

SENATE BILL NO. 71—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA COMMISSION
ON MINORITY AFFAIRS)

PREFILED NOVEMBER 20, 2024

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to purchasing.
(BDR 27-366)

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

CONTAINS UNFUNDED MANDATE (§§ 10, 11)
(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 purchasing; requiring certain public entities to post certain information relating to purchasing on their Internet websites; creating the Nevada Diverse Business Advisory Council; prescribing the powers and duties of the Council; abolishing the Regional Business Development Advisory Council for Clark County; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 With certain exceptions, the Local Government Purchasing Act governs the
2 purchasing of supplies, materials, equipment and services by local governments.
3 (Chapter 332 of NRS) The State Purchasing Act, which is administered by the
4 Purchasing Division of the Department of Administration, governs the purchasing
5 of supplies, materials, equipment and services by agencies of the Executive
6 Department of the State Government, with certain exceptions. (Chapter 333 of
7 NRS) **Sections 1 and 2** of this bill require the governing body of a local
8 government and the Administrator of the Purchasing Division, respectively, to post
9 prominently on their Internet websites: (1) information relating to the types of
10 supplies, materials, equipment and services which are purchased by the local
11 government or for state agencies, as applicable; and (2) procedures by which a
12 person may request notice of solicitations or other methods of obtaining contracts
13 for such purchases.

14 Existing law creates the Regional Business Development Advisory Council for
15 Clark County and requires the Council to propose and implement policies,



16 programs and procedures to encourage and promote the use of local businesses
17 owned and operated by disadvantaged persons, particularly in the area of
18 contracting and procurement by public agencies in Clark County. (Sections 15 and
19 20 of chapter 7, Statutes of Nevada 2003, 20th Special Session, at pages 268 and
20 269) **Section 15** of this bill abolishes the Regional Business Development Advisory
21 Council for Clark County, and **sections 4-11** of this bill create the Nevada Diverse
22 Business Advisory Council, which has similar duties but a broader membership
23 than the former Council for Clark County. **Section 8** prescribes the voting
24 membership of the new Council, including: (1) a representative of each county
25 whose population is 100,000 or more (currently Clark and Washoe Counties); (2)
26 representatives from within each such county of cities whose population is 7,000 or
27 more (currently Boulder City, Henderson, Las Vegas, Mesquite, North Las Vegas,
28 Reno and Sparks), school districts, county fair and recreation boards, law
29 enforcement agencies, library districts, health districts, aviation agencies, regional
30 transportation commissions and water, wastewater and flood control agencies; (3)
31 representatives of associations of counties and cities; (4) representatives of
32 institutions of the Nevada System of Higher Education; and (5) the Administrator
33 of the Purchasing Division. **Section 8** also authorizes the participation of other
34 public and private entities as nonvoting members. **Sections 9 and 10** provide for
35 the officers, meetings and expenses of the new Council. **Section 11**: (1) sets forth
36 the duties of the new Council, including recommending policies, programs and
37 procedures in the area of purchasing by public agencies to encourage and promote
38 the use of businesses primarily owned and operated by a person who is a member
39 of a racial or ethnic minority, female or a veteran or has a physical disability, or
40 who identifies as LGBTQ; and (2) requires the submission of certain biennial
41 reports by member entities and the Council. **Section 12** of this bill makes a
42 conforming change as a result of the abolishment of the Regional Business
43 Development Advisory Council for Clark County and the creation of the Nevada
44 Diverse Business Advisory Council.

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

1 **Section 1.** Chapter 332 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Each governing body shall post prominently on its Internet*
4 *website:*

5 *1. Information relating to the types of supplies, materials,*
6 *equipment and services which are purchased by the governing*
7 *body or its authorized representative pursuant to this chapter.*

8 *2. Procedures by which a person may request notice of*
9 *solicitations or other methods of obtaining contracts for such*
10 *purchases by the governing body or its authorized representative.*

11 **Sec. 2.** Chapter 333 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 *The Administrator shall post prominently on the Internet*
14 *website of the Purchasing Division:*



1 *1. Information relating to the types of supplies, materials,*
2 *equipment and services which are purchased pursuant to this*
3 *chapter.*

4 *2. Procedures by which a person may request notice of*
5 *solicitations or other methods of obtaining contracts for such*
6 *purchases.*

7 **Sec. 3.** Chapter 334 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 4 to 11, inclusive, of this
9 act.

