

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 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 agencies for the performance of services; requiring state and local agencies to submit certain reports about 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 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.



\* A B 1 6 9 R 1 \*

**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  
3 enter into a contract with a state agency which requires such an independent  
4 contractor to abide by all state ethics laws, maintain records of all work done  
5 pursuant to such a contract and make these records available for inspection or audit.  
6 **Section 9** of this bill requires such an independent contractor to disclose to the state  
7 agency any fees charged by the independent contractor for services within the  
8 scope of the contract to a person who is not a party to the contract and to annually  
9 report the total dollar amount of such fees. **Section 10** of this bill requires an  
10 independent contractor to disclose certain information relating to any subcontractor  
11 used to perform a contract with a state agency. **Section 15** of this bill provides that  
12 if an independent contractor violates any provision of **sections 8-10**, the state  
13 agency may terminate the contract.

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

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

31 **Section 16** of this bill requires a person who is awarded a contract for a public  
32 work, under certain circumstances, to report to the public body awarding the  
33 contract certain information concerning the race, ethnicity, age and gender of  
34 certain employees 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  
36 Internet website of the State Public Works Division of the Department of  
37 Administration certain information concerning the amount of each bid, the  
38 awarding of the contract, the race, ethnicity, age and gender of certain bidders for  
39 the contract, and the information received from the person awarded the contract  
40 concerning the persons employed on the public work. Finally, **section 16** requires  
41 that the Division create an application on its Internet website for the entry of the  
42 information that each public body is required to enter on the Internet website in  
43 accordance with **section 16**, make the information available to the public and report  
44 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  
46 Nevada to adopt rules relating to contracts between the Nevada System of Higher  
47 Education and independent contractors, including rules providing increased  
48 opportunities for certain 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  
51 entered into 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 333 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 15, inclusive, of this  
3 act.

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

8       **Sec. 3.** *“Independent contractor” means a natural person,*  
9 *firm or corporation who agrees to perform services for a fixed*  
10 *price according to his, her or its own methods and without*  
11 *subjection to the supervision or control of the other contracting*  
12 *party, except as to the results of the work, and not as to the means*  
13 *by which the services are accomplished.*

14       **Sec. 4.** *“Public body” means the governing body of a county,*  
15 *city or other local government.*

16       **Sec. 5.** (Deleted by amendment.)

17       **Sec. 6.** *“Sole source contract” means a contract entered into*  
18 *between a using agency or public body and an independent*  
19 *contractor to provide services for which the independent*  
20 *contractor is the only source capable of providing the services.*

21       **Sec. 6.5.** *“Using agency” has the meaning ascribed to it in*  
22 *NRS 333.020, except that the term does not include the Division of*  
23 *Health Care Financing and Policy of the Department of Health*  
24 *and Human Services.*

25       **Sec. 7.** *Except as otherwise provided in sections 13 and 14 of*  
26 *this act, the provisions of sections 2 to 15, inclusive, of this act:*

27       1. *Apply to any contract for services of a person as an*  
28 *independent contractor entered into between a using agency and*  
29 *an independent contractor, unless the contract for services is*  
30 *negotiated as part of a contract for the sale of goods with the same*  
31 *independent contractor.*

32       2. *Do not apply to any contract:*

33       (a) *For a public work governed by the provisions of chapter*  
34 *338 of NRS; or*

35       (b) *Between a using agency or public body and a person, firm*  
36 *or corporation that is subject to regulation pursuant to the*  
37 *provisions of title 57 of NRS.*

38       **Sec. 8.** 1. *The Purchasing Division shall prescribe by*  
39 *regulation a code of conduct for independent contractors. The*  
40 *code of conduct must include, without limitation, provisions*  
41 *stating that the independent contractor:*



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

3 (b) Agrees to maintain accurate internal records of all work  
4 done pursuant to a contract with a using agency; and

5 (c) Agrees to make the records kept pursuant to paragraph (b)  
6 available for inspection or audit by the Legislative Auditor, the  
7 Division of Internal Audits of the Department of Administration  
8 and the State Controller.

9 2. A using agency may not enter into a contract with an  
10 independent contractor unless the independent contractor signs  
11 and agrees to abide by the code of conduct for contractors  
12 prescribed by the Purchasing Division pursuant to this section.

13 **Sec. 9.** An independent contractor who enters into a contract  
14 with a using agency shall:

15 1. Fully disclose to the using agency any fees that will be  
16 charged by the independent contractor for services within the  
17 scope of the contract to a person who is not a party to the contract.

18 2. Report annually to the using agency the total dollar  
19 amount generated by such fees.

