

Amendment No. 95

Assembly Amendment to Assembly Bill No. 169 (BDR 23-793)
Proposed by: Assembly Committee on Government Affairs
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 169 (§ 16).

| 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) green bold italic underlining is new language proposed 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 that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

JWP/MSN



Date: 4/8/2013

A.B. No. 169—Revises provisions relating to contracts with a governmental entity.
 (BDR 23-793)



ASSEMBLY BILL NO. 169—ASSEMBLYMEN NEAL,
HORNE; AND DALY

FEBRUARY 25, 2013

JOINT SPONSOR: SENATOR ATKINSON

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to contracts with a governmental entity.
(BDR ~~23-793~~ 27-793)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 16)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to public financial administration; establishing additional requirements and imposing limitations on certain contracts of ~~{State and local}~~ state agencies for the performance of services; requiring ~~{such an agency}~~ state and local agencies to submit certain reports about ~~{its}~~ their contracts to the Purchasing Division of the Department of Administration; requiring a public body which awards a contract for a public work to gather and maintain certain information about bidders and persons ~~{who apply for employment}~~ employed on the public work; requiring the Board of Regents of the University of Nevada to adopt rules relating to certain contracts of the Nevada System of Higher Education; requiring the Department of Transportation to post information about contracts between the Department and architects, engineers and other professionals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 8** of this bill requires the Purchasing Division of the Department of
2 Administration to prescribe a code of conduct for independent contractors who enter into a
3 contract with a ~~{public body}~~ state agency which requires such an independent contractor to
4 abide by all state ethics laws, maintain records of all work done pursuant to such a contract
5 and make these records available for inspection or audit. **Section 9** of this bill requires such
6 an independent contractor to disclose to the ~~{public body}~~ state agency any fees charged by
7 the independent contractor for services within the scope of the contract to a person who is not
8 a party to the contract and to annually report the total dollar amount of such fees. **Section 10**
9 of this bill requires an independent contractor to disclose certain information relating to any

10 subcontractor used to perform a contract with a ~~{public body}~~ state agency. **Section 15** of
 11 this bill provides that if an independent contractor violates any provision of **sections 8-10**, the
 12 ~~{public body}~~ state agency may terminate the contract.

13 **Section 11** of this bill: (1) prohibits a ~~{public body}~~ state agency from entering into a
 14 sole source contract for a ~~{period} term~~ term exceeding ~~{2} 5~~ years unless the longer ~~{period} term~~ term
 15 is necessary for the recovery of capital costs; and (2) prohibits a ~~{public body}~~ state agency
 16 from renewing a sole source contract unless the ~~{governing body of the public body}~~ State
 17 Board of Examiners approves the renewal by a two-thirds vote. **Section 12** of this bill
 18 generally authorizes a ~~{public body}~~ state agency to enter into a contract with an independent
 19 contractor, other than a sole source contract, for a ~~{period} term~~ term of not more than ~~{4} 5~~ years
 20 and to extend the ~~{period} term~~ term of such a contract if the ~~{governing body of the public body}~~ State
 21 Board of Examiners approves the extension by a two-thirds vote.

22 **Section 13** of this bill requires each ~~{public body}~~ state agency or the governing body
 23 of a local government that enters into a sole source contract to ~~{disclose}~~ transmit certain
 24 information to the Purchasing Division, which must then post that information on its Internet
 25 website. **Section 14** of this bill requires each ~~{public body}~~ state agency or the governing
 26 body of a local government that enters into a sole source contract or renegotiates a contract
 27 with an independent contractor to report information relating to the number and dollar amount
 28 of the sole source contracts and competitively bid contracts with an independent contractor to
 29 the Purchasing Division, which must then report that information to the Interim Finance
 30 Committee.

