

SUMMARY—Revises provisions relating to public works. (BDR 28-465)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to public works; creating a program to gather data on the use of job order contracts for certain public works; authorizing certain public bodies to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures for awarding a contract for a public work. (Chapter 338 of NRS) Existing law also authorizes a local government to comply with alternative procedures for awarding a contract for a public work. (NRS 338.1373) Senate Bill No. 67 of the 2021 Legislative Session established a pilot program to gather data on the use of job order contracts for certain public works in Clark County, the City of Henderson, the City of Las Vegas, the City of North Las Vegas and the Clark County Water Reclamation District and authorized those public



bodies, as part of the pilot program, to enter into job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. (Chapter 523, Statutes of Nevada 2021, at page 3509) The pilot program expires on June 30, 2025. (Section 15 of chapter 523, Statutes of Nevada 2021, at page 3514) **Sections 2-16** of this bill: (1) establish a similar, permanent program; (2) authorize certain public bodies to award job order contracts for certain public works; and (3) set forth various requirements and restrictions concerning the use of job order contracts by those public bodies. **Section 2** provides that the provisions of **sections 2-16** apply only to a public body that is: (1) a county whose population is 700,000 or more (currently only Clark County); (2) a city whose population is 150,000 or more located in such a county (currently the Cities of Henderson, Las Vegas and North Las Vegas); or (3) a general improvement district located in such a county which is granted certain powers relating to sanitary sewer systems. (NRS 318.140)

Section 3 establishes a program to gather data on the use of job order contracts for certain public works and directs each public body to gather and report data on the use of job order contracts. **Sections 5-8** define certain terms for the purposes of this bill. **Section 9** authorizes a public body to award job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of public works. **Section 17** of this bill revises the list of procedures by which a local government may award a contract for a public work to include the use of job order contracts if the local government is a public body to which the provisions of **sections 2-16** apply pursuant to **section 2**.



Section 9 requires a job order contract to be for a fixed period and provide for indefinite types and quantities of work and delivery times. **Section 9** provides that a job order contract: (1) must not be for work exclusive to one trade for which a license as a specialty contractor is required; and (2) must require a contractor to prepare and submit a proposal for each job order. **Section 9** requires such a proposal to include the proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task. **Section 9** also requires a public body to adopt a written policy for the assignment of job orders and limits the total dollar amount of job order contracts that may be awarded annually by each public body.

Section 10 prescribes the qualifications a contractor who wishes to enter into a job order contract must meet. **Section 11** requires a public body or its authorized representative to advertise requests for proposals or similar solicitation documents for job order contracts. **Section 11** also prescribes: (1) the contents of such advertisements or similar solicitation documents; and (2) requirements for proposals. **Sections 12 and 18** of this bill make any document or other information submitted to a public body in response to a request for proposals or similar solicitation document for a job order contract confidential and prohibit disclosure of any such document or information until notice of intent to award the contract is issued.

Section 13 prescribes the method for selecting a contractor for a job order contract. Specifically, **section 13** requires a public body or its authorized representative to appoint a panel to rank the proposals submitted in response to the request for proposals and award a job order contract to one or more applicants.



Section 14 prescribes certain responsibilities of a contractor who enters into a job order contract relating to contracting for the services of a subcontractor, supplier or professional. **Section 14** also prohibits a contractor who enters into a job order contract from performing more than 50 percent of the estimated cost of a work order himself or herself, or using his or her own employees.

Section 9 requires a job order contract to provide for the use of job orders, which are defined in **section 7** as an order issued for a definite scope of work to be performed for a fixed price pursuant to a job order contract. **Section 15** requires a contractor to submit a list of each subcontractor whom the contractor intends to engage before a public body issues a job order. **Section 16** requires a public body to submit a quarterly report that contains certain information relating to job order contracts to the governing body of the public body. **Section 16** also requires a governing body to annually submit to the Director of the Legislative Counsel Bureau a written report including the information reported to the governing body during the immediately preceding calendar year.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.



Sec. 2. *The provisions of sections 2 to 16, inclusive, of this act apply only to a public body that is:*

- 1. A county whose population is 700,000 or more;*
- 2. A city whose population is 150,000 or more located in a county whose population is 700,000 or more; or*
- 3. A general improvement district established pursuant to chapter 318 of NRS in a county whose population is 700,000 or more which is granted the powers set forth in NRS 318.140.*

Sec. 3. 1. *The Legislature hereby finds and declares that:*

(a) It is in the best interest of the State to ensure that contracting and bidding procedures for public works in this State are efficient and cost-effective.

(b) The procedures for awarding a contract for a public work authorized by existing law may create barriers to the efficient and cost-effective awarding of contracts for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work.

(c) Reducing any such barriers will benefit the public and promote the timely completion of certain public works projects that are critical for the health and safety of members of the public who use public buildings and facilities.

(d) The voluminous and unpredictable amount of work for which certain public bodies in large counties in this State must award contracts presents unique challenges for these bodies.