20 **Sec. 10.** 1. An independent contractor who enters into a  
21 contract with a using agency shall:

22 (a) Fully disclose to the using agency:

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

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

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

30 (b) Report annually to the using agency the total dollar  
31 amount generated by the fees disclosed pursuant to subparagraph  
32 (3) of paragraph (a).

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

35 **Sec. 11.** 1. Except as otherwise provided in subsection 2, a  
36 using agency may not enter into a sole source contract unless the  
37 term of the sole source contract does not exceed 5 years.

38 2. A using agency may enter into a sole source contract  
39 whose term exceeds 5 years if the longer term is necessary for the  
40 recovery of capital costs through extended amortization.

41 3. A using agency may not renew a sole source contract  
42 unless the State Board of Examiners approves the renewal by a  
43 two-thirds vote.

44 **Sec. 12.** 1. Except as otherwise provided in subsection 2, a  
45 using agency may enter into a contract with an independent



1 contractor, other than a sole source contract, for a term of not  
2 more than 5 years. Except as otherwise provided in this  
3 subsection, a contract may be extended if the State Board of  
4 Examiners approves the extension by a two-thirds vote. The Board  
5 may authorize its Clerk or a designee to approve an extension of a  
6 contract for not more than 1 year if the extension does not require  
7 an authorization for the expenditure of any money.

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

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

18 (a) The names of the parties to the contract;

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

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

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

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

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

37 (a) The number of sole source contracts entered into by the  
38 using agency or public body;

39 (b) The number of competitively bid contracts with an  
40 independent contractor entered into by the using agency or public  
41 body;

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



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

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

6 2. *The Purchasing Division shall, on or before September 1*  
7 *of each year, prepare and submit to the Interim Finance*  
8 *Committee a report detailing the information received pursuant to*  
9 *subsection 1 for the immediately preceding fiscal year for all using*  
10 *agencies and public bodies.*

11 **Sec. 15.** *If an independent contractor violates any provision*  
12 *of section 8, 9 or 10 of this act, the using agency may terminate*  
13 *the contract with the independent contractor.*

14 **Sec. 15.1.** NRS 333.700 is hereby amended to read as follows:  
15 333.700 1. Except as otherwise provided in NRS 284.1729 ~~†~~  
16 *and sections 2 to 15, inclusive, of this act*, a using agency may  
17 contract for the services of a person as an independent contractor.  
18 Except as otherwise provided by specific statute, each such contract  
19 must be awarded pursuant to this chapter.

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

26 ~~—3.†~~ For the purposes of this section:

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

31 (b) There must be no:

- 32 (1) Withholding of income taxes by the State;  
33 (2) Coverage for industrial insurance provided by the State;  
34 (3) Participation in group insurance plans which may be  
35 available to employees of the State;  
36 (4) Participation or contributions by either the independent  
37 contractor or the State to the Public Employees' Retirement System;  
38 (5) Accumulation of vacation leave or sick leave; or  
39 (6) Coverage for unemployment compensation provided by  
40 the State if the requirements of NRS 612.085 for independent  
41 contractors are met.

42 ~~†~~ 3. An independent contractor is not in the classified or  
43 unclassified service of the State and has none of the rights or  
44 privileges available to officers or employees of the State of Nevada.



1 ~~15.1~~ 4. If the contract is for services for which a license,  
2 certificate, registration, permit or other type of authorization is  
3 required by law, an independent contractor must hold the  
4 appropriate, current authorization that is required by law for the  
5 services.

6 ~~16.1~~ 5. Except as otherwise provided in this subsection, each  
7 contract for the services of an independent contractor must be in  
8 writing. The form of the contract must be first approved by the  
9 Attorney General, and except as otherwise provided in subsection  
10 ~~18.1~~ 7, an executed copy of each contract must be filed with the  
11 Fiscal Analysis Division of the Legislative Counsel Bureau and the  
12 Clerk of the State Board of Examiners. The State Board of  
13 Examiners may waive the requirements of this subsection in the  
14 case of contracts which are for amounts less than \$2,000.

15 ~~17.1~~ 6. Except as otherwise provided in subsection ~~18.1~~ 7, and  
16 except for contracts entered into by the Nevada System of Higher  
17 Education, each proposed contract with an independent contractor  
18 must be submitted to the State Board of Examiners. The contracts  
19 do not become effective without the prior approval of the State  
20 Board of Examiners, except that the State Board of Examiners may  
21 authorize its Clerk or a designee to approve contracts which are:

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

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

27 ~~18.1~~ 7. Copies of the following types of contracts need not be  
28 filed or approved as provided in subsections ~~16.1~~ 5 and ~~17.1~~ 6:

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

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

36 (c) Contracts executed by the Housing Division of the  
37 Department of Business and Industry.

