**NEW LAWS PASSED IN 80TH LEGISLATIVE SESSION**

**AFFECTING REHABILITATION DIVISION AND/OR ITS CLIENTS**

**Pay Increases for Staff  (See pay bill** [**AB542**](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/7079/Overview)**):**

**FY2020**

* 3% increase in pay increase added to base effective July 1, 2019 for all staff.

**FY2021**

* No change

**New Laws:**

* + [**AB70**](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6012/Overview) **–** Open meeting law updates;NRS 241, effective October 1, 2019.
  + **AB86** <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6042/Overview>;Governmental Purchasing revisions; NRS 332, NRS 333, effective July 1, 2019.
* **AB91**    <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6070/Overview> - Guardianship/sterilization; NRS 159, effective January 1, 2020.
  + **AB489**   <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6942/Text> - Matching grants; NRS 232, effective July 1, 2019.
  + **SB31**   <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/5914/Overview>; Appointment of State employees with disabilities; NRS 284, effective January 1, 2020.
  + [**SB50**](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/5969/Overview) **–** Revisions regarding the appointment of persons with disabilities by state agencies (known as the 700-Hour program); NRS 284, effective October 1, 2019.
  + **SB93**    <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6075/Text>; Commission for Persons Who are Deaf & Hard of Hearing, NRS 427A, effective July 1, 2019.
  + [**SB135**](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6159/Text) **–** Collective bargaining for State Employees (see attached related email) ); NRS 281, 284, 287, 288 and others, effective July 1, 2019.
  + **SB162**<https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6233/Overview>;Electronic records; NRS 719, effective January 1, 2020.
  + **SB202** <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6346/Text>; Reporting on students with disabilities in schools; NRS 388, effective July 1, 2019**.**
  + **SB216** <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6360/Text>; Commission on Autism Spectrum Disorders; NRS 422, effective July 1, 2019.
  + [**SB287**](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6505/Overview)– Electronic public records; NRS 239, effective October 1, 2019.
  + [**SB302**](https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6534/Overview) **–** Protection of confidential information; NRS 603A, 218G, effective July1, 2019/January 1, 2021.
  + **SB388**   <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6710/Overview>; Public records bill (confidentiality designation and PII definition updates); NRS 239, effective July 1, 2019.
  + **SB403**   <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6732/Text>; Confidentiality of data in schools; NRS 388, effective July 1, 2020.

**AB70**

**Open Meeting Law**

Adds to the law that meetings may be conducted by teleconference or videoconference, but only if:

1. A quorum exists
2. There is a physical location designated for the meeting where the public may attend.
3. If the public attends by teleconference or videoconference, the chair must ensure:
   1. The public can hear or observe each member in attendance.
   2. The public is able to participate.

Adds that the public body may delegate authority to the Chair or Exec. Director of the public body, or equivalent, to make decisions regarding any litigation involving the public body acting in its official capacity.

Clarifies that a meeting of the public body to receive training about its legal obligations by the Attorney General’s office or by the Commission on Ethics is NOT a public meeting, as long as no deliberation occurs.

Clarifies that a subcommittee or a working group of a public body is also a public body and must conduct its meetings as per open meeting law, if the subcommittee meets this definition:

1. Consists of at least 2 persons from the public body and the majority of members are from the public body or staff members of the public body, OR
2. The subcommittee or working group are to make recommendations to the public body.

Defines “supporting material” to mean material that is provided to a quorum of the members of the public body by a member or staff member of the public body, and members would reasonably rely on the materials to deliberate or take action.

Adds that public meetings should be held in spaces large enough to accommodate the expected public. Reasonable efforts must be made to anticipate public participation and arrange for an adequate space.

Adds information on the process if the Attorney General’s office receives a complaint of an alleged violation of open meeting law by the public body, and raises the amount of administrative fines for members if found in violation: $500 for first offense, $1,000 for second offense, $2,500 for a third offense and any subsequent offenses.

Adds that no fine may be imposed if the public body was acting on the advice of legal counsel.