31 **Section 16** of this bill requires a person who is awarded a contract for a public work ,
 32 under certain circumstances, to report to the public body awarding the contract certain
 33 information concerning the race, ethnicity, age and gender of certain employees ~~{and~~
 34 ~~{applicants for employment}~~ on the public work. **Section 16** also requires a public body
 35 awarding a contract for a public work to gather, compile, maintain and enter on the Internet
 36 website of the State Public Works Division of the Department of Administration certain
 37 information concerning the ~~{cost of the public work}~~ amount of each bid, the awarding of
 38 the contract, the race, ethnicity, age, ~~{,}~~ and gender, ~~{number of employees and length of time~~
 39 ~~{in business}~~ of ~~{the}~~ certain bidders for the contract, and the information received from the
 40 person awarded the contract concerning the ~~{applicants for employment}~~ persons employed
 41 on the public work. Finally, **section 16** requires that the Division create an application on its
 42 Internet website for the entry of the information that each public body is required to enter on
 43 the Internet website in accordance with **section 16**, make the information available to the
 44 public and report the information annually to the Director of the Legislative Counsel Bureau.

45 Section 16.5 of this bill requires the Board of Regents of the University of Nevada to
 46 adopt rules relating to contracts between the Nevada System of Higher Education and
 47 independent contractors, including rules providing increased opportunities for certain
 48 persons and businesses to obtain such contracts.

49 **Section 17** of this bill requires the Department of Transportation to post certain
 50 information relating to certain contracts for the provision of professional services entered into
 51 by the Department on or after July 1, 2013.

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

1 **Section 1.** Chapter ~~{284} 333~~ of NRS is hereby amended by adding thereto
 2 the provisions set forth as sections 2 to 15, inclusive, of this act.

3 **Sec. 2.** *As used in NRS 333.700 and sections 2 to 15, inclusive, of this act,*
 4 *unless the context otherwise requires, the words and terms defined in sections 3*
 5 *to ~~{6} 6.5,~~ inclusive, of this act have the meanings ascribed to them in those*
 6 *sections.*

7 **Sec. 3.** *“Independent contractor” means a natural person, firm or*
 8 *corporation who agrees to perform services for a fixed price according to his, her*
 9 *or its own methods and without subjection to the supervision or control of the*

1 other contracting party, except as to the results of the work, and not as to the
 2 means by which the services are accomplished.

3 Sec. 4. "Public body" means ~~for~~

4 ~~1. County;~~

5 ~~2. City;~~

6 ~~3. School district; or~~

7 ~~4. State agency, bureau, board, commission, department or division or any~~
 8 ~~other unit of the Legislative, Judicial or Executive Department of the State~~
 9 ~~Government, including the Nevada System of Higher Education; the governing~~
 10 ~~body of a county, city or other local government.~~

11 Sec. 5. ~~"Purchasing Division" means the Purchasing Division of the~~
 12 ~~Department of Administration. (Deleted by amendment.)~~

13 Sec. 6. "Sole source contract" means a contract entered into between a
 14 using agency or public body and an independent contractor to provide services
 15 for which the independent contractor is the only source capable of providing the
 16 services.

17 Sec. 6.5. "Using agency" has the meaning ascribed to it in NRS 333.020,
 18 except that the term does not include the Division of Health Care Financing and
 19 Policy of the Department of Health and Human Services.

20 Sec. 7. ~~Sections~~ Except as otherwise provided in sections 13 and 14 of this
 21 act, the provisions of sections 2 to 15, inclusive, of this act:

22 1. Apply to any contract for services of a person as an independent
 23 contractor entered into between a ~~public body~~ using agency and an independent
 24 contractor, unless the contract for services is negotiated as part of a contract for
 25 the sale of goods with the same independent contractor.

26 2. Do not apply to any contract:

27 (a) For a public work governed by the provisions of chapter 338 of NRS; or

28 (b) ~~Relating to a franchise entered into by a local government.~~ Between a
 29 using agency or public body and a person, firm or corporation that is subject to
 30 regulation pursuant to the provisions of title 57 of NRS.

31 Sec. 8. 1. The Purchasing Division shall prescribe by regulation a code of
 32 conduct for independent contractors. The code of conduct must include, without
 33 limitation, provisions stating that the independent contractor:

34 (a) Knows and agrees to abide by all applicable state ethics laws;

35 (b) Agrees to maintain accurate internal records of all work done pursuant
 36 to a contract with a ~~public body~~ using agency; and

37 (c) Agrees to make the records kept pursuant to paragraph (b) available for
 38 inspection or audit by the Legislative Auditor, ~~and~~ the Division of Internal
 39 Audits of the Department of Administration ~~and~~ the State Controller.