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

40 ~~19.1~~ 8. The State Board of Examiners shall review each  
41 contract submitted for approval pursuant to subsection ~~17.1~~ 6 to  
42 consider:

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



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

4 ➔ If the contract submitted for approval continues an existing  
5 contractual relationship, the State Board of Examiners shall ask each  
6 agency to ensure that the State is receiving the services that the  
7 contract purports to provide.

8 ~~10.1~~ 9. If the services of an independent contractor are  
9 contracted for to represent an agency of the State in any proceeding  
10 in any court, the contract must require that the independent  
11 contractor identify in all pleadings the specific state agency which  
12 he or she is representing.

13 *10. Notwithstanding the provisions of subsection 2 of section*  
14 *7 of this act and without limiting the provisions of this section, the*  
15 *provisions of this section are applicable to a contract between a*  
16 *using agency and an independent contractor who is subject to*  
17 *regulation pursuant to the provisions of title 57 of NRS.*

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

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

21 333.710 1. If personnel of the Capitol Police Division of the  
22 Department of Public Safety are not available to provide security  
23 services for a building, office or other facility of a using agency, the  
24 using agency may, pursuant to NRS 333.700, *and sections 2 to 15,*  
25 *inclusive, of this act,* contract with one or more independent  
26 contractors to provide such services.

27 2. If the Chief Justice of the Supreme Court determines that  
28 additional security is needed for the safe operation of any facility or  
29 building that is owned by or leased to the Supreme Court and  
30 occupied by its employees, the Supreme Court may contract with  
31 one or more independent contractors to provide security services for  
32 the facility or building. Any contractor with whom the Supreme  
33 Court contracts for these services is subject to the oversight of a  
34 peace officer who provides security services for the Supreme Court  
35 and who is designated and directed by the Chief Justice.

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

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

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

44 4. An independent contractor with whom the Supreme Court  
45 contracts pursuant to subsection 2 must be licensed as a private





1 patrol officer pursuant to chapter 648 of NRS or employed by a  
2 person so licensed.

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

4 41.0307 As used in NRS 41.0305 to 41.039, inclusive:

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

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

9 (b) Charter school.

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

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

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

16 (a) Is an independent contractor with the State pursuant to NRS  
17 333.700 **†** *and sections 2 to 15, inclusive, of this act*; and

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

20 ➔ As used in this subsection, "professional corporation" and  
21 "professional association" have the meanings ascribed to them in  
22 NRS 89.020.

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

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

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

30 (c) A district attorney and any deputy or assistant district  
31 attorney or an attorney appointed to prosecute a person for a limited  
32 duration with limited jurisdiction.

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

35 176.0129 The Department of Administration shall, on an  
36 annual basis, contract for the services of an independent contractor,  
37 in accordance with the provisions of NRS 333.700, *and sections 2*  
38 *to 15, inclusive, of this act*, to:

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

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

43 (b) On probation;

44 (c) On parole; and

45 (d) Serving a term of residential confinement,



1   ↳ during the 10 years immediately following the date of the  
2 projection; and

3       2. Review preliminary proposals and information provided by  
4 the Commission and project annually the number of persons who  
5 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  
11 projection, assuming the preliminary proposals were recommended  
12 by the Commission and enacted by 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  
15 dispute is required by a specific statute, and except as otherwise  
16 provided in subsection 2, the Director may authorize any entity  
17 within the Department or any natural person who is subject to the  
18 authority of the Director to use alternative means of dispute  
19 resolution in any proceeding if the alternative means can be:

20       (a) Carried out by the available personnel of the Department or  
21 persons under contract with the Department; and

22       (b) Paid for with money that is available in the existing budget  
23 of the affected entity of the Department.

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

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

44       4. Any entity which, or natural person who, has received  
45 authorization from the Director to use alternative means of dispute



1 resolution may enter into a contract to facilitate the use of such  
2 means, subject to the approval of the Attorney General, the  
3 limitations set forth in subsection 1 and the provisions of NRS  
4 333.700 ~~H~~ and sections 2 to 15, inclusive, of this act.

