

Amendment No. 1147

Senate Amendment to Assembly Bill No. 423 Second Reprint (BDR 18-1047)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: Yes 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.

HAC



Date: 6/4/2017

A.B. No. 423—Requires the Nevada Commission for Women to collect and report information related to gender equality in the workplace.
(BDR 18-1047)



ASSEMBLY BILL NO. 423—~~ASSEMBLYWOMAN~~ ASSEMBLYWOMEN MILLER AND
CARLTON

MARCH 27, 2017

JOINT SPONSORS: SENATORS CANNIZZARO, FARLEY, FORD, HARRIS, RATTI,
SEGERBLOM AND WOODHOUSE

Referred to Committee on Government Affairs

SUMMARY—Requires the ~~Nevada Commission for Women~~ Secretary of State to collect and report information related to gender equality in the workplace. (BDR ~~18-1047~~) 7-1047)

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

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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 gender equality; requiring the ~~Nevada Commission for Women~~ Secretary of State to conduct a survey of certain ~~employers~~ businesses to collect data and information related to issues of gender equality in the workplace; requiring the ~~Commission~~ Secretary of State to ~~create and maintain a database that provides~~ make certain information ~~about employers that have best practices and policies on issues of gender equality~~ relating to the survey available on the Internet and to submit ~~to~~ an annual report regarding the survey to the Governor and the Director of the Legislative Counsel Bureau; requiring the Nevada Commission for Women to assist the Secretary of State in developing the survey; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law creates the Nevada Commission for Women which is: (1) required to study the roles of women in society; and (2) authorized to collect and disseminate information on activities, programs and essential services available to women in Nevada. (NRS 2331.020, 2331.060). Section 3.4 of this bill requires the Commission, with the assistance of the Director of the Department of Administration, Secretary of State to design and conduct a survey of employers in this State with 100 or more employees certain businesses which are applying for or renewing a state business license in this State to collect data and information related to issues of gender equality in the workplace. The Commission must use the data and information to create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace. The database must be made available on the Internet website of the Department of Administration and the Commission must. Section 3.4 provides that a response to the~~

survey is voluntary but requires that if responses are provided, the survey be signed under the penalty of perjury. Section 3.6 of this bill requires the Secretary of State to make available on the Internet website of the Office of the Secretary of State: (1) the responses to the survey; and (2) aggregate data relating to the survey. Section 3.6 also requires the Secretary of State to submit ~~to~~ an annual report on the survey to the Governor and the Director of the Legislative Counsel Bureau. ~~for issues of gender equality in the workplace.~~

~~Section 2 of this bill provides that an employer is not required to respond to the Commission's survey. Section 3 also provides that the Commission may include an employer in the database if the Commission is otherwise able to obtain sufficient information about the employer on issues of gender equality in the workplace from the public records of state agencies.~~

~~Sections 4, 5 and 6 of this bill make conforming changes.~~

~~Section 5.5 of this bill makes an appropriation from the State General Fund to the Department of Administration for personnel and information technology expenses associated with the Commission's survey.~~

Section 4.5 of this bill requires the Nevada Commission for Women to assist the Secretary of State in developing the survey.

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

Section 1. Chapter ~~75A~~ 75A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2 and 3~~ 3.2 to 3.8, inclusive, of this act.

Sec. 2. ~~With the assistance of the Director of the Department of Administration, the Commission shall:~~

~~1. Design and conduct a survey of employers in this State for the purpose of collecting data and information from employers related to issues of gender equality in the workplace. The survey:~~

~~(a) Must be considered and approved by the Commission at a public hearing; and~~

~~(b) May be conducted using a web-based system.~~

~~2. Use the data and information collected pursuant to subsection 1:~~

~~(a) To create and maintain a database that provides information about employers that have best practices and policies on issues of gender equality in the workplace. The database must be made available to the public on the Internet website of the Department of Administration.~~

~~(b) To create and submit a report to the Governor and the Director of the Legislative Counsel Bureau on issues of gender equality in the workplace.~~

~~(Deleted by amendment.)~~

Sec. 3. ~~1. An employer:~~

~~(a) Is not required to respond to a survey conducted pursuant to section 2 of this act.~~

~~(b) Is not subject to any penalty if the employer does not respond to a survey conducted pursuant to section 2 of this act.~~

~~2. If an employer does not respond to such a survey, the Commission may include the employer in the database created pursuant to section 2 of this act if the Commission is otherwise able to obtain sufficient information about the employer on issues of gender equality in the workplace from the public records of state agencies.~~ ~~(Deleted by amendment.)~~

Sec. 3.2. As used in sections 3.2 to 3.8, inclusive, of this act, "business" has the meaning ascribed to it in NRS 76.020.

1 Sec. 3.4. 1. The Secretary of State shall design and conduct an annual
2 survey of businesses in this State for the purpose of collecting data and
3 information related to issues of gender equality in the workplace.

