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TERRY JOHNSON  
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**PROPOSED AMENDMENTS TO AB 143**

- Amend the bill as a whole by adding a new section designated 18.5, following Sec. 18, to read as follows:

"Sec. 18.5 NRS 338.016 is hereby amended to read as follows:

338.016 1. If, after *an opportunity for* a hearing, an administrative penalty is imposed against a contractor for the commission of an offense:

- (a) An eligible bidder, or any person who entered into a contract with the eligible bidder before bids for the contract for the public work were let, may commence a civil action against the contractor to recover damages suffered as a proximate result of the eligible bidder not being awarded the contract for the public work.
- (b) There is a rebuttable presumption that the contractor was awarded the contract for the public work because his bid on the contract was based, in part, on his intent to commit the offense and, as a result, was lower than it otherwise would have been."

- Amend sec. 19, subsection (2)(a) to read as follows:

Shall assess a person who, after *an opportunity for* a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages the person actually paid; and

- Amend NRS 338.515(4) to read as follows:

If the Labor Commissioner has reason to believe that ~~[an employee]~~ *a workman* ~~[has a valid and enforceable claim against]~~ *is owed wages by* a contractor, he may require the public body to withhold from any payment due the contractor under this section, and pay the Labor Commissioner instead, an amount equal to the amount ~~[claimed by]~~ *that the Labor Commissioner believes is owed to* the ~~[employee]~~ *workman*. This amount must be paid to the ~~[employee]~~ *workman* if the ~~[claim]~~ *matter* is resolved in his favor, otherwise it must be returned to the public body for payment to the contractor.

Submitted by:

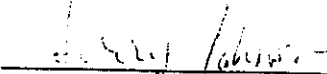
  
TERRY JOHNSON  
Nevada Labor Commissioner

EXHIBIT C Committee on Commerce/Labor

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