40 2. A ~~public body~~ using agency may not enter into a contract with an
 41 independent contractor unless the independent contractor signs and agrees to
 42 abide by the code of conduct for contractors prescribed by the Purchasing
 43 Division pursuant to this section.

44 Sec. 9. An independent contractor who enters into a contract with a ~~public~~
 45 ~~body~~ using agency shall:

46 1. Fully disclose to the ~~public body~~ using agency any fees that will be
 47 charged by the independent contractor for services within the scope of the
 48 contract to a person who is not a party to the contract.

49 2. Report annually to the ~~public body~~ using agency the total dollar amount
 50 generated by such fees.

51 Sec. 10. 1. An independent contractor who enters into a contract with a
 52 public body using agency shall:

53 ~~and~~ (a) Fully disclose to the ~~public body~~ using agency;

~~1~~ ~~(a)~~ (1) The name of any subcontractor used by the independent contractor to perform the contract.

~~2~~ ~~(b)~~ (2) The dollar amount that each subcontractor will be paid by the independent contractor.

~~3~~ ~~(c)~~ (3) Any fees that will be charged by the subcontractor for services within the scope of the contract to a person who is not a party to the contract.

~~4~~ ~~(2)~~ (b) Report annually to the ~~public body~~ using agency the total dollar amount generated by the fees disclosed pursuant to ~~paragraph (c) of subsection 1~~ subparagraph (3) of paragraph (a).

~~5~~ 2. Nothing contained in this section shall be deemed to require the disclosure or reporting of any proprietary information.

~~6~~ Sec. 11. 1. Except as otherwise provided in subsection 2, a ~~public body~~ using agency may not enter into a sole source contract unless the ~~period~~ term of the sole source contract does not exceed ~~2~~ 5 years.

~~7~~ 2. A ~~public body~~ using agency may enter into a sole source contract whose ~~period~~ term exceeds ~~2~~ 5 years if the longer ~~period~~ term is necessary for the recovery of capital costs through extended amortization.

~~8~~ 3. A ~~public body~~ using agency may not renew a sole source contract unless the ~~governing body of the public body~~ State Board of Examiners approves the renewal by a two-thirds vote. ~~For the purposes of this subsection, the governing body of a state agency is the State Board of Examiners.~~

~~9~~ Sec. 12. ~~A public body~~

~~10~~ 1. Except as otherwise provided in subsection 2, a using agency may enter into a contract with an independent contractor, other than a sole source contract, for a ~~period~~ term of not more than ~~4~~ 5 years. ~~Such~~ Except as otherwise provided in this subsection, a contract may be extended if the ~~governing body of the public body that awarded the contract~~ State Board of Examiners approves the extension by a two-thirds vote. ~~For the purposes of this section, the governing body of a state agency is the State Board of Examiners.~~ The Board may authorize its Clerk or a designee to approve an extension of a contract for not more than 1 year if the extension does not require an authorization for the expenditure of any money.

~~11~~ 2. With the prior written approval of the Administrator, a using agency may enter into a contract with an independent contractor, other than a sole source contract, for a term longer than 5 years if the Administrator determines that such action is in the best interest of the State.

~~12~~ 3. On or before September 1 of each year, the Purchasing Division shall submit a written report to the Interim Finance Committee setting forth the number of contracts described in subsection 2 which are currently in effect and, for each such contract entered into during the immediately preceding fiscal year:

~~13~~ (a) The names of the parties to the contract;

~~14~~ (b) The total amount to be paid by the using agency pursuant to the contract while it remains in effect; and

~~15~~ (c) An explanation of the determination made by the Administrator pursuant to subsection 2.

~~16~~ Sec. 13. 1. A using agency or public body that enters into a sole source contract shall transmit to the Purchasing Division information relating to the sole source contract, including, without limitation, the name of the using agency or public body, as applicable, the name of the independent contractor and a brief description of the services for which the using agency or public body entered into the sole source contract.

~~17~~ 2. The Purchasing Division shall post any information received pursuant to this section on its Internet website.

