yes that is a good point. We are still discussing how we are going to do that because we don't want to guarantee employment. Although I know as a dentist here in the city, I have been experiencing the hardship of finding good help, so I know there is opportunity in this city. I am still navigating how we want to stand behind and what we are willing to offer for these students. I do not want to be on the hook of guaranteed placement, because that - is that required for us. Commissioner Clark, it is strongly advised that you do not guarantee placement. Dr. Staten yes, exactly so we are establishing relationships and I am hoping that with their externship that these students will be dynamic enough to gain employment through their externships of placement. We will be helping them with resumes, interview skills and career prep. Commissioner Clark, it is not just the dental skills that people are hiring. They are wanting people skills and the soft skills too. Dr. Staten, yes.

Commissioner Ponder, where do you recruit your students from? Dr. Staten, so we use social media primarily. Also, we are looking at the possibly reaching out to the local high schools, preparing brochures and launching a website upon approval.

Commissioner Frederick, do you currently have a dental office that is operating. Dr. Staten, I do. We have a dental office, and a break room where we will be hosting our classes for Next Level Dental Assisting. I have 11 operatories here so that we can do hands on with the student when they come in for quizzes and their labs.

Commissioner Clark, you mentioned a breakroom of where you are going to hold classes? Dr. Staten turned the camera and showed the breakroom which will be used for the classroom and gave a tour of the breakroom with screens, tables and cameras.

Motion: Commissioner Frederick - That a twelve-month provisional license be granted to Next Level Dental Institute, LLC to offer a Dental Assistant certificate program contingent upon receipt of surety bond in the amount of \$57,000, facility, personnel, and curriculum approvals.
Second: Commissioner Soares.
Discussion: None.
Results: Unanimous, motion carries.

Public Comment

None.

The meeting was adjourned by Commissioner. Time: 9:45

Motion: Commissioner
Second: Commissioner
Discussion: None.
Results: Unanimous, motion carries

DRAFT

To: CPE Commissioners
From: Kelly D. Wuest, Administrator
Subject: 2024 Proposed Meeting Schedule
For Action: August 1, 2023

Attached are the proposed meeting dates for review, modification, and/or discussion and adoption of the 2024 meeting schedule.

The Commission is authorized by statute to meet a minimum of four times per calendar year and has traditionally met on the first Wednesday of February, May, August, and November.

Included are the calendars for the month of the proposed meetings. The Commission can select to move any date due to scheduling conflicts. The application submission date will be a minimum of 60 days prior to the scheduled meeting date.

Proposed Scheduled:

Meeting Date
February 7, 2024
May 1, 2024
August 2, 2024
November 6, 2024

Application Submission Deadline
December 8, 2023
March 1, 2024
June 7, 2024
September 6, 2024

February 2024						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7 CPE Meeting	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

May 2024						
SUN	MON	TUE	WED	THU	FRI	SAT
			1 CPE Meeting	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27 Memorial Day	28	29	30	31	

August 2024						
SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7 CPE Meeting	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

November 2024						
SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6 CPE Meeting	7	8	9
10	11 Veterans Day	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28 Thanksgiving	29 Family Day	30

Administrators Report Prepared July 25, 2023

1. Computer system update –

The RFP for the new system has been complete and EdVera was selected as the vendor. Final budgetary approval was obtained through interim finance on July 11, 2023 and the contract was executed. CPE will hold their first meeting with the Vendor on Thursday July 27, 2023. The project anticipated go live time frame is late December or early January. The implementation of the computer system has become a critical matter if CPE loses the submission portal.

2. Staffing

CPE was budgeted for the new position of Compliance Audit Investigator to be funded 50% from the VA agreement and 50% from state funding. This individual will assist in Risk Based Assessments for the VA program, CPE audit, review of advertising and other compliance issues, research concerning illegally operating institutions, and various aspects of approvals for VA or licensing. The position is funded to start October 1, 2023.

