

Amendment No. 685

Senate Amendment to Senate Bill No. 51 First Reprint	(BDR 23-243)
Proposed by: Senate Committee on Finance	
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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sex- or gender-based harassment or discrimination. **Section 4** additionally requires an appointing authority to notify certain other persons responsible for providing legal advice to the agency upon receipt of a complaint.

Section 5 requires the Investigation Unit to appoint an investigator to investigate any complaint regarding suspected harassment or discrimination based on sex or gender filed by an employee. **Section 5** requires an investigator to prepare a written report of his or her findings at the conclusion of an investigation and submit the report to the Investigation Unit for transmission to the appointing authority of the agency in which the complaint arose and certain other persons. **Section 5** requires the appointing authority to: (1) review the report; (2) determine the appropriate resolution of the complaint; (3) notify the Investigation Unit in writing that a complaint has been resolved; and (4) retain a copy of the written report prepared by the investigator and the written notification of the resolution of the complaint. ~~Finally, section} **Section 5** makes {certain} a **complaint regarding suspected harassment or discrimination based on sex or gender and** information {obtained by the investigator in the investigation of a complaint, contained in a written report of a complaint or contained in a written resolution of} **relating to such** a complaint confidential and prohibits its disclosure unless : (1) so ordered by the Administrator or his or her designee or a court of competent jurisdiction ~~H~~ ; or (2) **necessary to file a claim authorized by law that is based on the same facts and circumstances as those identified in the complaint.** **Section 5 also: (1) requires that if the Administrator or his or her designee decides to order the disclosure of any such information which may be used to identify certain persons, the Administrator or designee must provide certain notice to the person before ordering the disclosure; and (2) authorizes a person who receives such notice to file a written appeal of the decision with the Personnel Commission.** Sections 5, 5.3 and 5.5 of this bill make ~~this} a **complaint regarding suspected harassment or discrimination based on sex or gender and** information **relating to such a complaint** confidential regardless of whether the provisions of a collective bargaining agreement requires the disclosure of such information. **Section 6** of this bill makes a conforming change to indicate the exception of such information from disclosure as a public record.~~~~

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

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

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

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

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

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

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

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

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

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

4 3. An appointing authority shall provide each employee of the appointing
5 authority with a copy of the policy adopted pursuant to subsection 1 upon
6 commencement of employment and any update of the policy.

7 Sec. 4. Upon receipt of a complaint filed by an employee alleging he or she
8 is being harassed or discriminated against based on his or her sex or gender or
9 has witnessed an employee being harassed or discriminated against based on his
10 or her sex or gender, an appointing authority shall promptly notify the Sex- or
11 Gender-Based Harassment and Discrimination Investigation Unit created by
12 section 5 of this act and:

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

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

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

19 2. The Sex- or Gender-Based Harassment and Discrimination
20 Investigation Unit shall promptly assign or appoint an investigator to investigate any complaint
21 regarding suspected harassment or discrimination based on sex or gender filed by
22 an employee pursuant to the procedure established in accordance with section 3
23 of this act or received pursuant to section 4 of this act. An investigator assigned
24 or appointed pursuant to this section shall inform each person involved in such
25 an investigation of the provisions of subsection 6. The investigation must be
26 conducted as discreetly and with as minimal disruption to the workplace as
27 possible.

28 3. At the conclusion of the investigation, the investigator shall prepare a
29 written report of his or her findings and submit the report to the Sex- or Gender-
30 Based Harassment and Discrimination Investigation Unit for transmission to the
31 appointing authority of the agency in which the complaint arose or a person
32 designated by the appointing authority to handle issues relating to sex- or gender-
33 based harassment and discrimination and the deputy attorney general or other
34 counsel designated to act as an attorney for the agency.

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

38 5. Upon receipt of a written report prepared pursuant to subsection 3, the
39 appointing authority shall review the report and determine the appropriate
40 resolution of the complaint. The appointing authority shall:

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

44 (b) Retain a copy of the written report prepared pursuant to subsection 3 and
45 the written notification of the resolution of the complaint described in paragraph
46 (a).

47 6. Except as otherwise provided in subsection ~~[7, any information that may~~
48 ~~be used to identify an employee who filed]~~ 8, a complaint filed pursuant to section
49 4 of this act [, a person who is the subject of such a complaint or a person who
50 claims to have witnessed an employee being harassed or discriminated against
51 based on his or her sex or gender] and any information relating to the complaint,
52 including, without limitation, information that is:

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

3 (b) Contained in a written report of a complaint retained pursuant to
4 subsection 5; or

5 (c) Contained in a written resolution of a complaint retained pursuant to
6 subsection 5,

7 ~~is confidential and must not be disclosed unless so ordered by the~~
8 ~~Administrator or his or her designee or a court of competent jurisdiction. Upon~~
9 ~~a determination by the Administrator, designee or court, as applicable, that the~~
10 ~~interests of the public in disclosing the information outweigh the interests of the~~
11 ~~person about whom the information pertains in maintaining the confidentiality of~~
12 ~~the information.] Such information that is ordered to be disclosed must not be~~
13 ~~disclosed until after the conclusion of the investigation.~~

14 7. ~~[The provisions of subsection 6 do not apply to any information that may~~
15 ~~be used to identify an elected officer in the Executive Department who~~