10 **Sec. 4.** *As used in sections 4 to 11, inclusive, of this act,*
11 *unless the context otherwise requires, the words and terms defined*
12 *in sections 5, 6 and 7 of this act have the meaning ascribed to*
13 *them in those sections.*

14 **Sec. 5.** *“Council” means the Nevada Diverse Business*
15 *Advisory Council created by section 8 of this act.*

16 **Sec. 6.** *“Diverse business” means a business that:*

17 *1. Is owned by a diverse person; or*

18 *2. Has at least 51 percent of its ownership interest held by*
19 *one or more diverse persons.*

20 **Sec. 7.** *“Diverse person” means a person who:*

21 *1. Is a member of a racial or ethnic minority, female or a*
22 *veteran or has a physical disability; or*

23 *2. Identifies as lesbian, gay, bisexual, transgender, queer or*
24 *intersex or any other nonheterosexual or noncisgender orientation*
25 *or gender identity or expression.*

26 **Sec. 8.** *1. The Nevada Diverse Business Advisory Council*
27 *is hereby created. Except as otherwise provided in subsection 2,*
28 *the Council consists of the following voting members:*

29 *(a) A representative of each county whose population is*
30 *100,000 or more, appointed by the county manager;*

31 *(b) A representative of the following entities from each county*
32 *whose population is 100,000 or more:*

33 *(1) A city whose population is 7,000 or more, appointed by*
34 *the city manager;*

35 *(2) The school district, appointed by the superintendent of*
36 *the school district;*

37 *(3) The county fair and recreation board, appointed by the*
38 *chief administrative officer of the board;*

39 *(4) A metropolitan police department or sheriff’s office, as*
40 *applicable, appointed by the administrative head of the department*
41 *or office;*

42 *(5) A consolidated or county library district, appointed by*
43 *the administrative head of the district;*



1 (6) *The health district created pursuant to NRS 439.362 or*
2 *439.370, as applicable, appointed by the administrative head of the*
3 *district;*

4 (7) *The department of aviation or airport authority, as*
5 *applicable, appointed by the administrative head of the department*
6 *or authority;*

7 (8) *The regional transportation commission, appointed by*
8 *the chief administrative officer of the commission;*

9 (9) *A water district organized pursuant to a special act or*
10 *water authority organized as a political subdivision created by*
11 *cooperative agreement, as applicable, appointed by the*
12 *administrative head of the district or authority;*

13 (10) *A wastewater authority, as defined in NRS 244A.0555,*
14 *appointed by the administrative head of the authority; and*

15 (11) *A district for the control of floods created pursuant to*
16 *NRS 543.240 or 543.250, as applicable, appointed by the*
17 *administrative head of the district;*

18 (c) *A representative of an association of counties, appointed by*
19 *the administrative head of the association;*

20 (d) *A representative of an association of cities, appointed by*
21 *the administrative head of the association;*

22 (e) *A representative of each institution of the Nevada System*
23 *of Higher Education, appointed by the head of the institution; and*

24 (f) *The Administrator of the Purchasing Division of the*
25 *Department of Administration or a person designated by the*
26 *Administrator.*

27 2. *The Commission on Minority Affairs, in consultation with*
28 *the Council, shall solicit and encourage participation in the*
29 *Council by other governmental entities, private nonprofit entities*
30 *organized to promote business or encourage participation in*
31 *government, and private entities that employ 500 or more persons.*
32 *Any such entity that requests to participate in the Council must be*
33 *included as a nonvoting member of the Council.*