**AB86**

**Purchasing**

Adds that records of solicitations must be kept for 7 years after the date of execution of the contract.

Adds requirements that all solicitations include:

1. Minimum requirements to be awarded the contract
2. Method the contract will be awarded
3. Notice of written certification
4. The period during which a notice of protest may be submitted

If the estimated annual amount of the contract is more than $100,000, preference shall be given to respondents who can provide recycled products.

If the estimated amount of the contract is more than $50,00, but less than $100,000, the agency must solicit responses from 2 or more persons, if available.

Solicitation is defined. Requirements for advertising are clarified.

The bill now allows for solicitations for contracts more than $100,000, instead of $50,000.

Contracts that are not required to have a competitive solicitation are listed in the law. This bill added another exception for maintenance and support for computer hardware and peripheral equipment and for computer software and equipment containing hardware or software.

Hospitals are not subject to the requirements in this bill for purchase of goods.

Selling or donating computer equipment is now allowed.

A committee to evaluate computer equipment proposals of over $100,000 must now include a person designated by the CIO of the State.

Now allows for on-line solicitations.

**AB91**

**Guardianship/sterilization**

This bill establishes additional provisions relating to a guardian’s application to a court for the authority to consent to the sterilization of a protected person. It requires the court to:

1. Appoint an attorney and guardian ad litem for the protected person; and
2. Conduct a full evidentiary hearing before authorizing the guardian to consent to the sterilization.

Also provides that a court may authorize a guardian to consent to the sterilization of a protected person only if the court finds by clear and convincing evidence that the sterilization is in

the best interest of the protected person, but requires the court to consider whether

any less irrevocable and intrusive means of contraception would be suitable before granting such authority.

**AB489**

**Grants Office**

Adds that the Office of Grant Procurement for Nevada can provide training and technical assistance to agencies related to grant procurement, and coordination and management of grants.

Creates the Grant Matching Fund as a pilot project to provide funds to state agencies, local governments, tribal governments and nonprofit organizations as matching funds for federal and nongovernmental grants. The bill provides authority for the Administrator of the Grants office to create and administer this pilot that allows organizations to request grants for the purpose of satisfying the matching requirement for a federal or nongovernmental grant. Requires a summary report of this pilot to be available to the Legislature on or before January 31, 2021.

Matching funds would only be provided for federal grants of $150,000 or more, or for nongovernmental grants of $20,000 or more.

The Grants Office Administrator must develop a process for awarding matching grants, including application and the criteria for review of application and the awarding of matching grants.

Matching grant applications will be given priority if they:

1. Add services to constituents
2. Align with priorities of the applicant agency
3. Address the needs of underserved populations
4. Help applicants to build capacity
5. Enable the applicant to sustain the grant in its next budget

To be eligible, the applicant must demonstrate that:

1. It attempted to secure matching funds
2. The grant that needs matching funds is within its scope
3. The grant that needs matching funds is competitive
4. The grant that needs matching funds will provide not less than $2 for each $1 received from the Grant Matching Fund.

**SB31**

**Appointment of State Employees with Disabilities**

Existing law authorizes State Personnel to fill positions by a current employee with a disability in the classified service of the Executive Department of the State Government *without competition.* The appointment would be at or below his/her current position if he/she becomes unable to perform the essential functions of his/her current job. This bill removes the requirement that the appointment be approved by the appointing authority. DHRM may make this type of appointment. Also, this bill removes the requirement that the employee must have successfully completed a probationary period in his/her current position.

**SB50**

**700-Hour Program**

Adds “reasonable” to “accommodation” to mirror language in the American with Disabilities Act (ADA).

Removes language that was unnecessary and unclear. The term “benefit” is not defined in the law, and was thusly liberally applied. This section of language and use of the term “benefit” was removed. It previously did not allow certain agencies to hire from the 700-Hour lists, including vocational rehabilitation and the Welfare Division. Removal will now allow those agencies to use the 700-Hour recruitment lists. There remains language in the law that allows appointing authorities the latitude to not use the list if they determined use of the 700-Hour lists “would create an actual or potential conflict of interest.”