CPE has experienced staffing issues for the last two quarters with staff members being out on medical leave and taking annual to stay below the maximum leave accurate hours.

3. Budget – CPE budget was approved providing for the ongoing expense of the computer system and new position. The base budget was approved by governors' recommendation.

4. Legislative Passage

SB 431 – This bill is termed a government restructure bill although many of the initial changes were eliminated in the bill's amendment. It does have a direct impact on CPE. Section 19 of the bill created the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry and Section 20 (kk) lists the Commission on Postsecondary Education as under the new Office's purview. The bill failed to change NRS 394.411 specifying DETR's administrative supervision of the Commission. The CPE Administrator testified during session that the Commission was inappropriately classified as a professional or occupational board and requested removal from the list. The DETR Director requested a revision that was not incorporated into the final version to permit CPE to remain with DETR. The purpose of the newly created office is primarily to establish standards for occupational licensing and occupational discipline. The bill as enrolled follows the Administrators Report.

AB 52 – Changes to open meeting law. Changes definition of quorum and decreases time requirements for notice to individuals for hearings and expands the methods of contact. Both changes are specifically defined in NRS 394 so the changes will not apply to CPE unless the NRS is changed.

AB 219 – Changes to Open meeting law. Many of the changes will not impact the Commission due to way NRS 394 is written. CPE is impacted by the requirement for public comment during a virtual meeting to be available telephonic with clear and complete instructions. CPE did post both the Zoom link and all publicly available phone numbers to participate in today's meeting. The instructions read at the beginning of the meeting for public comment will be repeated for the next public comment period.

AB219 also requires a physical location for the public to attend for a contested case or a regulation, as defined in NRS Chapter 233B. CPE staff will work with the DAG to ensure compliance for all meetings.

5. Institutional Initial Licensing and Closures

Closures

Nevada Security Guard Training Academy – Officially closed April 2023 but has not offered courses since March 2020. CPE is waiting on student records to complete the closure.

University of Phoenix – Completed the teach out of the Las Vegas campus on July 5, 2023. All records will remain with the main campus in Phoenix, AZ. CPE has placed a link to transcript request on the CPE website.

Sierra Nevada University – The institution has completed the digitizing of all transcripts for CPE and turned over transcript services on June 5, 2023. The institution closed in good standing with CPE. There have been some issues with Nevada Department of Education rejecting the transcripts provided by CPE because they were not provided on institutional transcript paper. This issue has been resolved and CPE is working with individuals who's transcripts were rejected by teacher licensing.

Provisional Licenses Issued

Genevieve Training Center – Issued 4/28/23
 Sierra Mountain Education, Issued 5/15/23
 Haven University, Issued 6/29/23
 Accelerated Dental – Issued 6/20/23

6 Quarterly Report – With 30 institutions unreported, the total enrollment for the April 1, 2023 – June 30, 2023 quarter stands at 8,688, new students. An update will be provided at the meeting.

Q1 updated to

April-June 2023	April-June 2022	April-June 2021	April-June 2020	April-June 2019
8,688	9,826	8,756	7,326	6,988

7. CPE Quarterly Activities – April-June 2023

CPE Activity	Number of Applications Processed	CPE Activity	Number of Applications Processed
License Renewals	21	Agent Permits	20
Experiential License	4	VA Compliance Visits/Other Visits	3
School Change of Ownerships	0	VA Program Approvals (individual programs)	122
License Evaluations & DE Exemptions	10	School Audits	10
Added Facility/change of location	2	Added Program/Modifications	17
Transcripts	99	SARA notice	2

8. CPE Student Complaints: April-June 2023

Complaints listed only include students who filed formal paperwork with CPE to initiate an investigation. Staff regularly assist students with institutional grievance processes for resolving issues informally and at the lowest level possible.

Institution Name	Filed	Issues/Allegation	Findings	Status
None				

CPE received an informal complaint concerning possible sexual harassment regarding an instructor and a complaint concerning the availability of transcripts at an open school.