34 3. *After the initial terms, each voting member of the Council*
35 *serves a term of 2 years, commencing on July 1 and may be*
36 *reappointed.*

37 4. *A vacancy in the voting membership of the Council must*
38 *be filled in the same manner as the original appointment for the*
39 *remainder of the unexpired term.*

40 **Sec. 9. 1.** *The Council shall elect from among its voting*
41 *members a Chair, Vice Chair, Secretary and such other officers as*
42 *the Council determines are necessary.*

43 2. *The term of each officer is 2 years.*



1 3. Any vacancy occurring in an office must be filled by
2 majority vote of the voting members of the Council for the
3 remainder of the unexpired term.

4 4. The Secretary of the Council shall:

5 (a) Record the minutes of each meeting of the Council;

6 (b) Record the attendance at each meeting of the Council; and

7 (c) Maintain the records, minutes and audio recordings or
8 transcripts of the Council.

9 **Sec. 10.** 1. The Council shall meet at least once every 3
10 months, and may meet at such other times at the call of the Chair
11 or a majority of the voting members.

12 2. The members of the Council shall serve without
13 compensation. A member of the Council who is an officer or
14 employee of this State or a political subdivision of this State must
15 be relieved from duties without loss of regular compensation so
16 that the officer or employee may prepare for and attend meetings
17 of the Council and perform any work necessary to carry out the
18 duties of the Council in the most timely manner practicable. A
19 state agency or political subdivision of this State shall not require
20 an officer or employee who is a member of the Council to make up
21 the time the officer or employee is absent from work to carry out
22 duties as a member of the Council or use annual vacation or
23 compensatory time for the absence.

24 3. The public entities that have voting members on the
25 Council shall jointly provide the Council with administrative
26 assistance and provide for the payment of the expenses of the
27 Council.

28 **Sec. 11.** 1. The Council shall recommend policies,
29 programs and procedures to encourage and promote the use of
30 diverse businesses in the area of purchasing by public entities in
31 this State.

32 2. On or before November 1 of each even-numbered year,
33 each public entity that has a voting member on the Council shall
34 prepare and deliver a written report to the Council, in a form
35 prescribed by the Council, for the immediately preceding 2 fiscal
36 years which contains, without limitation:

37 (a) The number of persons employed by the public entity,
38 disaggregated by the categories of diverse persons.

39 (b) Purchasing expenditures made by the public entity during
40 the immediately preceding 2 fiscal years, disaggregated by
41 discretionary and nondiscretionary expenditures.

42 (c) The amount and percentage of purchasing expenditures
43 paid by the public entity to diverse businesses, disaggregated by
44 the categories of diverse businesses.



1 *(d) The amount and percentage of purchasing expenditures*
2 *paid by the public entity to businesses that have a physical location*
3 *and employees within this State.*

4 *(e) The amount and percentage of purchasing expenditures*
5 *paid by the public entity to businesses that do not have a physical*
6 *location and employees within this State.*

7 *(f) A summary of the efforts and programs used by the public*
8 *entity to encourage and increase the involvement of diverse*
9 *businesses in the public purchasing process and any efforts or*
10 *programs used by the public entity to encourage the economic*
11 *development of diverse businesses.*

12 *(g) Such other information as the Council determines is*
13 *necessary to achieve its goals.*

14 **3. The Council shall encourage each public and private entity**
15 **that has a nonvoting member on the Council to prepare and**
16 **deliver to the Council a report similar to the report required by**
17 **subsection 2.**

18 **4. The Council shall provide to diverse businesses, in written**
19 **or electronic form, information and resources relating to the**
20 **public purchasing process.**

21 **5. On or before January 15 of each odd-numbered year, the**
22 **Council shall, using the reports received pursuant to this section,**
23 **prepare a report regarding the policies, programs and procedures**
24 **that the Council recommended during the immediately preceding**
25 **2 years to encourage and promote the use of diverse businesses,**
26 **and shall submit the report to the Director of the Legislative**
27 **Counsel Bureau for transmittal to the next regular session of the**
28 **Legislature.**

