

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:

- 1 Existing law: (1) creates the Division of Human Resource Management of the
- 2 Department of Administration; and (2) requires the Division to administer
- 3 provisions governing employees of the Executive Department of the State
- 4 Government. (NRS 284.025) **Section 2** of this bill: (1) declares that it is the policy
- 5 of this State to ensure that its employees do not engage in sex- or gender-based
- 6 harassment; and (2) prohibits such employees from engaging in such behavior



7 against another employee, an applicant for employment or any other person in the
8 workplace.

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

14 **Section 5** of this bill creates the Sex- or Gender-Based Harassment and
15 Discrimination Investigation Unit within the Division. **Section 4** of this bill
16 requires an appointing authority to notify the Investigation Unit upon receipt of a
17 complaint filed by an employee concerning sex- or gender-based harassment or
18 discrimination. **Section 4** additionally requires an appointing authority to notify
19 certain other persons responsible for providing legal advice to the agency upon
20 receipt of a complaint.

21 **Section 5** requires the Investigation Unit to appoint an investigator to
22 investigate any complaint regarding suspected harassment or discrimination based
23 on sex or gender filed by an employee. **Section 5** requires an investigator to prepare
24 a written report of his or her findings at the conclusion of an investigation and
25 submit the report to the Investigation Unit for transmission to the appointing
26 authority of the agency in which the complaint arose and certain other persons.
27 **Section 5** requires the appointing authority to: (1) review the report; (2) determine
28 the appropriate resolution of the complaint; (3) notify the Investigation Unit in
29 writing that a complaint has been resolved; and (4) retain a copy of the written
30 report prepared by the investigator and the written notification of the resolution of
31 the complaint. **Section 5** makes a complaint regarding suspected harassment or
32 discrimination based on sex or gender and information relating to such a complaint
33 confidential and prohibits its disclosure unless: (1) so ordered by the Administrator
34 or his or her designee or a court of competent jurisdiction; or (2) necessary to file a
35 claim authorized by law that is based on the same facts and circumstances as those
36 identified in the complaint. **Section 5** also: (1) requires that if the Administrator or
37 his or her designee decides to order the disclosure of any such information which
38 may be used to identify certain persons, the Administrator or designee must provide
39 certain notice to the person before ordering the disclosure; and (2) authorizes a
40 person who receives such notice to file a written appeal of the decision with the
41 Personnel Commission. **Sections 5, 5.3 and 5.5** of this bill make a complaint
42 regarding suspected harassment or discrimination based on sex or gender and
43 information relating to such a complaint confidential regardless of whether the
44 provisions of a collective bargaining agreement requires the disclosure of such
45 information. **Section 6** of this bill makes a conforming change to indicate the
46 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:

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

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

6 **2. *Sex- or gender-based harassment violates the policy of this***
7 ***State and is a form of unlawful discrimination based on sex or***



1 *gender under state and federal law. An employee shall not engage*
2 *in sex- or gender-based harassment against another employee, an*
3 *applicant for employment or any other person in the workplace.*

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

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

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

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

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

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

19 **3.** *An appointing authority shall provide each employee of the*
20 *appointing authority with a copy of the policy adopted pursuant to*
21 *subsection 1 upon commencement of employment and any update*
22 *of the policy.*

23 **Sec. 4.** *Upon receipt of a complaint filed by an employee*
24 *alleging he or she is being harassed or discriminated against*
25 *based on his or her sex or gender or has witnessed an employee*
26 *being harassed or discriminated against based on his or her sex or*
27 *gender, an appointing authority shall promptly notify the Sex- or*
28 *Gender-Based Harassment and Discrimination Investigation Unit*
29 *created by section 5 of this act and:*

30 **1.** *A person designated by the appointing authority to handle*
31 *issues relating to sex- or gender-based harassment and*
32 *discrimination; or*

33 **2.** *The deputy attorney general or other counsel designated to*
34 *act as an attorney for the agency.*

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

38 **2.** *The Sex- or Gender-Based Harassment and*
39 *Discrimination Investigation Unit shall promptly assign or appoint*
40 *an investigator to investigate any complaint regarding suspected*
41 *harassment or discrimination based on sex or gender filed by an*
42 *employee pursuant to the procedure established in accordance*
43 *with section 3 of this act or received pursuant to section 4 of this*
44 *act. An investigator assigned or appointed pursuant to this section*
45 *shall inform each person involved in such an investigation of the*



1 *provisions of subsection 6. The investigation must be conducted as*
2 *discreetly and with as minimal disruption to the workplace as*
3 *possible.*

4 *3. At the conclusion of the investigation, the investigator*
5 *shall prepare a written report of his or her findings and submit the*
6 *report to the Sex- or Gender-Based Harassment and*
7 *Discrimination Investigation Unit for transmission to the*
8 *appointing authority of the agency in which the complaint arose*
9 *or a person designated by the appointing authority to handle*
10 *issues relating to sex- or gender-based harassment and*
11 *discrimination and the deputy attorney general or other counsel*
12 *designated to act as an attorney for the agency.*

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

17 *5. Upon receipt of a written report prepared pursuant to*
18 *subsection 3, the appointing authority shall review the report and*
19 *determine the appropriate resolution of the complaint. The*
20 *appointing authority shall:*

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

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

28 *6. Except as otherwise provided in subsection 8, a complaint*
29 *filed pursuant to section 4 of this act and any information relating*
30 *to the complaint, including, without limitation, information that*
31 *is:*