CPE received one complaint from a cosmetology student who was directed to the proper agency to file a complaint.

CHAPTER.....

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.

Legislative Counsel’s Digest:

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



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

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

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

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

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

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

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

Existing law provides that appointments in the unclassified service of the State may be made from appropriate registers of persons maintained by the Division



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

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

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

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

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

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

Under existing law, the Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is an account created in the State General Fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. The balance in the Account to Stabilize the Operation of the State Government must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which the revenue will be transferred to the Account. (NRS 353.288) **Section 113** of this bill revises this limitation so that the balance must not exceed 26 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which the revenue will be transferred to the Account.



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

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

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Sections 1-7. (Deleted by amendment.)

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

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

(a) *Executive staff;*

(b) *Administrative and clerical staff;*

(c) *Outreach and communications staff;*

(d) *Research and analytical staff; and*

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

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

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



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

3. The Governor ~~may:~~

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

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

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

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

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

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

~~(a) Providing overall leadership and guidance relating to employee acquisition, career development, succession planning, retention, professional development and training, leadership development, compensation and benefits;~~

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

~~(c) Reviewing and monitoring the efficiency of the State Government and providing recommendations on how to reduce costs, improve the delivery of services and ensure the cost-effectiveness of all state governmental programs;~~

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

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



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

Secs. 9-17. (Deleted by amendment.)

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

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

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

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

(a) Centralized administration;

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

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

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

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

(f) Transparency and consumer protection; and

(g) Efficacy and efficiency.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- (cc) *The State Board of Pharmacy created by NRS 639.020.*
- (dd) *The Nevada Physical Therapy Board created by NRS 640.030.*
- (ee) *The State Board of Podiatry created by NRS 635.020.*
- (ff) *The Private Investigator's Licensing Board created by NRS 648.020.*
- (gg) *The Board of Psychological Examiners created by NRS 641.030.*
- (hh) *The Board of Environmental Health Specialists created by NRS 625A.030.*
- (ii) *The Board of Examiners for Social Workers created pursuant to NRS 641B.100.*
- (jj) *The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100.*
- (kk) *The Nevada State Board of Veterinary Medical Examiners created by NRS 638.020.*

Secs. 21 and 22. (Deleted by amendment.)

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

232.213 1. The Department of Administration is hereby created.

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

- (a) Risk Management Division.
- (b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.
- (c) State Public Works Division.
- (d) Purchasing Division.
- (e) Administrative Services Division.
- (f) Division of Human Resource Management.
- (g) ~~Division of Enterprise Information Technology Services.~~
- ~~(h)~~ Division of State Library, Archives and Public Records.
- ~~(i)~~ (h) Fleet Services Division.
- ~~(j)~~ (i) Public Employees' Deferred Compensation Program.
- ~~(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)~~ 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;~~

~~Services;~~

- ~~—(f)~~ The Division of State Library, Archives and Public Records;
- ~~{(g)}~~ (f) The Fleet Services Division; and
- ~~{(h)}~~ (g) The Mail Services Division,

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

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

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

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

- 1. State Public Works Division;



2. Purchasing Division;
 3. Division of Human Resource Management;
 4. ~~Division of Enterprise Information Technology Services;~~
 - 5.] Division of State Library, Archives and Public Records;
- and

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

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

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

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

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

- (a) State Public Works Division;
- (b) Purchasing Division;
- (c) Hearings Division;
- (d) Risk Management Division;
- (e) Division of Human Resource Management;
- (f) ~~Division of Enterprise Information Technology Services;~~

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

~~(h)]~~ (g) Fleet Services Division;

~~(i)]~~ (h) Public Employees' Deferred Compensation Program;

and

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

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

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

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

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

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

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



Sec. 29. NRS 232.510 is hereby amended to read as follows:
232.510 1. The Department of Business and Industry is

hereby created.