(e) The use of job order contracting eliminates certain administrative burdens associated with traditional procurement methods and enables such a public body to efficiently manage the numerous renovation, repair and maintenance projects required for facilities.



(f) The provisions of sections 2 to 16, inclusive, of this act are not intended to prohibit a public body from awarding a contract for a public work pursuant to any other procedure authorized pursuant to this chapter.

2. The Legislature therefore:

(a) Establishes a program to gather data on the use of job order contracts for the maintenance, repair, alteration, demolition, renovation, remediation and minor construction of a public work; and

(b) Directs each public body in the program to gather and report data on the use of job order contracts in this State in the manner prescribed by section 16 of this act.

Sec. 4. As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 8, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 5. "Adjustment factor" means the adjustment that is multiplied by a contractor against the unit price listed in the unit price catalog for the job order contract, which must reflect any overhead cost or profit to which a selected contractor is entitled.

Sec. 6. "Construction task" means an item of work:

- 1. That is included in a job order; and*
- 2. For which a unit price is set forth in a unit price catalog or priced using the formula or method prescribed by section 11 of this act.*

Sec. 7. "Job order" means an order issued by a public body for a definite scope of work to be performed for a fixed price pursuant to a job order contract.



Sec. 8. *“Job order contract” means a contract entered into pursuant to section 13 of this act.*

Sec. 9. 1. *Except as otherwise provided in subsection 2, a public body may award a job order contract for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work. A job order contract must:*

- (a) Be for a fixed period;*
- (b) Provide for indefinite times of delivery and indefinite types of quantities of work;*
- (c) Provide for the use of job orders;*
- (d) Require a contractor to prepare and submit a proposal for each job order, which must include, without limitation, a proposed price for the job order, each construction task required to perform the job order, the unit price for each such task and the adjustment factor applicable to the performance of the task; and*
- (e) Not be for work exclusive to one trade for which a license as a specialty contractor is required.*

2. *Except as otherwise provided in subsection 3, a public body may not award more than \$25,000,000 annually in job order contracts.*

3. *If the total dollar amount of all job order contracts awarded by a public body in any 1 year is less than the maximum dollar amount of job order contracts allowed to be awarded for that year pursuant to subsection 2, the difference between those amounts may be added to the total dollar amount of job order contracts that a public body may award in the immediately following year.*



4. A public body shall adopt a written policy for the assignment of job orders, which must include, without limitation, the procedure by which a job order will be issued.

Sec. 10. *To qualify to enter into a job order contract with a public body, a contractor:*

1. Must not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals pursuant to section 11 of this act;

2. Must not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

3. Must be licensed as a contractor pursuant to chapter 624 of NRS.

Sec. 11. *1. A public body or its authorized representative shall advertise for a job order contract in the manner set forth in paragraph (a) of subsection 1 of NRS 338.1385.*

2. Each request for proposals or similar solicitation document for a job order contract must include, without limitation:

(a) A detailed description of the work that the public body expects a contractor to perform, which must include, without limitation:

(1) Construction tasks and any technical specifications for the work;

(2) A unit price catalog for units of work; and

(3) A description of the formula or method for pricing a unit of work that is not included in the unit price catalog;

(b) A statement explaining why the public body elected to use a job order contract for the public work;



- (c) A statement requiring that a proposal list an adjustment factor;*
- (d) A description of the qualifications which are required for a contractor, including, without limitation, any certification required;*
- (e) A description of the bonding requirements for a contractor;*
- (f) The minimum amount of work committed to the selected contractor under the job order contract;*
- (g) The proposed form of the job order contract;*
- (h) A copy of the policy for the assignment of job orders for the job order contract adopted pursuant to section 9 of this act;*
- (i) A description of the method for pricing a renewal or extension of the job order contract;*
- (j) The date by which proposals must be submitted to the public body; and*
- (k) A list of the factors and relative weight of the factors that will be used pursuant to section 13 of this act to rank proposals submitted by applicants.*

3. A proposal submitted to a public body pursuant to this section must include, without limitation:

- (a) The professional qualifications and experience of the applicant;*
- (b) An adjustment factor;*
- (c) Evidence of the ability of the applicant to obtain the necessary bonding for the work required by the public body;*
- (d) Evidence that the applicant has obtained or has the ability to obtain such insurances as may be required by law;*



(e) A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement; or

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845, 338.13895, 338.1475 or 408.333; and

(f) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.

4. The public body or its authorized representative shall make available to the public the name of each applicant who submits a proposal pursuant to this section.

Sec. 12. Except as otherwise provided in subsection 4 of section 11 of this act, any document or other information submitted by an applicant to a public body in response to a request for proposals or similar solicitation document pursuant to section 11 of this act, including, without limitation, a proposal made pursuant to section 11 of this act, is confidential and may not be disclosed until notice of intent to award the contract is issued.

