

Amendment No. 229

Senate Amendment to Senate Bill No. 51	(BDR 23-243)
Proposed by: Senate Committee on Legislative Operations and Elections	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date		SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/>
Receded <input type="checkbox"/>	Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 51—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE DIVISION OF HUMAN
RESOURCE MANAGEMENT OF THE
DEPARTMENT OF ADMINISTRATION)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to sex- or gender-based harassment in the Executive Department of the State Government. (BDR 23-243)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to state employees; prohibiting an employee of the Executive Department of the State Government from engaging in sex- or gender-based harassment; providing for the adoption and annual review of a policy for such employees concerning sex- or gender-based harassment; prescribing certain duties of an appointing authority relating to sex- or gender-based harassment; creating the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division of Human Resource Management of the Department of Administration; providing for the investigation of a complaint by the Investigation Unit; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) creates the Division of Human Resource Management of the Department of Administration; and (2) requires the Division to administer provisions governing employees of the Executive Department of the State Government. (NRS 284.025) **Section 2** of this bill: (1) declares that it is the policy of this State to ensure that its employees do not engage in sex- or gender-based harassment; and (2) prohibits such employees from engaging in such behavior against another employee, an applicant for employment or any other person in the workplace.

Section 3 of this bill requires the Administrator of the Division to adopt, maintain and annually review and update a policy for employees of the Executive Department concerning sex- or gender-based harassment. **Section 3** also requires an appointing authority to provide each employee with a copy of the policy upon employment and any update of the policy.

Section 5 of this bill creates the Sex- or Gender-Based Harassment and Discrimination Investigation Unit within the Division. **Section 4** of this bill requires an appointing authority to notify the Investigation Unit upon receipt of a complaint filed by an employee concerning

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15 sex- or gender-based harassment or discrimination. **Section 4** additionally requires an
 16 appointing authority to notify certain other persons responsible for providing legal advice to
 17 the agency upon receipt of a complaint.

18 **Section 5** requires the Investigation Unit to appoint an investigator to investigate any
 19 complaint regarding suspected harassment or discrimination based on sex or gender filed by
 20 an employee. **Section 5** requires an investigator to prepare a written report of his or her
 21 findings at the conclusion of an investigation and submit the report to the Investigation Unit
 22 for transmission to the appointing authority of the agency in which the complaint arose and
 23 certain other persons. **Section 5** requires the appointing authority to: (1) review the report; (2)
 24 determine the appropriate resolution of the complaint; (3) notify the Investigation Unit in
 25 writing that a complaint has been resolved; and (4) retain a copy of the written report prepared
 26 by the investigator and the written notification of the resolution of the complaint. Finally,
 27 **section 5** makes ~~any~~ certain information obtained by the investigator in the investigation of
 28 a complaint, contained in a written report of a complaint ~~and~~ or contained in a written
 29 resolution of a complaint confidential and prohibits its disclosure unless so ordered by the
 30 Administrator or his or her designee or a court of competent jurisdiction. Sections 5, 5.3 and
 31 5.5 of this bill make this information confidential regardless of whether the provisions of
 32 a collective bargaining agreement requires the disclosure of such information. **Section 6**
 33 of this bill makes a conforming change to indicate the exception of such information from
 34 disclosure as a public record.

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

1 **Section 1.** Chapter 284 of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 2 to 5, inclusive, of this act.

3 **Sec. 2. 1.** *It is the policy of this State to ensure that its employees do not*
 4 *engage in sex- or gender-based harassment.*

5 *2. Sex- or gender-based harassment violates the policy of this State and is a*
 6 *form of unlawful discrimination based on sex or gender under state and federal*
 7 *law. An employee shall not engage in sex- or gender-based harassment against*
 8 *another employee, an applicant for employment or any other person in the*
 9 *workplace.*

10 **Sec. 3. 1.** *The Administrator shall adopt and maintain a policy*
 11 *concerning sex- or gender-based harassment. Such a policy must include,*
 12 *without limitation:*

13 *(a) A definition of behavior that constitutes illegal sex- or gender-based*
 14 *harassment;*