**SB93**

**Nevada Commission for Persons Who Are Deaf, Hard of Hearing or Speech Impaired**

Changed the name of this commission to “Nevada Commission for Persons Who Are Deaf and Hard of Hearing.”

Changed membership:

1. From 3 members who are users of telecommunications relay services or the services of an interpreter or real-time captioner, to 1 member
2. Adds one member who represents an advocacy organization whose membership consists of persons who are Deaf, hard of hearing or speech impaired
3. Adds one member who is Deaf or hard of hearing.
4. Adds one member who specializes in issues related to the employment of persons with disabilities.
5. Adds one member who is a parent or guardian of a child who is less than 6 years of age and is deaf or hard of hearing.

Adds an Executive Director for the Commission, which is a paid position in state service. The Exec. Director cannot be a member of the Commission.

**SB135**

**Collective Bargaining**

(See attached)

**SB162**

**Electronic records**

Defines “Blockchain” and “Public Blockchain” to be an electronic record which:

1. Is uniformly ordered;
2. Is processed using a decentralized method by which two or more unaffiliated computers verify the recorded transactions;
3. Is redundantly maintained by two or more unaffiliated computers;
4. Is validated by the use of cryptography; and
5. Does not restrict any computer to view the network on which the record is maintained or validate the state of the record.

A person who uses a public blockchain to secure information that the person owns or has the right to use does not relinquish any right of ownership or use with respect to the information.

Whenever a governmental agency of this State acquires, replaces or updates an information processing system or any part of such a system, including, without limitation, any software used by the system, the governmental agency shall consider the use of equipment and software that enables the governmental agency to send, accept, process, use and rely upon electronic records and electronic signatures, including, without limitation, certified copies of the records of the governmental agency in electronic form or certified copies of the records of an originating agency that are provided in electronic form.

If a person provides an agency with a certified copy of a record of an originating agency, the receiving agency shall not refuse to accept the certified copy solely because it is in electronic form, but may refuse to accept it if the certified copy is in electronic form and the receiving agency would be required to acquire and pay for any equipment or software to accept, process, use or rely upon the certified copy in the form provided.

An agency may charge and collect the same fee for a certified copy in electronic form as is provided by law for a certified copy in paper form.

If a receiving agency incurs a fee or other cost for accepting or processing a certified copy in electronic form, the receiving agency may charge and collect a fee to accept or process such a copy, in an amount not to exceed the actual cost to the receiving agency of accepting or processing the copy.

**SB202**

**Reporting of students with disabilities in schools**

Schools must report on July 1 of each year, the number of students enrolled in each school in the district or charter school, that had an Individualized Education Program (IEP) or 504 Plan (students with disabilities), and must report their diagnosed disabilities. This information will be available on the internet by August 1 of each year.

Schools must annually receive information on services that may be provided to students with disabilities from the Aging and Disabilities Services Division of the Dept. of Health and Human Services.

**SB216**

**Commission on Autism Spectrum Disorders**

In 2007, the Legislature created the Nevada Autism Task Force to study and make recommendations to the Governor and the Legislature regarding individuals with autism and ways to improve the delivery and coordination of autism services in Nevada. Upon the expiration of the Task Force, the Governor issued an executive order establishing the Commission on Autism Spectrum Disorder to continue the work of the Task Force. The Governor has issued three additional executive orders extending the Commission through June 30, 2019. This bill establishes the Nevada Commission on Autism Spectrum Disorders in statute. It determines the membership of the Commission and sets the terms of members at 3 years.

Requires the Commission to perform certain duties relating to autism spectrum disorders, including:

1. Advising the Governor concerning services for persons with autism spectrum disorders
2. Monitoring programs operated by governmental agencies that serve such persons.

The Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department must report to the Commission certain information relating to services for persons with autism spectrum disorders administered by those agencies. Existing law establishes the Autism Treatment Assistance Program (ATAP) within the Aging and Disability Services Division to serve as the primary autism program within the Department and to provide and coordinate services to persons under 20 years of age with autism spectrum disorders. The policies of the Program and any services provided by the Program must be developed in cooperation with this new Commission.

**SB287**

**Public Records**

If an agency willfully fails to comply with public records law, the court may impose a civil penalty on the agency:

1. $1,000 for first violation
2. $5,000 for second violation
3. $10,000 for a third violation

Monies from penalties will go to the State Library, Archives and Public Records of the Dept. of Administration.

If requested, the agency must provide a copy of the public record in an electronic format. However, it would not be obligated to do so if the original public record was not created or prepared in an electronic format or if providing it would give the public access to proprietary software.

If the agency doesn’t have legal custody or control of the requested public record and it will take more than the required 5 days to produce it, the agency must:

1. provide in writing to the requestor notice that it cannot make available the public record within 5 days, and
2. notify the requestor of the earliest date it believes it can reasonably produce it.
3. If the agency still can provide it by the date is suggested, it must again state that in writing and give a date when it believes the record can be produced.

The agency must make *reasonable effort* to provide the requestor with the public records he/she has requested, within the time frames allotted, as expeditiously as possible.

This bill adds that a person may apply to district court if he/she feels that production of the public record has been unreasonably delayed or if a fee is charged that he/she feels is excessive or improper.

**SB302**

**Protection of confidential information**

If a data collector is a governmental agency and maintains records which contain personal information of a resident of Nevada, the data collector shall, to the extent practicable, with respect to the collection, dissemination and maintenance of those records, comply with the current version of the CIS Controls as published by the Center for Internet Security, Inc. or its successor organization, or corresponding standards adopted by the National Institute of Standards and Technology of the United States Department of Commerce.

The Office of Information Security of the Division of Enterprise Information Technology Services (EITS) of the Department of Administration shall create, maintain and make available to the public a list of controls and standards with which the State is required to comply pursuant to any federal law, regulation or framework that also satisfy the controls and standards

A report of an audit conducted by the Legislative Auditor must not contain any information that the Legislative Auditor determines could potentially expose the State to a breach of the security of an information system of an agency of this State. If the Legislative Auditor discovers, during an audit, a vulnerability in an information system of an agency of the State that the Legislative Auditor determines poses a serious threat to the security of the information system, the Legislative Auditor shall report the vulnerability immediately to the Governor, the Chair of the Legislative Commission, the Chair of the Audit Subcommittee and the head of the agency affected.

Before disposing of electronic waste, each state agency shall permanently remove any data stored on the electronic waste.

After January 1, 2021, agencies may require a person to submit documents to it by electronic means. Agencies must establish procedures by which someone may request a waiver from providing documents by electronic means.

**SB388**

**Public Records**

The bill states that if public entities collect personally identifiable information (PII), that it must be protected. It further requires agencies to keep a list of public records or portions of records determined to be confidential. The list must describe the record without revealing PII. (This list *excludes* documents and information already protected as confidential by state or federal law). Each item should also include an explanation for the determination to keep the record confidential.

This bill allows disclosure of these confidential documents if the requestor demonstrates a compelling operational, administrative, legal or educational justification that outweighs the risk of potential negative consequences to the person identified in the record.

Annually, on or before February 15, this list of public records considered confidential must be sent to the head of the Legislative Council Bureau (LCB).

**SB403**

**Confidentiality of data in public and charter schools**

This bill requires that schools post information on-line about their plan for security of any student data that contains PII and what they will do if there is a breach. It must include how they will protect that data, and how a student or parent may report suspicious activity. This posting must occur before schools allow a student to use any school service or provides the student with any technology. Each year, at the beginning of the school year, it must be communicated to students and parents and legal guardians about the availability of this information on-line.

This bill requires reporting of any data breach, as soon as reasonable.

Similar steps must be undertaken by private schools as well.

This bill prohibits schools from using the PII that it collects for advertising in the school or on the internet, or via mobile application.