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

- (a) Consumer Affairs Unit within the Office of the Director.
- (b) Division of Financial Institutions.
- (c) Housing Division.
- (d) Real Estate Division.
- (e) Division of Insurance.
- (f) Division of Industrial Relations.
- (g) Office of Labor Commissioner.
- (h) Taxicab Authority.
- (i) Office of the Nevada Attorney for Injured Workers.
- (j) Nevada Transportation Authority.
- (k) Division of Mortgage Lending.

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

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

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

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The chief of the Consumer Affairs Unit is the Commissioner of Consumer Affairs, the chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the chief of the Housing Division is the Administrator of the Housing Division, the chief of the Real Estate Division is the Real Estate Administrator, the chief of the Division of Insurance is the Commissioner of Insurance, the chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the chief of the Office of Labor Commissioner is the Labor Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the chief of the Nevada Transportation Authority is the Chair of the Authority, the chief of



the Division of Mortgage Lending is the Commissioner of Mortgage Lending, *the chief of the Office of Nevada Boards, Commissions and Councils Standards is the Deputy Director of the Office appointed pursuant to section 19 of this act* and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

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

3. May:

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

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

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

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



corporation must be consistent with the purposes, powers and duties of the Department.

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

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

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

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

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

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

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

Secs. 31-42. (Deleted by amendment.)

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(a) Modifies;

(b) Damages;

(c) Destroys;

(d) Discloses;

(e) Uses;

(f) Transfers;

(g) Conceals;

(h) Takes;

(i) Retains possession of;

(j) Copies;



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

(l) Enters,

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

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

(a) Modifies;

(b) Destroys;

(c) Uses;

(d) Takes;

(e) Damages;

(f) Transfers;

(g) Conceals;

(h) Copies;

(i) Retains possession of; or

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

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

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

(a) Destroys;

(b) Damages;

(c) Takes;

(d) Alters;

(e) Transfers;

(f) Discloses;

(g) Conceals;

(h) Copies;

(i) Uses;

(j) Retains possession of; or

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

↳ a computer, system or network is guilty of a misdemeanor.

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

(a) Obtains and discloses;

(b) Publishes;

(c) Transfers; or

(d) Uses,



↳ a device used to access a computer, network or data is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

Sec. 49. NRS 205A.040 is hereby amended to read as follows:

205A.040 1. The Technological Crime Advisory Board is hereby created.

2. The Board consists of 13 members as follows:

(a) The Attorney General.

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



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

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

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

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

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

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

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

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

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

5. The members of the Board:

(a) Serve without compensation; and

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

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



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

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

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

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

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

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

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

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

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

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

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

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

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning



the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.

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

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

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

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

Secs. 52 and 53. (Deleted by amendment.)

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

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

2. The Committee consists of:

(a) The Secretary of State;

(b) The Attorney General;

(c) The Director of the Department of Administration;

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

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

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

↳ All members of the Committee, except the representative of the general public, are ex officio members of the Committee.

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

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



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

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

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

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

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

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

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

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

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

2. The purposes of the ~~[Division]~~ **Office** are:

(a) To perform information services for state agencies.

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

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

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

2. The Division **Office** consists of the ~~[Administrator]~~ **Chief** and the:

(a) Enterprise Application Services Unit.

(b) Communication and Computing Unit.

(c) Office of Information Security.



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

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

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

242.101 1. The ~~{Administrator}~~ *Chief Information Officer* shall:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(a) The Court Administrator;

(b) The Department of Motor Vehicles;

(c) The Department of Public Safety;

(d) The Department of Transportation;

(e) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

(f) The Department of Wildlife;

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

(h) The Legislative Counsel Bureau;

(i) The State Controller;

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



(k) The Nevada System of Higher Education.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

2. "Commission" means the ~~Personnel~~ *Human Resources* Commission.