15 *(b) Training requirements for employees concerning sex- or gender-based*
 16 *harassment;*

17 *(c) Training requirements for managerial or supervisory employees*
 18 *concerning equal employment opportunity; and*

19 *(d) A procedure for filing a complaint to report suspected harassment or*
 20 *discrimination based on sex or gender.*

21 *2. At least annually, the Administrator shall review the policy adopted*
 22 *pursuant to subsection 1 for compliance with relevant state and federal law and*
 23 *make any necessary updates to the policy.*

24 *3. An appointing authority shall provide each employee of the appointing*
 25 *authority with a copy of the policy adopted pursuant to subsection 1 upon*
 26 *commencement of employment and any update of the policy.*

27 **Sec. 4.** *Upon receipt of a complaint filed by an employee alleging he or she*
 28 *is being harassed or discriminated against based on his or her sex or gender or*
 29 *has witnessed an employee being harassed or discriminated against based on his*

1 or her sex or gender, an appointing authority shall promptly notify the Sex- or
2 Gender-Based Harassment and Discrimination Investigation Unit created by
3 section 5 of this act and:

4 1. A person designated by the appointing authority to handle issues relating
5 to sex- or gender-based harassment and discrimination; or

6 2. The deputy attorney general or other counsel designated to act as an
7 attorney for the agency.

8 **Sec. 5. 1. The Sex- or Gender-Based Harassment and Discrimination**
9 **Investigation Unit is hereby created within the Division.**

10 2. **The Sex- or Gender-Based Harassment and Discrimination Investigation**
11 **Unit shall promptly assign or appoint an investigator to investigate any complaint**
12 **regarding suspected harassment or discrimination based on sex or gender filed by**
13 **an employee pursuant to the procedure established in accordance with section 3**
14 **of this act or received pursuant to section 4 of this act. An investigator assigned**
15 **or appointed pursuant to this section shall inform each person involved in such**
16 **an investigation of the provisions of subsection 6. The investigation must be**
17 **conducted as discreetly and with as minimal disruption to the workplace as**
18 **possible.**

19 3. **At the conclusion of the investigation, the investigator shall prepare a**
20 **written report of his or her findings and submit the report to the Sex- or Gender-**
21 **Based Harassment and Discrimination Investigation Unit for transmission to the**
22 **appointing authority of the agency in which the complaint arose or a person**
23 **designated by the appointing authority to handle issues relating to sex- or gender-**
24 **based harassment and discrimination and the deputy attorney general or other**
25 **counsel designated to act as an attorney for the agency.**

26 4. **The Sex- or Gender-Based Harassment and Discrimination Investigation**
27 **Unit shall notify a complainant when a report has been completed and forwarded**
28 **to the appointing authority for review.**

29 5. **Upon receipt of a written report prepared pursuant to subsection 3, the**
30 **appointing authority shall review the report and determine the appropriate**
31 **resolution of the complaint. The appointing authority shall:**

32 (a) **Notify the Sex- or Gender-Based Harassment and Discrimination**
33 **Investigation Unit in writing of its determination regarding the resolution of the**
34 **complaint within 30 days after the date on which the resolution occurs; and**

35 (b) **Retain a copy of the written report prepared pursuant to subsection 3 and**
36 **the written notification of the resolution of the complaint described in paragraph**
37 **(a).**

38 6. ~~Any~~ Except as otherwise provided in subsection 7, any information
39 ~~obtained~~ that may be used to identify an employee who filed a complaint
40 ~~pursuant to section 4 of this act, a person who is the subject of such a complaint~~
41 ~~or a person who claims to have witnessed an employee being harassed or~~
42 ~~discriminated against based on his or her sex or gender that is:~~

43 (a) Obtained by the investigator in the investigation of a complaint pursuant
44 to subsection 2 ~~of~~;

45 (b) Contained in a written report of a complaint retained pursuant to
46 subsection 5 ~~and~~; or

47 (c) Contained in a written resolution of a complaint retained pursuant to
48 subsection 5 ~~and~~;

49 ↪ is confidential and must not be disclosed unless so ordered by the
50 Administrator or his or her designee or a court of competent jurisdiction ~~if~~ upon
51 a determination by the Administrator, designee or court, as applicable, that the
52 interests of the public in disclosing the information outweigh the interests of the
53 person about whom the information pertains in maintaining the confidentiality of

1 the information. Such information must not be disclosed until after the
2 conclusion of the investigation.