4 2. The Secretary of State shall work in consultation with the Nevada
5 Commission for Women created by NRS 2331.020 regarding the content of the
6 survey.

7 3. The Secretary of State shall cause the survey to be offered through the
8 state business portal to each business with operations and employees in this State
9 at the time the business submits to the Secretary of State an online application for
10 a state business license pursuant to NRS 76.100 or an online renewal of a state
11 business license pursuant to NRS 76.130.

12 4. A business is not required to respond to the survey, and neither the
13 Secretary of State nor the Nevada Commission for Women may penalize or
14 otherwise take any adverse action against a business that does not respond to the
15 survey.

16 5. If a business responds to the survey, the response must be signed under
17 penalty of perjury by, as applicable:

18 (a) The owner of a business that is owned by a natural person;

19 (b) A member or partner of an association or partnership;

20 (c) A general partner of a limited partnership;

21 (d) A managing partner of a limited-liability partnership;

22 (e) A manager or managing member of a limited-liability company; or

23 (f) An officer of a corporation.

24 Sec. 3.6. 1. The Secretary of State shall make available on the Internet
25 website of the Office of the Secretary of State;

26 (a) The responses to the survey conducted pursuant to section 3.4 of this act
27 in such a manner that the responses may be searched electronically by the name
28 of the business that submitted the response; and

29 (b) Aggregate data relating to the survey conducted pursuant to section 3.4 of
30 this act.

31 2. The Secretary of State shall annually compile the responses to the survey
32 received during the immediately preceding year into a report and submit the
33 report to the Governor and to the Director of the Legislative Counsel Bureau for
34 transmittal to the Legislature, or if the Legislature is not in session, to the
35 Legislative Commission.

36 Sec. 3.8. The Secretary of State may adopt such regulations as he or she
37 determines to be necessary or advisable to carry out the provisions of sections 3.4
38 and 3.6 of this act.

39 ~~Sec. 4. [NRS 2331.010 is hereby amended to read as follows:~~

40 ~~2331.010 As used in this chapter, unless the context otherwise requires [;]:~~

41 ~~1. "Commission" means the Nevada Commission for Women.~~

42 ~~2. "Employer" means any entity that performs a service or engages in a~~
43 ~~trade for profit and has 100 or more employees.] (Deleted by amendment.)~~

44 Sec. 4.5. NRS 2331.060 is hereby amended to read as follows:

45 2331.060 1. The Commission shall study the changing and developing roles
46 of women in society, including the recognition of socioeconomic factors that
47 influence the status of women, and recommend proposed legislation.

48 2. The Commission may collect and disseminate information on activities,
49 programs and essential services available to women in Nevada.

50 3. The Commission shall assist the Secretary of State in developing the
51 survey of businesses in this State described in section 3.4 of this act.

1 **Sec. 5.** NRS 2331.080 is hereby amended to read as follows:

2 2331.080 1. The Director of the Department of Administration shall provide
3 staff assistance to the Commission *in carrying out* ~~the~~

4 ~~(a) The provisions of sections 2 and 3 of this act; and~~

5 ~~(b) Other~~ *the duties and responsibilities of the Commission*, as the Governor
6 deems appropriate.

7 2. The Commission may engage the services of volunteer workers and
8 consultants without salary as is necessary from time to time.

9 **Sec. 5.5.** 1. There is hereby appropriated from the State General Fund to
10 the Department of Administration for ~~personnel and information technology~~
11 expenses of the Department that are associated with assisting the Nevada
12 Commission for Women ~~to design and conduct a survey of employers in this State~~
13 ~~on issues of gender equality as required by the provisions~~ *pursuant to NRS*
14 *2331.080, as amended by section 5* of this act the following sums:

15 For the Fiscal Year 2017-2018..... \$107,772

16 For the Fiscal Year 2018-2019..... \$81,672

17 2. Any balance of the sums appropriated by subsection 1 remaining at the end
18 of the respective fiscal years must not be committed for expenditure after June 30
19 of the respective fiscal years by the entity to which the appropriation is made or any
20 entity to which money from the appropriation is granted or otherwise transferred in
21 any manner, and any portion of the appropriated money remaining must not be
22 spent for any purpose after September 21, 2018, and September 20, 2019,
23 respectively, by either the entity to which the money was appropriated or the entity
24 to which the money was subsequently granted or transferred, and must be reverted
25 to the State General Fund on or before September 21, 2018, and September 20,
26 2019, respectively.

27 **Sec. 6.** The provisions of subsection 1 of NRS 218D.380 do not apply to any
28 provision of this act which adds or revises a requirement to submit a report to the
29 Legislature.

30 **Sec. 6.5.** *The Secretary of State shall design and begin conducting the*
31 *initial survey required by section 3.4 of this act before January 1, 2018.*

32 **Sec. 7.** This act becomes effective on July 1, 2017 ~~to~~ *and expires by*
33 *limitation on December 31, 2022.*