Sec. 13. 1. The public body or its authorized representative shall appoint a panel to rank the proposals submitted by applicants to the public body pursuant to section 11 of this act. At least one member appointed to a panel pursuant to this subsection must have experience in the construction industry.

2. The panel appointed pursuant to subsection 1 shall rank the proposals by:

(a) Verifying that each applicant satisfies the requirements of section 10 of this act; and



(b) Evaluating and assigning a score to each of the proposals based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.

3. When ranking the proposals, the panel appointed pursuant to subsection 1 shall assign a relative weight of 5 percent to the applicant's possession of a certificate of eligibility to receive a preference in bidding on public works if the applicant submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.

4. Upon receipt of the rankings of the applicants from the panel, the public body or its authorized representative shall award a job order contract to one or more of the applicants.

Sec. 14. 1. *A contractor who enters into a job order contract pursuant to section 13 of this act is responsible for:*

(a) Contracting for the services of any necessary subcontractor, supplier or professional necessary to complete a job order;

(b) Ensuring a subcontractor complies with the requirements prescribed in subsections 5 and 6 of NRS 338.070; and

(c) The performance of and payment to any subcontractor, supplier or professional.

2. A contractor who enters into a job order contract pursuant to section 13 of this act may not perform more than 50 percent of the estimated cost of the job order himself or herself, or using his or her own employees.



3. *Except as otherwise provided in subsection 5 of NRS 624.220, a contractor who enters into a job order contract shall not perform specialty contracting in plumbing, electrical, refrigeration, air-conditioning or fire protection without a license for the specialty.*

Sec. 15. 1. *Before a public body issues a job order, a contractor must submit a list of each subcontractor whom the contractor intends to engage for work on the job order.*

2. *A contractor shall not:*

(a) *Perform any work required by a job order unless the requirements of subsection 1 are met.*

(b) *Substitute a subcontractor for any subcontractor who is named in the list provided pursuant to subsection 1 unless the requirements prescribed by subsection 5 of NRS 338.141 are met.*

Sec. 16. 1. *Each quarter, a public body shall provide to the governing body of the public body a written report containing, for each job order contract, if any:*

(a) *A list of each job order issued;*

(b) *The cost of each job order issued;*

(c) *A list of each subcontractor hired to perform work for each job order;*

(d) *A statement regarding whether the contractor is a minority-owned business, a woman-owned business, a veteran-owned business, a business enterprise owned by persons with physical disabilities, a business enterprise owned by persons who are disabled veterans or a local emerging small business; and*

(e) *Any other information requested by the governing body.*



2. A governing body shall prepare and submit a written report that includes any information provided to the governing body pursuant to subsection 1 for the immediately preceding calendar year to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Legislature at the beginning of each regular session; and

(b) The Legislative Commission on or before February 1 of each even-numbered year.

3. For the purposes of this section, a business shall be deemed to be owned by a person who possesses characteristics described in paragraph (d) of subsection 1 if:

(a) The business is owned by a natural person who possesses those characteristics; or

(b) Fifty-one percent of the ownership interest in the business is held by one or more natural persons who possess those characteristics.

4. As used in this section, "local emerging small business" has the meaning ascribed to it in NRS 231.1402.

Sec. 17. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of NRS 338.1415 and:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.1685 to 338.16995, inclusive; ~~or~~

(d) NRS 338.1711 to 338.173, inclusive ~~or~~; *or*

(e) If applicable, sections 2 to 16, inclusive, of this act.

2. A public body shall not use a reverse auction when awarding a contract for a public work.



3. Except as otherwise provided in this subsection, subsection 4 and chapter 408 of NRS, the provisions of this chapter apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive.

4. To the extent that a provision of this chapter precludes the granting of federal assistance or reduces the amount of such assistance with respect to a contract for the construction, reconstruction, improvement or maintenance of highways that is awarded by the Department of Transportation pursuant to NRS 408.201 and 408.313 to 408.433, inclusive, that provision of this chapter does not apply to the Department of Transportation or the contract.

5. As used in this section:

(a) "Online bidding" means a process by which bidders submit bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.

(b) "Reverse auction" means a process by which a bidder may submit more than one bid if each subsequent response to online bidding is at a lower price.

Sec. 18. NRS 239.010 is hereby amended to read as follows:



239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 164.041, 172.075, 172.245, 176.01334, 176.01385, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 178.5717, 179.495, 179A.070, 179A.165, 179D.160, 180.600, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 218G.615, 224.240, 226.462, 226.796, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1285, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.545, 247.550, 247.560, 250.087, 250.130, 250.140, 250.145, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906,



293.908, 293.909, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 353D.250, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 427A.940, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.5282, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,



604A.710, 604D.500, 604D.600, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.043, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.2687, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.427, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 634B.730, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 670B.680, 671.365, 671.415, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and section 12 of this act*, sections 35, 38 and 41 of



chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental



entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

Sec. 19. 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. 20. This act becomes effective on July 1, 2025.