1 **Sec. 14. 1. A using agency or public body that enters into a sole source**
 2 **contract or renegotiates a contract with an independent contractor shall report to**
 3 **the Purchasing Division before August 1 of each year, for the immediately**
 4 **preceding fiscal year:**

5 **(a) The number of sole source contracts entered into by the using agency or**
 6 **public body;**

7 **(b) The number of competitively bid contracts with an independent**
 8 **contractor entered into by the using agency or public body;**

9 **(c) The dollar amount of each sole source contract entered into by the using**
 10 **agency or public body;**

11 **(d) The dollar amount of each competitively bid contract with an**
 12 **independent contractor entered into by the using agency or public body; and**

13 **(e) The dollar amount of savings generated by renegotiations of all contracts**
 14 **with an independent contractor.**

15 **2. The Purchasing Division shall, on or before September 1 of each year,**
 16 **prepare and submit to the Interim Finance Committee a report detailing the**
 17 **information received pursuant to subsection 1 for the ~~previous~~ immediately**
 18 **preceding fiscal year for all using agencies and public bodies.**

19 **Sec. 15. If an independent contractor violates any provision of section 8, 9**
 20 **or 10 of this act, the ~~public body~~ using agency may terminate the contract with**
 21 **the independent contractor.**

22 **Sec. 15.1. NRS 333.700 is hereby amended to read as follows:**

23 **333.700 1. Except as otherwise provided in NRS 284.1729 ~~1~~ and sections**
 24 **2 to 15, inclusive, of this act, a using agency may contract for the services of a**
 25 **person as an independent contractor. Except as otherwise provided by specific**
 26 **statute, each such contract must be awarded pursuant to this chapter.**

27 ~~2. An independent contractor is a natural person, firm or corporation who~~
 28 ~~agrees to perform services for a fixed price according to his, her or its own methods~~
 29 ~~and without subjection to the supervision or control of the other contracting party,~~
 30 ~~except as to the results of the work, and not as to the means by which the services~~
 31 ~~are accomplished.~~

32 ~~3.~~ For the purposes of this section:

33 (a) Travel, subsistence and other personal expenses may be paid to an
 34 independent contractor, if provided for in the contract, in such amounts as provided
 35 for in the contract. Those expenses must not be paid pursuant to the provisions of
 36 NRS 281.160.

37 (b) There must be no:

38 (1) Withholding of income taxes by the State;

39 (2) Coverage for industrial insurance provided by the State;

40 (3) Participation in group insurance plans which may be available to
 41 employees of the State;

42 (4) Participation or contributions by either the independent contractor or
 43 the State to the Public Employees' Retirement System;

44 (5) Accumulation of vacation leave or sick leave; or

45 (6) Coverage for unemployment compensation provided by the State if the
 46 requirements of NRS 612.085 for independent contractors are met.

47 ~~4.~~ 3. An independent contractor is not in the classified or unclassified
 48 service of the State and has none of the rights or privileges available to officers or
 49 employees of the State of Nevada.

50 ~~5.~~ 4. If the contract is for services for which a license, certificate,
 51 registration, permit or other type of authorization is required by law, an independent
 52 contractor must hold the appropriate, current authorization that is required by law
 53 for the services.

1 ~~16~~ 5. Except as otherwise provided in this subsection, each contract for the
2 services of an independent contractor must be in writing. The form of the contract
3 must be first approved by the Attorney General, and except as otherwise provided
4 in subsection ~~18~~ 7, an executed copy of each contract must be filed with the Fiscal
5 Analysis Division of the Legislative Counsel Bureau and the Clerk of the State
6 Board of Examiners. The State Board of Examiners may waive the requirements of
7 this subsection in the case of contracts which are for amounts less than \$2,000.

8 ~~17~~ 6. Except as otherwise provided in subsection ~~18~~ 7, and except for
9 contracts entered into by the Nevada System of Higher Education, each proposed
10 contract with an independent contractor must be submitted to the State Board of
11 Examiners. The contracts do not become effective without the prior approval of the
12 State Board of Examiners, except that the State Board of Examiners may authorize
13 its Clerk or a designee to approve contracts which are:

14 (a) For amounts less than \$10,000 or, in contracts necessary to preserve life
15 and property, for amounts less than \$25,000; or

16 (b) Entered into by the State Gaming Control Board for the purposes of
17 investigating an applicant for or holder of a gaming license.

18 ~~18~~ 7. Copies of the following types of contracts need not be filed or
19 approved as provided in subsections ~~16~~ 5 and ~~17~~ 6:

20 (a) Contracts executed by the Department of Transportation for any work of
21 construction or reconstruction of highways.