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

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

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

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

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

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

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

10. "Veteran" means a person who:

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



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

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

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

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

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

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

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

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

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

2. The Governor shall appoint:

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

284.073 1. The Employee-Management Committee shall:

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

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

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

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

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

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

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

284.075 The Administrator:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

284.115 1. The Administrator shall:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Sec. 82. (Deleted by amendment.)



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

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

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

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

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

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

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

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

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

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

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

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and



are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

~~—(b) A written examination;~~

~~—(c) An oral examination;~~

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

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

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

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

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

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

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

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

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

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

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

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

~~—(c) The department has two or more divisions that administer separate and diverse programs and the employees of the department on the panel are not employed by the same division.] ,~~

each appointing authority shall, consistent with the regulations adopted by the Commission pursuant to NRS 284.205, recruit, evaluate, select, manage and promote employees through open competition



on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

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

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

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

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

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

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

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

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

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

284.245 1. When ~~[the Administrator]~~ *an appointing authority* refuses to ~~[examine]~~ *evaluate* an applicant or, after an ~~[examination,]~~ *evaluation*, refuses to certify ~~[an eligible]~~ *a* person, the applicant or eligible person may request the ~~[Administrator]~~ *appointing authority* to furnish to the applicant or eligible person a statement of the reasons for the refusal to ~~[examine]~~ *evaluate* or the refusal to certify, as the case may be. The ~~[Administrator]~~ *appointing authority* shall furnish the statement upon request.

2. If ~~[the Administrator]~~ *an appointing authority* refuses to ~~[examine]~~ *evaluate* an applicant or, after an ~~[examination,]~~ *evaluation*, refuses to certify ~~[an eligible]~~ *a* person, the applicant or eligible person may take an appeal to the Commission in accordance with regulations adopted by the Commission. If the Commission finds that the ~~[Administrator]~~ *appointing authority* is in error in refusing to ~~[examine]~~ *evaluate* an applicant or in refusing to certify



~~[an eligible]~~ a person, the Commission shall order the ~~[Administrator]~~ *appointing authority* to examine or certify, and the ~~[Administrator]~~ *appointing authority* shall comply.

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

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

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

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

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

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

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

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

284.255 1. Appointments ~~[must]~~ *may* be made ~~[from the appropriate eligible list, but if no such list exists then the Administrator may certify from such other list as the Administrator 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 highest scores, the names of each of those persons must be so certified.~~

~~—(b) Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service-connected disability. The appointing~~



~~authority shall interview for the position each veteran with a service-connected disability who is so certified.~~

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

2. An appointing authority shall:

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

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

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

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

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

3. The Administrator may provide, in specific cases, for competitive promotional ~~[examinations]~~ *evaluations* among employees of departments other than that in which a particular vacancy in a higher classification may exist.



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

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

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

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

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

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

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

(2) Placed on an appropriate reemployment ~~list;~~ *pool.*

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

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

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

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

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

(b) The demotion of a current employee;



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

(d) The reappointment of a current employee.

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

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

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

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

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

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

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

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

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

3. Upon specific written justification by the appointing authority, the Administrator may suspend the requirement of competitive ~~[examination]~~ *evaluation* for a position where extreme



difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Sec. 101. (Deleted by amendment.)

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

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

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

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

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

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



3. The benefit conferred by subsections 1 and 2 includes any ~~[exemption from the taking of a competitive examination,]~~ retention of credits for annual and sick leave, and priority ~~[on]~~ **in** the ~~[lists]~~ **pools** of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

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

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

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

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

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

(a) An employee of the Legislative Branch of Government; or

(b) An employee of the Supreme Court, an employee of the Court of Appeals or an employee in the unclassified service of the Executive Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that an employee described in this paragraph may only transfer to a position in the classified service that has duties and compensation that are similar either to the employee's current position or to a position the employee previously held in the classified service.

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

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

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

8. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a



regular session of the Legislature and is eligible at that time pursuant to subsection 2 to transfer to a position in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date.

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

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

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

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

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

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

Sec. 104-108. (Deleted by amendment.)

