

Amendment No. 36

Assembly Amendment to Assembly Bill No. 13	(BDR 23-418)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> 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.

TJO/HAC



Date: 3/29/2023

A.B. No. 13—Revises provisions related to governmental administration.  
(BDR 23-418)





ASSEMBLY BILL NO. 13—COMMITTEE  
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to governmental administration.  
(BDR 23-418)

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

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

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AN ACT relating to governmental administration; revising provisions governing the protections against reprisal or retaliatory action provided for a state officer or employee who discloses certain governmental action; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law encourages state officers and employees to disclose improper action and  
2 protects the rights of a state officer or employee who makes such a disclosure, commonly  
3 known as a whistleblower. (NRS 281.611, 281.621, 281.631, 281.641, 281.651, 281.661,  
4 281.671) Existing law further: (1) requires a state officer or employee to use his or her official  
5 authority or influence to remedy any reprisal or retaliatory action of which the officer or  
6 employee becomes aware; and (2) prohibits a state officer or employee from using or  
7 attempting to use his or her official authority or influence to intimidate, threaten, coerce,  
8 command or influence another state officer or employee in an effort to interfere with or  
9 prevent the disclosure of information concerning improper governmental action. (NRS  
10 281.631) If any violation of these requirements or prohibitions occur or any alleged reprisal or  
11 retaliatory action is taken against a state officer or employee who discloses information  
12 concerning improper action within 2 years after the information is disclosed, existing law  
13 authorizes the state officer or employee to file a written appeal with a hearing officer of the  
14 Personnel Commission of the Division of Human Resource Management of the Department of  
15 Administration. (NRS 281.641) This bill requires that any such written appeal be filed not  
16 later than ~~45~~ 60 working days after the date on which the alleged violation or reprisal or  
17 retaliatory action occurred.

18 Existing law authorizes a hearing officer who hears an appeal relating to alleged reprisal  
19 or retaliatory action against a state officer or employee for disclosing improper governmental  
20 action, upon determining that certain violations occurred or an action taken was a reprisal or  
21 retaliatory action to: (1) issue an order directing the proper person to desist and refrain from  
22 engaging in such a violation or action; or (2) terminate the employment of the proper person.  
23 (NRS 281.641) This bill eliminates the authority of a hearing officer to order the termination  
24 of employment of the proper person.

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

1       **Section 1.** NRS 281.641 is hereby amended to read as follows:

2       281.641 1. If any alleged violation of NRS 281.631 occurs or any alleged  
3 reprisal or retaliatory action is taken against a state officer or employee who  
4 discloses information concerning improper governmental action within 2 years after  
5 the information is disclosed, the state officer or employee may file a written appeal  
6 *, not later than ~~140~~ 60 working days after the date on which the alleged violation*  
7 *or reprisal or retaliatory action occurred,* with a hearing officer of the Personnel  
8 Commission for a determination of whether a violation of NRS 281.631 occurred or  
9 the action taken was a reprisal or retaliatory action, as applicable. The written  
10 appeal must be accompanied by a statement that sets forth with particularity, as  
11 applicable:

12       (a) The facts and circumstances relating to the alleged violation of NRS  
13 281.631; or

14       (b) The facts and circumstances under which the disclosure of improper  
15 governmental action was made and the reprisal or retaliatory action that is alleged  
16 to have been taken against the state officer or employee.

17       ➤ The hearing must be conducted in accordance with the procedures set forth in  
18 NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel  
19 Commission pursuant to subsection 5.

20       2. If the hearing officer determines that a violation of NRS 281.631 occurred  
21 or the action taken was a reprisal or retaliatory action, the hearing officer may issue  
22 an order directing ~~the~~:

23       — ~~(a) The~~ *the* proper person to desist and refrain from engaging in such a  
24 violation or action. ~~the~~

25       — ~~(b) The termination of the employment of the proper person.]~~

26       3. The hearing officer shall file a copy of the decision with the Governor or  
27 any other elected state officer who is responsible for the actions of that person.

28       4. The hearing officer may not rule against the state officer or employee based  
29 on the person or persons to whom the improper governmental action was disclosed.

30       5. The Personnel Commission may adopt rules of procedure for conducting a  
31 hearing pursuant to this section that are not inconsistent with the procedures set  
32 forth in NRS 284.390 to 284.405, inclusive.

33       6. As used in this section, “Personnel Commission” means the Personnel  
34 Commission created by NRS 284.030.

35       **Sec. 2.** This act becomes effective on July 1, 2023.