22 (b) Contracts executed by the State Public Works Division of the Department
23 of Administration or any other state department or agency for any work of
24 construction or major repairs of state buildings, if the contracting process was
25 controlled by the rules of open competitive bidding.

26 (c) Contracts executed by the Housing Division of the Department of Business
27 and Industry.

28 (d) Contracts executed with business entities for any work of maintenance or
29 repair of office machines and equipment.

30 ~~19~~ 8. The State Board of Examiners shall review each contract submitted for
31 approval pursuant to subsection ~~17~~ 6 to consider:

32 (a) Whether sufficient authority exists to expend the money required by the
33 contract; and

34 (b) Whether the service which is the subject of the contract could be provided
35 by a state agency in a more cost-effective manner.

36 ~~20~~ If the contract submitted for approval continues an existing contractual
37 relationship, the State Board of Examiners shall ask each agency to ensure that the
38 State is receiving the services that the contract purports to provide.

39 ~~10~~ 9. If the services of an independent contractor are contracted for to
40 represent an agency of the State in any proceeding in any court, the contract must
41 require that the independent contractor identify in all pleadings the specific state
42 agency which he or she is representing.

43 10. Notwithstanding the provisions of subsection 2 of section 7 of this act
44 and without limiting the provisions of this section, the provisions of this section
45 are applicable to a contract between a using agency and an independent
46 contractor who is subject to regulation pursuant to the provisions of title 57 of
47 NRS.

48 11. The State Board of Examiners may adopt regulations to carry out the
49 provisions of this section.

50 Sec. 15.3. NRS 333.710 is hereby amended to read as follows:

51 333.710 1. If personnel of the Capitol Police Division of the Department of
52 Public Safety are not available to provide security services for a building, office or
53 other facility of a using agency, the using agency may, pursuant to NRS 333.700,

1 and sections 2 to 15, inclusive, of this act, contract with one or more independent
2 contractors to provide such services.

3 2. If the Chief Justice of the Supreme Court determines that additional
4 security is needed for the safe operation of any facility or building that is owned by
5 or leased to the Supreme Court and occupied by its employees, the Supreme Court
6 may contract with one or more independent contractors to provide security services
7 for the facility or building. Any contractor with whom the Supreme Court contracts
8 for these services is subject to the oversight of a peace officer who provides
9 security services for the Supreme Court and who is designated and directed by the
10 Chief Justice.

11 3. An independent contractor with whom a using agency contracts pursuant to
12 subsection 1 must:

13 (a) Be licensed as a private patrol officer pursuant to chapter 648 of NRS or
14 employed by a person so licensed; and

15 (b) Possess the skills required of and meet the same physical requirements as
16 law enforcement personnel certified by the Peace Officers' Standards and Training
17 Commission created pursuant to NRS 289.500.

18 4. An independent contractor with whom the Supreme Court contracts
19 pursuant to subsection 2 must be licensed as a private patrol officer pursuant to
20 chapter 648 of NRS or employed by a person so licensed.

21 **Sec. 15.5. NRS 41.0307 is hereby amended to read as follows:**

22 41.0307 As used in NRS 41.0305 to 41.039, inclusive:

23 1. "Employee" includes an employee of a:

24 (a) Part-time or full-time board, commission or similar body of the State or a
25 political subdivision of the State which is created by law.

26 (b) Charter school.

27 (c) University school for profoundly gifted pupils described in chapter 392A of
28 NRS.

29 2. "Employment" includes any services performed by an immune contractor.

30 3. "Immune contractor" means any natural person, professional corporation or
31 professional association which:

32 (a) Is an independent contractor with the State pursuant to NRS 333.700 ~~and~~
33 and sections 2 to 15, inclusive, of this act; and

34 (b) Contracts to provide medical services for the Department of Corrections.

35 ↪ As used in this subsection, "professional corporation" and "professional
36 association" have the meanings ascribed to them in NRS 89.020.

37 4. "Public officer" or "officer" includes:

38 (a) A member of a part-time or full-time board, commission or similar body of
39 the State or a political subdivision of the State which is created by law.

40 (b) A public defender and any deputy or assistant attorney of a public defender
41 or an attorney appointed to defend a person for a limited duration with limited
42 jurisdiction.