3 7. The provisions of subsection 6 do not apply to any information that may
4 be used to identify an elected officer in the Executive Department who:

5 (a) Filed a complaint pursuant to section 4 of this act;

6 (b) Is the subject of such a complaint; or

7 (c) Claims to have witnessed an employee being harassed or discriminated
8 against based on his or her sex or gender.

9 8. In the event of a conflict between this section and the provisions of a
10 collective bargaining agreement entered into pursuant to NRS 288.400 to
11 288.630, inclusive, the provisions of this section prevail.

12 Sec. 5.3. NRS 284.013 is hereby amended to read as follows:

13 284.013 1. Except as otherwise provided in subsection 4, this chapter does
14 not apply to:

15 (a) Agencies, bureaus, commissions, officers or personnel in the Legislative
16 Department or the Judicial Department of State Government, including the
17 Commission on Judicial Discipline;

18 (b) Any person who is employed by a board, commission, committee or
19 council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A,
20 inclusive, 648, 652, 654 and 656 of NRS; or

21 (c) Officers or employees of any agency of the Executive Department of the
22 State Government who are exempted by specific statute.

23 2. Except as otherwise provided in subsection 3, the terms and conditions of
24 employment of all persons referred to in subsection 1, including salaries not
25 prescribed by law and leaves of absence, including, without limitation, annual leave
26 and sick and disability leave, must be fixed by the appointing or employing
27 authority within the limits of legislative appropriations or authorizations.

28 3. Except as otherwise provided in this subsection, leaves of absence
29 prescribed pursuant to subsection 2 must not be of lesser duration than those
30 provided for other state officers and employees pursuant to the provisions of this
31 chapter. The provisions of this subsection do not govern the Legislative
32 Commission with respect to the personnel of the Legislative Counsel Bureau.

33 4. Any board, commission, committee or council created in chapters 445C,
34 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of
35 NRS which contracts for the services of a person, shall require the contract for
36 those services to be in writing. The contract must be approved by the State Board of
37 Examiners before those services may be provided.

38 5. ~~It~~ Except as otherwise provided in section 5 of this act, to the extent
39 that they are inconsistent or otherwise in conflict, the provisions of this chapter do
40 not apply to any terms and conditions of employment that are properly within the
41 scope of and subject to the provisions of a collective bargaining agreement or a
42 supplemental bargaining agreement that is enforceable pursuant to the provisions of
43 NRS 288.400 to 288.630, inclusive.

44 Sec. 5.5. NRS 288.505 is hereby amended to read as follows:

45 288.505 1. Each collective bargaining agreement must be in writing and
46 must include, without limitation:

47 (a) A procedure to resolve grievances which applies to all employees in the
48 bargaining unit and culminates in final and binding arbitration. The procedure must
49 be used to resolve all grievances relating to employment, including, without
50 limitation, the administration and interpretation of the collective bargaining
51 agreement, the applicability of any law, rule or regulation relating to the
52 employment and appeal of discipline and other adverse personnel actions.

1 (b) A provision which provides that an officer of the Executive Department
2 shall, upon written authorization by an employee within the bargaining unit,
3 withhold a sufficient amount of money from the salary or wages of the employee
4 pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative
5 of the bargaining unit. Such authorization may be revoked only in the manner
6 prescribed in the authorization.

7 (c) A nonappropriation clause that provides that any provision of the collective
8 bargaining agreement which requires the Legislature to appropriate money is
9 effective only to the extent of legislative appropriation.

10 2. Except as otherwise provided in subsections 3 and 4, the procedure to
11 resolve grievances required in a collective bargaining agreement pursuant to
12 paragraph (a) of subsection 1 is the exclusive means available for resolving
13 grievances described in that paragraph.