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

34 *(b) Contained in a written report of a complaint retained*
35 *pursuant to subsection 5; or*

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

38 *↳ is confidential and must not be disclosed unless so ordered by*
39 *the Administrator or his or her designee or a court of competent*
40 *jurisdiction. Such information that is ordered to be disclosed must*
41 *not be disclosed until after the conclusion of the investigation.*

42 *7. If the Administrator or his or her designee decides*
43 *pursuant to subsection 6 to order the disclosure of any*
44 *information that may be used to identify a person who filed a*
45 *complaint pursuant to section 4 of this act, a person who is the*



1 *subject of such a complaint or a person who claims to have*
2 *witnessed an employee being harassed or discriminated against*
3 *based on his or her sex or gender, the Administrator or his or her*
4 *designee shall notify the person regarding the decision at least 10*
5 *days before ordering the disclosure. A person who receives such*
6 *notice may, within 10 days after receiving the notice, file a written*
7 *appeal of the decision with the Commission. If such an appeal is*
8 *filed, the Commission shall, in a closed hearing, consider the*
9 *decision of the Administration for which the appeal is taken. If the*
10 *Commission determines that the information must not be*
11 *disclosed, the Commission shall keep the information confidential.*

12 8. *A person or governmental entity identified in a complaint*
13 *filed pursuant to section 4 of this act may disclose the identity of*
14 *any other person or entity identified in the complaint if such*
15 *disclosure is necessary to file a claim authorized by law that is*
16 *based on the same facts and circumstances as those identified in*
17 *the complaint.*

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

21 10. *In the event of a conflict between this section and the*
22 *provisions of a collective bargaining agreement entered into*
23 *pursuant to NRS 288.400 to 288.630, inclusive, the provisions of*
24 *this section prevail.*

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

26 284.013 1. Except as otherwise provided in subsection 4, this
27 chapter does not apply to:

28 (a) Agencies, bureaus, commissions, officers or personnel in the
29 Legislative Department or the Judicial Department of State
30 Government, including the Commission on Judicial Discipline;

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

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

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

44 3. Except as otherwise provided in this subsection, leaves of
45 absence prescribed pursuant to subsection 2 must not be of lesser



1 duration than those provided for other state officers and employees
2 pursuant to the provisions of this chapter. The provisions of this
3 subsection do not govern the Legislative Commission with respect
4 to the personnel of the Legislative Counsel Bureau.

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

11 5. ~~¶5~~ *Except as otherwise provided in section 5 of this act,*
12 *to* the extent that they are inconsistent or otherwise in conflict, the
13 provisions of this chapter do not apply to any terms and conditions
14 of employment that are properly within the scope of and subject to
15 the provisions of a collective bargaining agreement or a
16 supplemental bargaining agreement that is enforceable pursuant to
17 the provisions of NRS 288.400 to 288.630, inclusive.

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

19 288.505 1. Each collective bargaining agreement must be in
20 writing and must include, without limitation:

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

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

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

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



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

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

6 (b) The procedure prescribed by NRS 284.390,
7 ↪ but once the employee has properly filed a grievance in writing
8 under the procedure described in paragraph (a) or requested a
9 hearing under the procedure described in paragraph (b), the
10 employee may not proceed in the alternative manner.

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

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

17 (b) The procedure prescribed by NRS 288.115,
18 ↪ but once the employee has properly filed a grievance in writing
19 under the procedure described in paragraph (a) or filed a complaint
20 under the procedure described in paragraph (b), the employee may
21 not proceed in the alternative manner.

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

25 (a) Any regulation adopted by the Executive Department, the
26 provision of the agreement prevails unless the provision of the
27 agreement is outside of the lawful scope of collective bargaining.

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

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

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

39 239.010 1. Except as otherwise provided in this section and
40 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
41 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
42 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
43 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
44 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
45 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,



1 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
2 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
3 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
4 127.130, 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,
6 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
7 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
8 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
9 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
10 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
11 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
12 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
13 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
14 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
15 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
16 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
17 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
18 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
19 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,
20 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
21 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
22 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
23 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
24 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
25 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
26 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
27 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
28 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
29 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
30 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
31 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
32 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
33 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
34 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
35 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
36 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
37 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
38 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
39 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
40 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
41 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
42 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
43 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
44 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
45 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,



1 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
2 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
3 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
4 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
5 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
6 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
7 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
8 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
9 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
10 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
11 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
12 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
13 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
14 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
15 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
16 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
17 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
18 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
19 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
20 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
21 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
22 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
23 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
24 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
25 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
26 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
27 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
28 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
29 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
30 *section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes
31 of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada
32 2013 and unless otherwise declared by law to be confidential, all
33 public books and public records of a governmental entity must be
34 open at all times during office hours to inspection by any person,
35 and may be fully copied or an abstract or memorandum may be
36 prepared from those public books and public records. Any such
37 copies, abstracts or memoranda may be used to supply the general
38 public with copies, abstracts or memoranda of the records or may be
39 used in any other way to the advantage of the governmental entity or
40 of the general public. This section does not supersede or in any
41 manner affect the federal laws governing copyrights or enlarge,
42 diminish or affect in any other manner the rights of a person in any
43 written book or record which is copyrighted pursuant to federal law.
44 2. A governmental entity may not reject a book or record
45 which is copyrighted solely because it is copyrighted.



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

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

15 (a) The public record:

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

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

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

20 (1) Give access to proprietary software; or

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

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

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

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

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