43 (c) A district attorney and any deputy or assistant district attorney or an
44 attorney appointed to prosecute a person for a limited duration with limited
45 jurisdiction.

46 **Sec. 15.7. NRS 176.0129 is hereby amended to read as follows:**

47 176.0129 The Department of Administration shall, on an annual basis,
48 contract for the services of an independent contractor, in accordance with the
49 provisions of NRS 333.700, and sections 2 to 15, inclusive, of this act, to:

50 1. Review sentences imposed in this State and the practices of the State Board
51 of Parole Commissioners and project annually the number of persons who will be:

52 (a) In a facility or institution of the Department of Corrections;

53 (b) On probation;

- 1 (c) On parole; and
- 2 (d) Serving a term of residential confinement,
- 3 ↪ during the 10 years immediately following the date of the projection; and
- 4 2. Review preliminary proposals and information provided by the
- 5 Commission and project annually the number of persons who will be:
- 6 (a) In a facility or institution of the Department of Corrections;
- 7 (b) On probation;
- 8 (c) On parole; and
- 9 (d) Serving a term of residential confinement,
- 10 ↪ during the 10 years immediately following the date of the projection, assuming
- 11 the preliminary proposals were recommended by the Commission and enacted by
- 12 the Legislature.

13 **Sec. 15.9. NRS 232.548 is hereby amended to read as follows:**

14 232.548 1. Except if a particular procedure for resolving a dispute is
 15 required by a specific statute, and except as otherwise provided in subsection 2, the
 16 Director may authorize any entity within the Department or any natural person who
 17 is subject to the authority of the Director to use alternative means of dispute
 18 resolution in any proceeding if the alternative means can be:

- 19 (a) Carried out by the available personnel of the Department or persons under
- 20 contract with the Department; and
- 21 (b) Paid for with money that is available in the existing budget of the affected
- 22 entity of the Department.

23 2. Before authorizing an entity of the Department to use alternative means of
 24 dispute resolution, the Director must notify the Attorney General. The Attorney
 25 General, within 30 days after receiving the notification from the Director, shall
 26 respond to the Director concerning the advisability of using alternative means of
 27 dispute resolution to resolve the dispute at issue. The Director shall consider the
 28 advice of the Attorney General but may authorize an entity of the Department to
 29 use alternative means of dispute resolution unless the Attorney General indicates in
 30 his or her response that he or she officially opposes the use of such means. If the
 31 Attorney General fails to respond within 30 days after receiving the notification, the
 32 Director may authorize the use of alternative means of dispute resolution.

33 3. The alternative means of dispute resolution may include, without
 34 limitation, evaluation of the facts and issues in a dispute by a neutral person, fact-
 35 finding, mediation, arbitration or other collaborative problem-solving processes
 36 designed to encourage persons to work together to develop agreeable solutions to
 37 disputes in lieu of litigation or adjudication of contested cases in administrative
 38 hearings.

39 4. Any entity which, or natural person who, has received authorization from
 40 the Director to use alternative means of dispute resolution may enter into a contract
 41 to facilitate the use of such means, subject to the approval of the Attorney General,
 42 the limitations set forth in subsection 1 and the provisions of NRS 333.700 ~~†~~ **and**
 43 **sections 2 to 15, inclusive, of this act.**

44 **Sec. 16.** Chapter 338 of NRS is hereby amended by adding thereto a new
 45 section to read as follows:

46 **1. A public body which awards a contract for a public work shall:**

47 **(a) Gather and maintain, for ~~every person who submits a bid or otherwise~~**
 48 **~~competes~~ each bid submitted for the contract, the following information:**

49 **(1) ~~The cost of the public work;~~ amount of the bid; and**

50 **(2) ~~Whether the ~~person~~ bidder was awarded the contract.~~ †**

51 ~~**(3) The race, ethnicity, age and gender of the person;**~~

52 ~~**(4) The number of employees of the person at the time the person**~~
 53 ~~**submitted the bid; and**~~

~~(5) The length of time for which the person had been in business at the time the person submitted the bid;~~

(b) If the provisions of paragraph (b) of subsection 1 of NRS 338.141 are applicable, gather and maintain information about the race, ethnicity, age and gender of each person identified as a principal of:

(1) Each of the three contractors described in that paragraph; and

(2) Each first tier subcontractor identified by those contractors pursuant to that paragraph,

↳ on the license issued to the contractor or first tier subcontractor, as applicable, pursuant to chapter 624 of NRS. Each such contractor shall submit the information described in this paragraph within 2 hours after the completion of the opening of the bids.