14 3. An employee in a bargaining unit who has been dismissed, demoted or
15 suspended may pursue a grievance related to that dismissal, demotion or suspension
16 through:

17 (a) The procedure provided in the agreement pursuant to paragraph (a) of
18 subsection 1; or

19 (b) The procedure prescribed by NRS 284.390,
20 ↪ but once the employee has properly filed a grievance in writing under the
21 procedure described in paragraph (a) or requested a hearing under the procedure
22 described in paragraph (b), the employee may not proceed in the alternative
23 manner.

24 4. An employee in a bargaining unit who is aggrieved by the failure of the
25 Executive Department or its designated representative to comply with the
26 requirements of NRS 281.755 may pursue a grievance related to that failure
27 through:

28 (a) The procedure provided in the agreement pursuant to paragraph (a) of
29 subsection 1; or

30 (b) The procedure prescribed by NRS 288.115,
31 ↪ but once the employee has properly filed a grievance in writing under the
32 procedure described in paragraph (a) or filed a complaint under the procedure
33 described in paragraph (b), the employee may not proceed in the alternative
34 manner.

35 5. If there is a conflict between any provision of an agreement between the
36 Executive Department and an exclusive representative and:

37 (a) Any regulation adopted by the Executive Department, the provision of the
38 agreement prevails unless the provision of the agreement is outside of the lawful
39 scope of collective bargaining.

40 (b) An existing statute, other than a statute described in paragraph (c), the
41 provision of the agreement may not be given effect unless the Legislature amends
42 the existing statute in such a way as to eliminate the conflict.

43 (c) ~~FA~~ Except as otherwise provided in section 5 of this act, a provision of
44 chapter 284 or 287 of NRS or NRS 288.570, 288.575 or 288.580, the provision of
45 the agreement prevails unless the Legislature is required to appropriate money to
46 implement the provision, within the limits of legislative appropriations and any
47 other available money.

48 **Sec. 6.** NRS 239.010 is hereby amended to read as follows:

49 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
50 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
51 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
52 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
53 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,

1 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
2 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,
3 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007,
4 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
5 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129,
6 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070,
7 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
8 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
9 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475,
10 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300,
11 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
12 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,
13 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
14 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,
15 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,
16 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
17 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,
18 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
19 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,
20 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
21 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,
22 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,
23 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
24 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
25 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,
26 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,
27 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,
28 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,
29 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,
30 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,
31 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
32 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,
33 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,
34 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,
35 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,
36 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
37 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
38 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,
39 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,
40 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
41 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
42 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
43 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
44 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
45 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
46 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,
47 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,
48 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,
49 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,
50 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,
51 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
52 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
53 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,

1 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
2 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,
3 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,
4 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
5 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
6 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
7 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
8 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,
9 706A.230, 710.159, 711.600, *and section 5 of this act*, sections 35, 38 and 41 of
10 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
11 Nevada 2013 and unless otherwise declared by law to be confidential, all public
12 books and public records of a governmental entity must be open at all times during
13 office hours to inspection by any person, and may be fully copied or an abstract or
14 memorandum may be prepared from those public books and public records. Any
15 such copies, abstracts or memoranda may be used to supply the general public with
16 copies, abstracts or memoranda of the records or may be used in any other way to
17 the advantage of the governmental entity or of the general public. This section does
18 not supersede or in any manner affect the federal laws governing copyrights or
19 enlarge, diminish or affect in any other manner the rights of a person in any written
20 book or record which is copyrighted pursuant to federal law.

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

23 3. A governmental entity that has legal custody or control of a public book or
24 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
25 receive a copy of a public book or record on the basis that the requested public
26 book or record contains information that is confidential if the governmental entity
27 can redact, delete, conceal or separate, including, without limitation, electronically,
28 the confidential information from the information included in the public book or
29 record that is not otherwise confidential.

30 4. If requested, a governmental entity shall provide a copy of a public record
31 in an electronic format by means of an electronic medium. Nothing in this
32 subsection requires a governmental entity to provide a copy of a public record in an
33 electronic format or by means of an electronic medium if:

34 (a) The public record:

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

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

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

39 (1) Give access to proprietary software; or

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

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

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

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

51 **Sec. 7.** This act becomes effective upon passage and approval.