29 **Sec. 12.** Section 3 of the NV Grow Act, being chapter 459,
30 Statutes of Nevada 2015, as last amended by chapter 570, Statutes
31 of Nevada 2019, at page 3668, is hereby amended to read as
32 follows:

33 Sec. 3. In assisting and carrying out the program
34 described in section 2 of this act, the Centers, as defined in
35 section 2 of this act, shall, without limitation, perform the
36 following services:

37 1. Analyze data;

38 2. Ensure that businesses participating in the program
39 understand the manner in which the data so analyzed will be
40 applied to those businesses so that the businesses may make
41 better business decisions and understand the current business
42 market in which they exist;

43 3. Mentor the businesses as to the optimum use of data
44 received under the program relative to the making of business
45 decisions; and



1 4. With respect to the businesses participating in the
2 program:

3 (a) Track the business decisions and growth of each
4 business over the entire period of the program;

5 (b) Report the data tracked pursuant to paragraph (a), at
6 least once each 6 months, to the Division; and

7 (c) Ensure the development of contacts with the Office of
8 Economic Development and, if appropriate, the ~~[Regional]~~
9 *Nevada Diverse Business [Development] Advisory Council*
10 ~~[for Clark County]~~ *created by section 8 of this act* to
11 facilitate participation in procurement programs and to further
12 enhance the growth of each business.

13 **Sec. 13.** The provisions of NRS 218D.380 do not apply to any
14 provision of this act which adds or revises a requirement to submit a
15 report to the Legislature.

16 **Sec. 14.** The provisions of NRS 354.599 do not apply to any
17 additional expenses of a local government that are related to the
18 provisions of this act.

19 **Sec. 15.** Sections 11 to 20, inclusive, of the Regional Business
20 Development Advisory Council for Clark County Act are hereby
21 repealed.

22 **Sec. 16.** This act becomes effective on July 1, 2025.

TEXT OF REPEALED SECTIONS

Sections 11 to 20, inclusive, of the Regional Business Development Advisory Council for Clark County Act:

Sec. 11. Definitions. As used in sections 11 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 12 and 13 of this act have the meaning ascribed to them in those sections.

Sec. 12. "Council" defined. "Council" means the Regional Business Development Advisory Council for Clark County created by section 15 of this act.

Sec. 13. "Disadvantaged person" defined. "Disadvantaged person" means a person who:

1. Is a member of a racial or ethnic minority, female or physically disabled; or

2. Identifies as lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.



Sec. 14. Legislative findings and declaration. The Legislature hereby finds and declares that a general law cannot be made applicable for the provisions of this act because of the economic diversity of Clark County, the unique growth in population experienced in Clark County, particularly in the minority population, and the special conditions experienced in Clark County related to the documented statistical disparities between the availability and utilization of firms owned by minorities and women for the procurement and contracting by public agencies in Clark County.

Sec. 15. Council: Creation; membership.

1. The Regional Business Development Advisory Council for Clark County is hereby created. Except as otherwise provided in subsection 2, the Council consists of a single representative from each of the following entities:

- (a) City of Henderson.
- (b) Henderson Library District.
- (c) City of Las Vegas.
- (d) City of North Las Vegas.
- (e) Clark County.
- (f) Clark County Regional Flood Control District.
- (g) Clark County Water Reclamation District.
- (h) Clark County School District.
- (i) College of Southern Nevada.
- (j) Las Vegas-Clark County Library District.
- (k) Las Vegas Convention and Visitors Authority.
- (l) Las Vegas Valley Water District.
- (m) Regional Transportation Commission of Southern Nevada.
- (n) Southern Nevada Health District.
- (o) Southern Nevada Regional Housing Authority.
- (p) Southern Nevada Water Authority.
- (q) University Medical Center of Southern Nevada.
- (r) University of Nevada, Las Vegas.
- (s) Department of Transportation.