(c) Include in the contract a clause requiring the person who is awarded the contract to gather, maintain and report to the public body the information required by subsection 2. f;

~~(e)~~ , if the provisions of that subsection are applicable.

(d) Compile and maintain the information reported to the public body pursuant to subsection 2, if the provisions of that subsection are applicable, by the person who is awarded the contract. f;

~~(d)~~ (e) Enter or cause to be entered through the application on the Internet website of the Division created pursuant to paragraph (a) of subsection 3 the information which the public body:

(1) Gathers and maintains pursuant to ~~paragraph~~ paragraphs (a) and (b), as applicable, within 30 days after the opening of bids; and

(2) Compiles and maintains pursuant to paragraph ~~(e)~~ and

~~(e)~~ (d).

(f) Deem a bid that does not contain the information that the public body is required to gather and maintain pursuant to paragraph ~~(e)~~ (b), if the provisions of that paragraph are applicable, to be not responsive. f; if the information is not submitted within the time required by that paragraph.

2. ~~The~~ If the provisions of paragraph (b) of subsection 1 of NRS 338.141 are applicable, the person who is awarded the contract by the public body shall, for himself or herself and for each subcontractor ~~and other person who provides labor, equipment, materials, supplies or services for the public work,~~ identified pursuant to that paragraph:

(a) Identify the race, ethnicity, age and gender, if known, of every ~~person~~ employee who, during the duration of the contract for the public work, is on the certified payroll of:

(1) The person who is awarded the contract; and

(2) Each such subcontractor; ~~for other person who provides labor, equipment, materials, supplies or services for the public work;~~

~~(b) Identify the race, ethnicity, age and gender, if known, of every person who, during the duration of the contract for the public work, applies for employment on the public work and the wage or salary of the job for which the person applies; and~~

~~(c) (b) Submit a report to the public body following the completion of the public work which compiles the information required by ~~paragraphs (a) and (b).~~~~

~~↳ The provisions of paragraph (b) apply only with respect to an applicant for employment who applies directly to the person who is awarded the contract, subcontractor or other person for employment rather than applying for employment through another entity such as an employment agency or trade union. paragraph (a).~~

3. The Division shall:

1 (a) Create an application on its Internet website for a public body to enter or
2 cause to be entered the information gathered and maintained by the public body
3 pursuant to subsection 1 that does not allow for the entry of any personal
4 information, as that term is defined in NRS 603A.040;

5 (b) Make available to the public the information entered pursuant to
6 paragraph (a); and

7 (c) Report annually the information entered pursuant to paragraph (a) to the
8 Director of the Legislative Counsel Bureau in any format requested by the
9 Director.

10 4. For the purposes of subsection 1, if a person who submits a bid or
11 otherwise competes for the contract is:

12 (a) A design-build team, the public body must gather and maintain the
13 required information for each member of the design-build team.

14 (b) Not a natural person, the public body must gather and maintain the
15 required information, if known, for each natural person who holds a controlling
16 interest in the person who submits the bid or otherwise competes for the contract.

17 Sec. 16.5. NRS 396.110 is hereby amended to read as follows:

18 396.110 1. The Board of Regents may prescribe rules for:

19 (a) Its own government; and

20 (b) The government of the System.

21 2. The Board of Regents shall prescribe rules ~~for~~ :

22 (a) For the granting of permission to carry or possess a weapon pursuant to
23 NRS 202.265.

24 (b) Requiring vendors and independent contractors who enter into contracts
25 with the System to understand and abide by all applicable state ethics laws.

26 (c) Providing increased opportunities for women, minorities and small,
27 disadvantaged or local businesses, as independent contractors, to obtain contracts
28 with the System.

29 (d) Providing for the disclosure to the public of information relating to the
30 cost of contracts between the System and independent contractors and any fees
31 charged pursuant to any such contract to a person who is not a party to the
32 contract.

