STATE OF NEVADA – DEPT OF BUSINESS & INDUSTRY – DIVISION OF INDUSTRIAL RELATIONS

Mechanical Compliance Section

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Bulletin MCS 2002

April 2, 2020

Notice on Declaration of Emergency Directive 009 (Revised) Related to Legal Proceedings, Permits and Licenses: Mechanical Compliance Section

On April 1, 2020, Governor Sisolak issued Declaration of Emergency Directive 009 (Revised) concerning the renewal of governmental licenses and permits and the timelines and requirements for legal actions and proceedings during the current State of Emergency declared on March 12, 2020. A copy of Directive 009 (Revised) is attached to this notice.

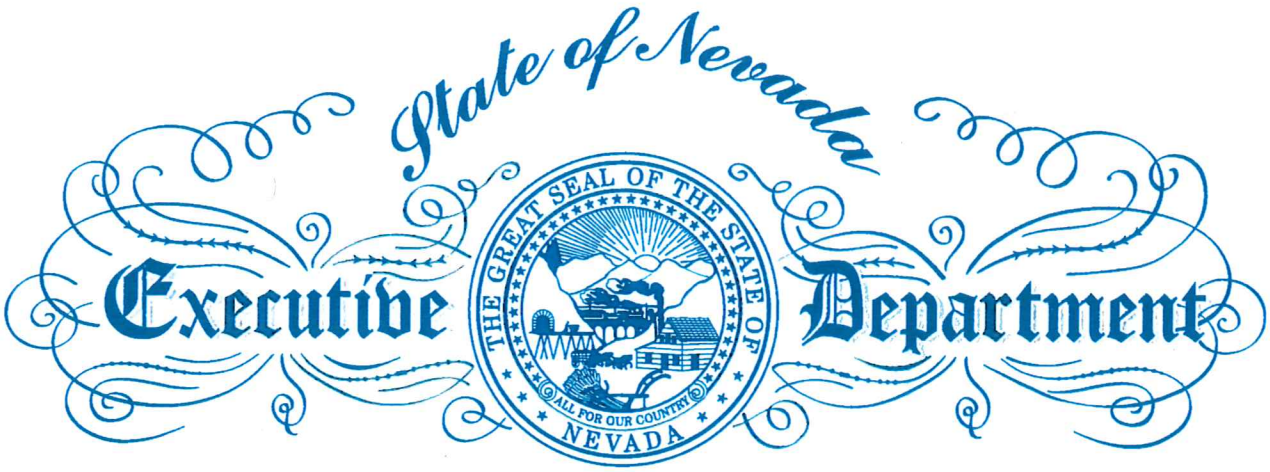
In general terms, all licenses and permits issued by the Division of Industrial Relations that expire or are set to expire during the period of the Emergency Declaration are extended for a period of 90 days from the current expiration or 90 days after the state of emergency is terminated, whichever is later. Additionally, all specific time limits in legal proceedings will be extended from April 1, 2020 until 30 days from the date the state of emergency is terminated. Please review Sections 2 and 3 of the attached Directive for the specific language on these topics.

For the Mechanical Compliance Section of this Division, this Directive means valid construction, alteration, or operating permits will have their expiration dates revised to reflect the Governor's order. Requests for Approved Exemptions, which are the normal process to obtain permit extension, are not required for permit extension at this time. Owners of valid permits should disregard any automatically generated permit expiration notices they receive during this time. Permits which expired prior to the declaration of a State of Emergency on March 12, 2020, are unaffected and remain expired.

This document is intended solely as notice of the Governor's April 1, 2020 Directive 009 (Revised). It does not include every specific application of this Directive to all of the processes of this Division or all of its Sections. This Notice is not legal advice regarding any specific license, permit, or legal proceeding. Please consult an attorney to obtain a legal opinion regarding any specific issue or the effects, in any, this Directive has on any issue.

Please contact this office at the phone numbers above with any questions.

Brennan Paterson, Chief Administrative Officer



DECLARATION OF EMERGENCY

DIRECTIVE 009 (REVISED)

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization (WHO) and United States Centers for Disease Control and Prevention (CDC) have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, as of March 31, 2020, the State of Nevada Department of Health and Human Services is reporting 1,113 positive cases of COVID-19, and 17 deaths resulting from COVID-19; and

WHEREAS, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

WHEREAS, efforts to treat, prevent, or reduce the spread of COVID-19 may make it medically necessary and reasonable to require individuals to remain in isolation or quarantine at their homes or otherwise remain indoors; and

WHEREAS, for the reasons stated herein, courts across Nevada, in consultation with the Chief Justice of the Nevada Supreme Court, have limited their operations to essential matters during the pendency of the COVID-19 pandemic; and

WHEREAS, certain legal actions and proceedings are subject to timelines and requirements that are impracticable during a period of a public health emergency and reduced court operations; and

WHEREAS, certain governmental and quasi-governmental licenses and permits require periodic renewal and may expire during a time when governmental resources necessary for renewal are unavailable or less accessible to the public; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, the Nevada Attorney General opined in Opinion Number 57-336 that "[t]here can be no question but that the Legislature intended to give to the Governor the broadest possible powers consistent with constitutional government in a time of dire emergency"; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada":

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020 Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: Declaration of Emergency Directive 009 dated March 31, 2020 is hereby amended by this Directive, effective April 1, 2020.

SECTION 2: Any specific time limit set by state statute or regulation for the commencement of any legal action is hereby tolled from the date of this Directive until 30 days from the date the state of emergency declared on March 12, 2020 is terminated.

SECTION 3: All licenses and permits issued by the State of Nevada, Boards, Commissions, Agencies, or political subdivisions of the State of Nevada that expire or are set to expire during the period the Declaration of Emergency dated March 12, 2020 is in effect shall be extended for a period of 90 days from the current expiration date, or 90 days from the date the state of emergency declared on March 12, 2020 is

terminated, whichever is later, if reduced government operations due to the state of emergency makes timely renewal of the license or permit impracticable or impossible.

SECTION 4: Any person who is subject to the provisions of NRS 76.130 and whose annual business license renewal fee becomes due during the period the Declaration of Emergency dated March 12, 2020 is in effect shall be entitled to a period of 60 days from the date the state of emergency declared on March 12, 2020 is terminated to pay the fee without suffering any of the consequences or penalties resulting from the application of subsections 4 and 5 of that statute. This provision shall be construed to include the penalties described in Title 7 of NRS for failure to timely file an annual list of the persons with managerial authority or control over a business entity; except that no person who has paid the fee required by NRS 76.130 prior to the due date as extended by this Directive shall be entitled to a refund thereof by virtue of this order.

SECTION 5: This Directive shall remain in effect until the state of emergency declared on March 12, 2020 is terminated or unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 1st day of April, in the year two thousand twenty.

Governor of the State of Nevada

Barbara K. Cegavske

Secretary of State

Deputy Secretary of State