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

353.185 The powers and duties of the Chief are:

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

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

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

4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be



required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting



after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

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

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

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

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

(a) The need for the proposed revision; and

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

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

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

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

Sec. 111 and 112. (Deleted by amendment.)

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

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

(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after



subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; and

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

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

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

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

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

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

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



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

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

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

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

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

2. If:

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

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

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim



Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

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

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

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

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

(c) The extent of the program proposed; and

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

5. A state agency may accept:

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

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

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

6. This section does not apply to:

(a) The Nevada System of Higher Education;

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

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

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

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



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

Sec. 115. (Deleted by amendment.)

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

388.790 1. The Commission on Educational Technology, consisting of 2 members who serve ex officio and 11 members who are appointed, is hereby created. The Superintendent of Public Instruction and the ~~[Administrator of the Division of Enterprise Information Technology Services of the Department of Administration]~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor* shall serve ex officio as nonvoting members of the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

7. The person or entity who appoints a member to the Commission may remove that member if the member neglects his or her duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the Commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

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

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

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

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

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

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

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

Secs. 117-120. (Deleted by amendment.)

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

408.55028 1. The Telecommunications Advisory Council is hereby created.

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



- (a) One member from the Office of Science, Innovation and Technology in the Office of the Governor;
 - (b) One member from the Department of Transportation;
 - (c) One member from the Department of Education;
 - (d) One member from the Nevada Office of Rural Health;
 - (e) One member from the Department of Public Safety;
 - (f) One member from the Nevada System of Higher Education;
- and
- (g) One member from the ~~Division of Enterprise Information Technology Services of the Department of Administration.~~ *Office of the Chief Information Officer within the Office of the Governor.*

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

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

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

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

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

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

9. The Council shall:

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

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

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

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

- (e) Approve or deny any agreement between the Department and a telecommunications provider proposed pursuant to NRS 408.5502,



if the Council finds that the agreement is competitively neutral and nondiscriminatory; and

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

Secs. 122-129. (Deleted by amendment.)

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

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

Secs. 131-141. (Deleted by amendment.)

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

For the Fiscal Year 2023-2024	\$900,000
For the Fiscal Year 2024-2025	\$900,000

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

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

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

Sec. 143. The Legislative Counsel shall:

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



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

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

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

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

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


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

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

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



To: CPE Commissioners

From: Kelly Wuest, Administrator 

Subject: Full Term Licensure Recommending – Extended Provisional
Battle Born EMS Health and Science Learning Institute
Eric Dievendorf, Program Director

For Action: August 2, 2023

Battle Born EMS Health and Science Learning Institute was granted a provisional license at the August 10, 2022 Commission meeting to offer Basic Emergency Medical Technician and Advanced Emergency Technician courses. The institution addressed outstanding contingency items and was issued a provisional license on February 8, 2023.

At the time of the required audit, the institution had begun the first cohort of 18 students but had not had any completions. The institution has requested a nine-month extension of the provision license to increase student enrollment.

I recommend that:

The provisional license for Battle Born EMS Health and Science Learning Institute be extended for an additional nine months.

Commission on Postsecondary Education
2800 E St Louis Avenue
Las Vegas, NV 89104

5 July 2023

To whom it may concern:

The intent of this letter is to request an extension on our provisional license for Battle Born EMS. Our intent is to hold a class by the end of 2023.

We have had some change over on our ambulance leadership side which has caused a delay in our focused pipeline of prospective students. We would request an extension of nine months as we prepare to increase the number AEMTs in our organization.


Please let me know if there are any additional steps that I need to follow.

Sincerely,



Eric Dievendorf, Program Director

To: CPE Commissioners

From: Kelly Wuest, Administrator 

Subject: Full Term Licensure Recommending – Extended Provisional
Ocean Pointe Dental Academy of Nevada
Dr. Theresa Woolridge-Ofori, Director

For Action: August 2, 2023

Ocean Pointe Dental Academy of Nevada was granted a provisional license at the November 2021 Commission meeting to offer a dental assistant course. The institution addressed outstanding contingency items and was issued a provisional license on April 18, 2022.