33 (e) Requiring the maintenance of accurate records relating to the matters set
34 forth in paragraphs (c) and (d).

35 (f) Requiring the preparation and submission by the System of an annual
36 written report to the Board of Regents concerning the activities and progress of
37 the System in complying with the rules described in paragraphs (b) to (e),
38 inclusive.

39 3. On or before December 31 of each year, the Board of Regents shall
40 submit to the Director of the Legislative Counsel Bureau, for transmittal to the
41 Legislative Commission, the written report prepared pursuant to paragraph (f) of
42 subsection 2.

43 4. As used in this section, "independent contractor" has the meaning
44 ascribed to it in section 3 of this act.

45 Sec. 17. Chapter 408 of NRS is hereby amended by adding thereto a new
46 section to read as follows:

47 1. For any contract with a professional who is not a member of a design-
48 build team for the provision of services entered into by the Department on or after
49 July 1, 2013, within 30 days after entering into the contract, the Department shall
50 post information relating to the contract on its Internet website, including,
51 without limitation, the name of the professional, a brief description of the services
52 for which the Department entered into the contract and the cost of the contract.

1 **2. As used in this section, “professional” includes, without limitation, an**
2 **architect, an attorney, an engineer, a landscape architect and a surveyor.**

3 **Sec. 17.5. NRS 590.505 is hereby amended to read as follows:**

4 590.505 1. The Board may adopt a seal for its own use which must have
5 imprinted thereon the words “Board for the Regulation of Liquefied Petroleum
6 Gas.” The care and custody of the seal is the responsibility of the Secretary-
7 Treasurer of the Board.

8 2. The Board may appoint an Executive Secretary and may employ or,
9 pursuant to NRS 333.700, **and sections 2 to 15, inclusive, of this act,** contract with
10 such other technical, clerical or investigative personnel as it deems necessary. The
11 Board shall fix the compensation of the Executive Secretary and all other
12 employees and independent contractors. Such compensation must be paid out of the
13 money of the Board. The Board may require the Executive Secretary and any other
14 employees and independent contractors to give a bond to the Board for the faithful
15 performance of their duties, the premiums on the bond being paid out of the money
16 of the Board.

17 3. In carrying out the provisions of NRS 590.465 to 590.645, inclusive, and
18 holding its regular or special meetings, the Board:

19 (a) Shall adopt written policies setting forth procedures and methods of
20 operation for the Board.

21 (b) May adopt such regulations as it deems necessary.

22 4. The Board shall submit to the Legislature and the Governor a biennial
23 report before September 1 of each even-numbered year, covering the biennium
24 ending June 30 of that year, of its transactions during the preceding biennium,
25 including a complete statement of the receipts and expenditures of the Board during
26 the period and any complaints received by the Board.

27 5. The Board shall keep accurate records, minutes and audio recordings or
28 transcripts of all meetings and, except as otherwise provided in NRS 241.035, the
29 records, minutes, audio recordings and transcripts so kept must be open to public
30 inspection at all reasonable times. The Board shall also keep a record of all
31 applications for licenses and licenses issued by it. The record of applications and
32 licenses is a public record.

33 **Sec. 18.** The Purchasing Division of the Department of Administration shall
34 adopt any regulations required by section 8 of this act before October 1, 2013.

35 **Sec. 19.** 1. Contracts entered into before October 1, 2013, are not subject to
36 the provisions of sections 2 to 15, inclusive, **of this act, and the amendatory**
37 **provisions of sections 15.1 to 15.9, inclusive, and 17.5** of this act.

38 2. Contracts entered into before July 1, 2013, are not subject to the provisions
39 of sections 16 and 17 of this act.

40 **Sec. 20.** The provisions of NRS 354.599 do not apply to any additional
41 expenses of a local government that are related to the provisions of this act.

42 **Sec. 21.** 1. This section and sections **16.5,** 18, 19 and 20 of this act become
43 effective upon passage and approval.

44 2. Sections 1 to ~~15.1~~ **15.9,** inclusive, **and 17.5** of this act become effective:

45 (a) Upon passage and approval for the purposes of adopting regulations and
46 performing any other preparatory administrative tasks; and

47 (b) On October 1, 2013, for all other purposes.

48 3. Sections 16 and 17 of this act become effective on July 1, 2013.