16 ~~—(a) Filed.] If the Administrator or his or her designee decides pursuant to
17 subsection 6 to order the disclosure of any information that may be used to
18 identify a person who filed a complaint pursuant to section 4 of this act, a person
19 who is the subject of such a complaint or a person who claims to have witnessed
20 an employee being harassed or discriminated against based on his or her sex or
21 gender, the Administrator or his or her designee shall notify the person regarding
22 the decision at least 10 days before ordering the disclosure. A person who
23 receives such notice may, within 10 days after receiving the notice, file a written
24 appeal of the decision with the Commission. If such an appeal is filed, the
25 Commission shall, in a closed hearing, consider the decision of the
26 Administration for which the appeal is taken. If the Commission determines that
27 the information must not be disclosed, the Commission shall keep the
28 information confidential.~~

29 8. A person or governmental entity identified in a complaint filed pursuant
30 to section 4 of this act;

31 ~~—(b) Is the subject of such a complaint; or~~

32 ~~—(c) Claims to have witnessed an employee being harassed or discriminated~~
33 ~~against based on his or her sex or gender.~~

34 ~~— 8.] may disclose the identity of any other person or entity identified in the
35 complaint if such disclosure is necessary to file a claim authorized by law that is
36 based on the same facts and circumstances as those identified in the complaint.~~

37 9. An appointing authority shall take any action necessary to protect a
38 complainant whose identity is disclosed pursuant to subsection 6 or 8 from
39 retaliation for filing the complaint.

40 10. In the event of a conflict between this section and the provisions of a
41 collective bargaining agreement entered into pursuant to NRS 288.400 to
42 288.630, inclusive, the provisions of this section prevail.

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

44 284.013 1. Except as otherwise provided in subsection 4, this chapter does
45 not apply to:

46 (a) Agencies, bureaus, commissions, officers or personnel in the Legislative
47 Department or the Judicial Department of State Government, including the
48 Commission on Judicial Discipline;

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

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

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

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

11 4. Any board, commission, committee or council created in chapters 445C,
12 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of
13 NRS which contracts for the services of a person, shall require the contract for
14 those services to be in writing. The contract must be approved by the State Board of
15 Examiners before those services may be provided.

16 5. ~~Except as otherwise provided in section 5 of this act, to~~ the extent
17 that they are inconsistent or otherwise in conflict, the provisions of this chapter do
18 not apply to any terms and conditions of employment that are properly within the
19 scope of and subject to the provisions of a collective bargaining agreement or a
20 supplemental bargaining agreement that is enforceable pursuant to the provisions of
21 NRS 288.400 to 288.630, inclusive.

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

23 288.505 1. Each collective bargaining agreement must be in writing and
24 must include, without limitation:

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

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

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

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

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

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

49 (b) The procedure prescribed by NRS 284.390,
50 ↳ but once the employee has properly filed a grievance in writing under the
51 procedure described in paragraph (a) or requested a hearing under the procedure
52 described in paragraph (b), the employee may not proceed in the alternative
53 manner.

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

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

7 (b) The procedure prescribed by NRS 288.115,

8 ➤ but once the employee has properly filed a grievance in writing under the
9 procedure described in paragraph (a) or filed a complaint under the procedure
10 described in paragraph (b), the employee may not proceed in the alternative
11 manner.

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

14 (a) Any regulation adopted by the Executive Department, the provision of the
15 agreement prevails unless the provision of the agreement is outside of the lawful
16 scope of collective bargaining.

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

20 (c) ~~LA~~ *Except as otherwise provided in section 5 of this act*, a provision of
21 chapter 284 or 287 of NRS or NRS 288.570, 288.575 or 288.580, the provision of
22 the agreement prevails unless the Legislature is required to appropriate money to
23 implement the provision, within the limits of legislative appropriations and any
24 other available money.

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

26 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
27 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
28 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
29 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
30 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
31 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
32 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,
33 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007,
34 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
35 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129,
36 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070,
37 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
38 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
39 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475,
40 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300,
41 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
42 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,
43 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
44 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,
45 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,
46 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
47 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,
48 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
49 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,
50 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
51 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,
52 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,
53 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,

1 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
2 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,
3 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,
4 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,
5 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,
6 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,
7 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,
8 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
9 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,
10 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,
11 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,
12 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,
13 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
14 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
15 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,
16 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,
17 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
18 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
19 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
20 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
21 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
22 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
23 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,
24 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,
25 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,
26 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,
27 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,
28 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
29 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
30 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
31 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
32 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,
33 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,
34 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
35 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
36 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
37 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
38 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,
39 706A.230, 710.159, 711.600, **and section 5 of this act**, sections 35, 38 and 41 of
40 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
41 Nevada 2013 and unless otherwise declared by law to be confidential, all public
42 books and public records of a governmental entity must be open at all times during
43 office hours to inspection by any person, and may be fully copied or an abstract or
44 memorandum may be prepared from those public books and public records. Any
45 such copies, abstracts or memoranda may be used to supply the general public with
46 copies, abstracts or memoranda of the records or may be used in any other way to
47 the advantage of the governmental entity or of the general public. This section does
48 not supersede or in any manner affect the federal laws governing copyrights or
49 enlarge, diminish or affect in any other manner the rights of a person in any written
50 book or record which is copyrighted pursuant to federal law.

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

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

8 4. If requested, a governmental entity shall provide a copy of a public record
9 in an electronic format by means of an electronic medium. Nothing in this
10 subsection requires a governmental entity to provide a copy of a public record in an
11 electronic format or by means of an electronic medium if:

12 (a) The public record:

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

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

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

17 (1) Give access to proprietary software; or

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

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

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

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

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