

Amendment No. 309

Assembly Amendment to Assembly Bill No. 210

(BDR 28-872)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes 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"/>	_____

Amend section 1, page 2, line 4, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 2, line 6, before “*work*,” by inserting:

“work who provides labor or a portion of the work on the public work which is estimated to exceed 1 percent of the estimated cost of the public”.

Amend section 1, page 2, line 8, by deleting “7,” and inserting “8,”.

Amend section 1, page 2, line 17, after “*subcontractor*” by inserting:

“who is required to prepare such a report”.

Amend section 1, page 3, line 9, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend section 1, page 3, line 15, by deleting “*work*,” and inserting:

“work who provides labor or a portion of the work on the public work which is estimated to exceed 1 percent of the estimated cost of the public work;”.

SP/EGO

Date: 4/25/2005

A.B. No. 210—Requires contractor and subcontractor on certain public works to submit monthly report on demographics of persons employed on public work.

Amend section 1, page 3, by deleting lines 16 through 19 and inserting:

“(d) Representatives appointed by the contractor engaged on the public work from a variety of groups that represent or promote the interests of minorities or women who are qualified to perform work on the public work.”.

Amend section 1, page 3, line 20, by deleting “*may*” and inserting “*shall*”.

Amend section 1, page 3, line 22, by deleting “*month.*” and inserting:

“month, unless conditions affecting the public work would make the holding of a meeting impractical, including, without limitation, delays on the public work caused by weather.”.

Amend section 1, page 3, by deleting lines 25 through 34 and inserting:

“5. A public body may withhold payment from a contractor or subcontractor engaged on a public work for failure to comply with the provisions of this section until such compliance is obtained. Upon compliance, the public body shall promptly pay the amount of money withheld pursuant to this subsection, without interest, to the contractor or subcontractor.”.

Amend section 1, page 3, line 36, by deleting “*\$20,000,000*” and inserting “*\$25,000,000*”.

Amend section 1, page 3, line 38, by deleting “*penalties*” and inserting “*penalty*”.

Amend section 1, page 3, line 40, after “*7.*” by inserting:

“The public body shall not divide a public work into separate portions to avoid the requirements of this section.

8.”.

Amend sec. 2, page 4, line 25, by deleting “*\$20,000,000*” and inserting “*\$25,000,000*”.

Amend sec. 3, page 6, line 17, by deleting “*\$20,000,000*” and inserting “*\$25,000,000*”.

Amend sec. 4, page 7, line 41, by deleting “*\$20,000,000*” and inserting “*\$25,000,000*”.

Amend sec. 5, page 9, line 31, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 6, page 11, line 39, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 7, page 12, line 43, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend sec. 8, page 15, line 1, by deleting “\$20,000,000” and inserting “\$25,000,000”.

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and inserting a new section, designated sec. 9, following sec. 8, to read as follows:

“**Sec. 9.** The Legislative Auditor shall conduct an audit during the interim immediately following the fourth year after the commencement of the first public work that requires the filing of a report pursuant to section 1 of this act. The audit must assess:

1. The level of compliance with section 1 of this act;
2. The effectiveness of section 1 of this act in increasing the rate of employment of minorities and women on public works; and
3. The degree of burden, if any, experienced by public bodies, contractors and subcontractors as a result of compliance with section 1 of this act.”.

Amend the title of the bill by deleting the second through seventh lines and inserting:
“certain subcontractors on certain public works in larger counties to submit a monthly report concerning the demographics of the workmen employed on the public work to the public body that awarded the contract; requiring the establishment of a committee for each such public work to discuss the monthly reports; requiring that”.

Amend the summary of the bill to read as follows:

“SUMMARY—Requires contractor and certain subcontractors on certain public works to submit
monthly report on demographics of persons employed on public work.
(BDR 28-872)”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Existing law governs contracts between a contractor and a public body awarding a contract for a public work. (Chapter 338 of NRS) Under existing law, an advertisement for bids on a public work is required. (NRS 338.1385, 338.143, 338.1723, 338.1906)

This bill requires each contractor and certain subcontractors engaged on certain public works to prepare and submit a monthly report to the public body that awarded the contract on the demographics of the ethnicity, race and gender of the workers employed on the public work. Information contained in the report must include only aggregate information for statistical purposes and must not identify the particular race, ethnicity or gender of any individual worker. This reporting requirement applies only to a project that has an estimated cost of \$25 million or more and that is located in a county with a population of 100,000 or more (currently Clark and Washoe Counties) and to subcontractors who provide labor or a portion of the work on the public work that is estimated to exceed 1 percent of the estimated cost of the public work.

This bill further directs a public body awarding a contract for such a public work to establish a committee to meet monthly to discuss the demographic report for the previous month. The meeting must be open and public, but does not have to be conducted in accordance with the Open Meeting Law. (Chapter 241 of NRS)

This bill authorizes a public body to withhold payment from a contractor or subcontractor engaged on such a public work for failure to comply with the requirements relating to the demographic reports until the contractor or subcontractor complies.

This bill also requires that each advertisement for bids on such a public work or request for proposals for a retrofit include a provision which informs contractors of the duty to comply with the requirements relating to the demographic report.