

SENATE BILL NO. 384—SENATOR DALY

MARCH 27, 2023

Referred to Committee on Government Affairs

SUMMARY—Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure. (BDR 18-1035)

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

~

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

AN ACT relating to broadband; establishing certain requirements for a state agency that awards grants of federal money for the development of broadband services and infrastructure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and requires: (1) the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State; and (2) the Office to establish and administer a program to encourage the deployment of broadband infrastructure in underserved communities in this State. (NRS 223.600, 223.610, 223.670) **Section 2** of this bill sets forth a legislative declaration regarding the importance of using a well-trained workforce and providing jobs to residents of this State in expending federal money to increase the development of broadband services and infrastructure in this State.

Section 3 of this bill requires each state agency that awards grants of federal money for the development of broadband services and infrastructure to: (1) evaluate and assign a score to each grant application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and (2) assign a relative weight of 30 percent to a grant application if the applicant submits a signed certification with his or her application. **Section 3** provides that the applicant may certify that he or she: (1) meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities; or (2) is a signatory to a collective bargaining agreement that covers the direct employees of the applicant who will perform any work financed in whole or in part by the grant money.



Section 3 further requires each state agency to include as a condition of any grant award that: (1) the certification provided by the applicant is binding with respect to any work performed in whole or in part using the grant money; and (2) if an applicant who is a licensed contractor hires a subcontractor to perform any work, certain provisions of law governing public works apply to the work performed by the subcontractor. Lastly, **section 3** authorizes the Director of the Office to adopt regulations to carry out the provisions of **section 3**.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature finds and declares that:*

1. The State of Nevada is poised to see a once in a generation wave of federal money resulting from the passage of the Infrastructure Investment and Jobs Act, Public Law 117-58, and the American Rescue Plan Act of 2021, Public Law 117-2, which will help to close the digital divide and increase the development of broadband services and infrastructure across the State;

2. The State of Nevada needs to ensure that this historic investment creates long-lasting broadband infrastructure that is built by a well-trained workforce;

3. Work performed by an unqualified contractor with a poorly trained workforce endangers the public and is not in the best interest of the citizens of this State; and

4. Proper stewardship of public money will require that the State of Nevada implement appropriate measures to ensure that any grants of federal money awarded by this State for the development of broadband services and infrastructure prioritize issuing grants to applicants that will ensure the work is performed safely and by a well-trained workforce and that the applicant provides quality jobs to Nevada workers.

Sec. 3. 1. In awarding any grant of federal money for the development of broadband services and infrastructure in accordance with federal law, each state agency shall:

(a) Evaluate and assign a score to each application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and

(b) When ranking the proposals, assign a relative weight of 30 percent to an application if the applicant submits a signed certification attesting that the applicant meets the requirements of paragraph (a) or (b) of subsection 2.



2. An applicant for a grant of federal money for the development of broadband services and infrastructure may submit to a state agency with the application for the grant a signed statement certifying that:

(a) The applicant:

(1) Will perform any work that is financed in whole or in part with the grant money or that such work will be performed by a contractor licensed pursuant to chapter 624 of NRS;

(2) Has a robust training program with training requirements that are tied to titles, uniform wage scales and skill codes recognized in the industry;

(3) Requires safety training, including, without limitation, any safety training requirements of the Occupational Safety and Health Administration of the United States Department of Labor, and operates a safety program that requires drug testing;

(4) Any work performed by the applicant that is financed in whole or in part with the grant money will be performed by employees who are directly employed by the applicant and that such workers will receive high-quality wages and benefits;

(5) Has programs to promote the training and hiring of workers from underrepresented communities;

(6) Primarily employs a qualified local work force consisting of residents of this State or conducts a program to promote the hiring of residents of this State; and

(7) Has a documented record of complying with all applicable labor and employment laws in the 5-year period immediately preceding the date the grant application is filed or has a documented record of mitigating any violations of the applicable labor and employment laws and has taken measures to ensure future compliance with such laws; or

(b) The applicant is a signatory to a collective bargaining agreement that covers all employees directly employed by the applicant who will perform any work financed in whole or in part with the grant money.

3. Any certification submitted by an applicant for a grant pursuant to subsection 2 must be made available on the Internet website of the state agency which awarded the grant.

4. In addition to the requirements of subsections 1 and 2 and except as otherwise provided in federal law, each state agency shall require as a condition of any grant of federal money for the development of broadband services and infrastructure in accordance with federal law that is awarded by the state agency that:



1 (a) Any certification provided by the applicant pursuant to
2 subsection 2 is binding upon the applicant in performing any work
3 financed in whole or in part with the grant money; and

4 (b) If the applicant is a contractor licensed pursuant to chapter
5 624 of NRS and the applicant subcontracts any work financed in
6 whole or in part with the grant money to a subcontractor, the
7 provisions of NRS 338.020 to 338.090, inclusive, shall apply.

8 5. If any federal statute or regulation precludes the granting
9 of federal assistance or reduces the amount of that assistance for a
10 particular grant because of the provisions of this section, the
11 provisions of this section do not apply insofar as their application
12 would preclude or reduce federal assistance for that work.

13 6. The Director of the Office of Science, Innovation and
14 Technology established pursuant to NRS 223.600 may adopt
15 regulations to carry out the provisions of this section.

16 7. As used in this section, “state agency” means every public
17 agency, bureau, board, commission, department, division, officer
18 or employee of the Executive Department of the State
19 Government.

20 **Sec. 4.** 1. This section becomes effective upon passage and
21 approval.

22 2. Sections 1, 2 and 3 of this act become effective:

23 (a) Upon passage and approval for the purpose of adopting any
24 regulations and performing any other preparatory administrative
25 tasks that are necessary to carry out the provisions of this act; and

26 (b) On January 1, 2024, for all other purposes.