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

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

9 *(a) Gather and maintain, for each bid submitted for the*  
10 *contract, the following information:*

11 *(1) The amount of the bid; and*

12 *(2) Whether the bidder was awarded the contract.*

13 *(b) If the provisions of paragraph (b) of subsection 1 of NRS*  
14 *338.141 are applicable, gather and maintain information about*  
15 *the race, ethnicity, age and gender of each person identified as a*  
16 *principal of:*

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

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

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

26 *(c) Include in the contract a clause requiring the person who*  
27 *is awarded the contract to gather, maintain and report to the*  
28 *public body the information required by subsection 2, if the*  
29 *provisions of that subsection are applicable.*

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

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

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

39 *(2) Compiles and maintains pursuant to paragraph (d).*

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



1       2. *If the provisions of paragraph (b) of subsection 1 of NRS*  
2 *338.141 are applicable, the person who is awarded the contract by*  
3 *the public body shall, for himself or herself and for each*  
4 *subcontractor identified pursuant to that paragraph:*

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

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

9           (2) *Each such subcontractor; and*

10       (b) *Submit a report to the public body following the completion*  
11 *of the public work which compiles the information required by*  
12 *paragraph (a).*

13       3. *The Division shall:*

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

19       (b) *Make available to the public the information entered*  
20 *pursuant to paragraph (a); and*

21       (c) *Report annually the information entered pursuant to*  
22 *paragraph (a) to the Director of the Legislative Counsel Bureau in*  
23 *any format requested by the Director.*

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

26       (a) *A design-build team, the public body must gather and*  
27 *maintain the required information for each member of the design-*  
28 *build team.*

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

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

34       396.110 1. The Board of Regents may prescribe rules for:

35       (a) Its own government; and

36       (b) The government of the System.

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

38       (a) *For the granting of permission to carry or possess a weapon*  
39 *pursuant to NRS 202.265.*

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

43       (c) *Providing increased opportunities for women, minorities*  
44 *and small, disadvantaged or local businesses, as independent*  
45 *contractors, to obtain contracts with the System.*



1 *(d) Providing for the disclosure to the public of information*  
2 *relating to the cost of contracts between the System and*  
3 *independent contractors and any fees charged pursuant to any*  
4 *such contract to a person who is not a party to the contract.*

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

7 *(f) Requiring the preparation and submission by the System of*  
8 *an annual written report to the Board of Regents concerning the*  
9 *activities and progress of the System in complying with the rules*  
10 *described in paragraphs (b) to (e), inclusive.*

11 *3. On or before December 31 of each year, the Board of*  
12 *Regents shall submit to the Director of the Legislative Counsel*  
13 *Bureau, for transmittal to the Legislative Commission, the written*  
14 *report prepared pursuant to paragraph (f) of subsection 2.*

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

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

19 *1. For any contract with a professional who is not a member*  
20 *of a design-build team for the provision of services entered into by*  
21 *the Department on or after July 1, 2013, within 30 days after*  
22 *entering into the contract, the Department shall post information*  
23 *relating to the contract on its Internet website, including, without*  
24 *limitation, the name of the professional, a brief description of the*  
25 *services for which the Department entered into the contract and*  
26 *the cost of the contract.*

27 *2. As used in this section, "professional" includes, without*  
28 *limitation, an architect, an attorney, an engineer, a landscape*  
29 *architect and a surveyor.*

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

31 590.505 1. The Board may adopt a seal for its own use which  
32 must have imprinted thereon the words "Board for the Regulation of  
33 Liquefied Petroleum Gas." The care and custody of the seal is the  
34 responsibility of the Secretary-Treasurer of the Board.

35 2. The Board may appoint an Executive Secretary and may  
36 employ or, pursuant to NRS 333.700, *and sections 2 to 15,*  
37 *inclusive, of this act,* contract with such other technical, clerical or  
38 investigative personnel as it deems necessary. The Board shall fix  
39 the compensation of the Executive Secretary and all other  
40 employees and independent contractors. Such compensation must be  
41 paid out of the money of the Board. The Board may require the  
42 Executive Secretary and any other employees and independent  
43 contractors to give a bond to the Board for the faithful performance  
44 of their duties, the premiums on the bond being paid out of the  
45 money of the Board.



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

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

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

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

12 5. The Board shall keep accurate records, minutes and audio  
13 recordings or transcripts of all meetings and, except as otherwise  
14 provided in NRS 241.035, the records, minutes, audio recordings  
15 and transcripts so kept must be open to public inspection at all  
16 reasonable times. The Board shall also keep a record of all  
17 applications for licenses and licenses issued by it. The record of  
18 applications and licenses is a public record.

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

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

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

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

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

33 2. Sections 1 to 15.9, inclusive, and 17.5 of this act become  
34 effective:

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

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

39 3. Sections 16 and 17 of this act become effective on July 1,  
40 2013.