2. The Board of County Commissioners of Clark County, in consultation with the Council, shall solicit and encourage participation in the Council by other governmental entities, private nonprofit entities organized to promote business or encourage participation in government, and private entities that employ 500 or more persons. Any such entity that requests to participate in the Council must be included as a nonvoting member of the Council.

Sec. 16. Council: Officers; terms; vacancies. The Council shall elect from among its members a Chair, Vice Chair, Secretary and such other officers as the Council determines are necessary. The term of each officer is 2 years. Any vacancy occurring in an office



must be filled by majority vote of the members of the Council for the remainder of the unexpired term.

Sec. 17. Council: Compensation of members; administrative assistance; expenses.

1. The members of the Council shall serve without compensation.

2. The governmental entities who have a representative on the Council shall jointly provide the Council with administrative assistance and provide for the payment of the expenses of the Council.

Sec. 18. Council: Frequency of meetings. The Council shall meet at least once every 3 months, at such times as are determined by the Council.

Sec. 19. Council: Duties of Secretary. The Secretary of the Council shall:

1. Record the minutes of each meeting of the Council;
2. Record the attendance at each meeting of the Council; and
3. Maintain the records, minutes and audio recordings or transcripts of the Council.

Sec. 20. Council: Duties; information to be provided to certain local businesses; reports.

1. The Council shall propose and implement policies, programs and procedures to encourage and promote the use of local businesses owned and operated by disadvantaged persons, particularly in the area of contracting and procurement by public agencies in Clark County.

2. On or before November 1 of each year, each public entity which has a representative on the Council pursuant to subsection 1 of section 15 of this act shall prepare and deliver a written report to the Council for the immediately preceding fiscal year which contains:

(a) The number of persons employed by the public entity, disaggregated by major ethnic and racial categories, including, without limitation, African-American, Asian, Caucasian, Hispanic and Native American.

(b) Expenditures made by the public entity during the immediately preceding fiscal year, disaggregated by discretionary and nondiscretionary expenditures.

(c) The percentage of expenditures paid by the public entity to local businesses owned and operated by disadvantaged persons, disaggregated by ethnic and racial categories and by gender.

(d) A summary of the efforts and programs used by the public entity to encourage and increase the involvement in contracting by local businesses owned and operated by disadvantaged persons and any efforts or programs used by the public entity to encourage the



economic development of local businesses owned and operated by disadvantaged persons.

(e) Such other information as the Council determines is necessary to achieve its goals.

3. The Council shall encourage each public and private entity which has a representative on the Council pursuant to subsection 2 of section 15 of this act to prepare and deliver to the Council an annual report similar to the report required pursuant to subsection 2.

4. The Council shall provide to local businesses owned and operated by disadvantaged persons information, in written or electronic form, concerning public and private programs to provide financing for small businesses and the criteria for obtaining financing through such programs. The information must include, without limitation:

(a) Grants or loans of money from the Catalyst Account created by NRS 231.1573;

(b) The issuance of revenue bonds for industrial development pursuant to NRS 349.400 to 349.670, inclusive;

(c) The Nevada Collateral Support Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(d) The Nevada Microenterprise Initiative Program pursuant to 12 U.S.C. §§ 5701 et seq.;

(e) The Nevada New Markets Jobs Act pursuant to chapter 231A of NRS;

(f) The Nevada Silver State Opportunities Fund pursuant to NRS 355.275;

(g) Loans from the Small Business Administration pursuant to 15 U.S.C. §§ 631 et seq.; and

(h) Any other private lending opportunity for small businesses with which the Council has a working relationship.

5. On or before January 15 of each odd-numbered year, the Council shall prepare a report regarding the policies, programs and procedures that the Council proposed and implemented during the immediately preceding 2 years to encourage and promote the use of local businesses owned and operated by disadvantaged persons, using the reports received pursuant to this section, and shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.