At the November 2022 Commission meeting, the institution was granted an extended provisional license. The institution has not enrolled any students at the time of the scheduled audit and has requested a second extended provisional license.

I recommend that:

The provisional license for Ocean Pointe Dental Academy of Nevada be extended for an additional nine months.

Licensing Worksheet

Prepared by: Maricris Wu, Postsecondary Education Specialist 

Applicant: Kim Bryd, Owner

School: Olympic Career Training Institute

For Action: August 2, 2023

Recommendation

That a twelve-month provisional license be granted to Olympic Career Training Institute to offer a Logistics Training Program certificate program contingent upon receipt of surety bond in the amount \$12,600, facility and personnel information.

Curriculum: Curriculum received on June 12, 2023, and approved on July 21, 2023.

Bond: Recommend amount is \$12,600 **CONTINGENCY.**

Financial Statement: Received on June 12 and reviewed on June 27 –July 18, 2023.

Budget Estimate: Received on June 12 and reviewed on June 27 –July 18, 2023.

Financial Release: Received on June 12 and reviewed on June 27 –July 18, 2023.

Personnel Information: **CONTINGENCY.**

Certifications: Received on June 12, 2023 and reviewed on June 27 –July 18, 2023.

Catalog: Received on June 12, 2023, under pending review.

Contract: Received on June 12, 2023, under pending review.

Completion Certificates: Received on June 12, 2023 and reviewed on June 27 –July 18, 2023.

Facility Information: **CONTINGENCY.**

Fees: Received on June 12, 2023.

Licensing Worksheet

Prepared by: Maricris Wu, Postsecondary Education Specialist 

Applicant: Steve Sebree, Owner

School: Unity Dental Assisting

For Action: August 2, 2023

Recommendation

That a twelve-month provisional license be granted to Unity Dental Assisting to offer a Dental Assistant certificate programs contingent upon receipt of surety bond in the amount \$50,000, facility, personnel information.

Curriculum: Curriculum received on June 3, 2023, and approved on July 21, 2023.

Bond: Recommend amount is \$50,000 **CONTINGENCY.**

Financial Statement: Received on June 1, 2023, and reviewed on June 27 –July 18, 2023.

Budget Estimate: Received on June 1, 2023, and reviewed on June 27 –July 18, 2023.

Financial Release: Received on June 1, 2023, and reviewed on June 27 –July 18, 2023.

Personnel Information: **CONTINGENCY.**

Certifications: Received on June 1, 2023, and reviewed on June 27 –July 18, 2023.

Catalog: Received on June 1, 2023, under pending review.

Contract: Received on June 1, 2023, under pending review.

Completion Certificates: Received on June 1, 2023, and reviewed on July 18, 2023.

Facility Information: **CONTINGENCY.**

Fees: Received on June 1, 2023.

To: CPE Commissioners

From: Kelly Wuest, Administrator

Subject: Election of Officers

For Action: August 2, 2023

Commission policy requires the election of officers who serve two-year terms as the Chair and Vice-Chair of the Commission. Members may be re-elected to any officer position. Currently Mr. Nate Clark serves as Chair of the Commission and Mrs. Sharon Frederick services as Vice Chair.

Please refer to the current list of appointed Commissioners and the related term of expiration.

Commissions Name	Appointment Type	Term Expiration Date
Nate Clark	Private Postsecondary	June 2024
Thomas Kenny	Private Postsecondary	February 2026
Sharon Frederick	Veterans Representative	June 2024
Vincent Eade	Knowledge of Education	September 2023
Steven Soares	Knowledge of Education	April 2024
Joe Rhodes	General Public	September 2023
Jon Ponder	General Public	June 2025
Janiese Clyne	DETR Representative – Non-Voting Member	Annual Renewal