

## Amendment No. 633

Assembly Amendment to Assembly Bill No. 552

(BDR 28-1059)

**Proposed by:** Committee on Government Affairs**Amendment Box:** Replaces Amendment No. 446.**Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

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"/>	_____

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

“**Section 1.** Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *The fact that a particular project or undertaking does not qualify as a public work, as defined in NRS 338.010, does not exempt a person, including, without limitation, a contractor or subcontractor, or a governmental entity, from complying with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 3 of this act in the same manner as a public body is required to comply with those provisions if the person or governmental entity is required to comply with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 3 of this*

HC/EGO

Date: 4/25/2005

A.B. No. 552—Revises provisions relating to public works.



*act pursuant to NRS 244.286, 244A.763, 268.568, 271.710, 271.800, 279.500, 318.140, 318.144, 332.390, 333A.120, 338.0115, 349.670, 349.956, 408.3886, 543.545 or other applicable law.”.*

Amend section 1, page 1, by deleting lines 1 through 4 and inserting:

*“Sec. 3. 1. The public body awarding a contract for a public work, or any person or governmental entity that is otherwise required to comply with the provisions of this section, NRS 338.010 to 338.090, inclusive, and section 2 of this act, shall ascertain from the”.*

Amend section 1, page 1, line 6, by deleting “*work*” and inserting:

*“work, project or undertaking”.*

Amend section 1, page 2, line 3, after “3.” by inserting:

*“For the purpose of the survey required pursuant to subsection 2, the Labor Commissioner shall use the following classifications of workers:*

- (a) Boilermaker;*
- (b) Bricklayer, including, without limitation, tile setter, terrazzo worker, marble mason, or tile, terrazzo or marble finisher;*
- (c) Carpenter, including, without limitation, millwright, piledriver (nonequipment) and drywall installer;*
- (d) Cement mason;*
- (e) Electrician, including, without limitation, alarm installer, electrician-communication technician, electrician-line (lineman, groundman or heavy equipment operator), electrician-neon sign and electrician-wireman;*
- (f) Elevator constructor;*
- (g) Fence erector;*

- (h) *Floor coverer;*
- (i) *Glazier;*
- (j) *Highway striper;*
- (k) *Ironworker;*
- (l) *Laborer, including, without limitation, flagperson, hod carrier-brick mason tender, hod carrier-plasterer tender, traffic barrier erector and asbestos abater;*
- (m) *Mechanical insulator;*
- (n) *Operating engineer, including, without limitation, operating engineer-steel fabricator and erector, operating engineer-tunnel, and operating engineer-piledriver;*
- (o) *Painter;*
- (p) *Plasterer;*
- (q) *Plumber or pipefitter, including, without limitation, refrigeration mechanic;*
- (r) *Roofer;*
- (s) *Sheet metal worker, including, without limitation, air balance technician;*
- (t) *Sprinkler fitter;*
- (u) *Surveyor (nonlicensed);*
- (v) *Taper;*
- (w) *Truck driver; and*
- (x) *Well driller.*

4.”.

Amend section 1, page 2, line 17, by deleting “*for working*” and inserting “*that worked*”.

Amend section 1, page 2, line 19, by deleting “*survey.*” and inserting:

***“survey, but each recognized class of workmen who is covered under a collective bargaining agreement will be considered to be paid at the same rate of wages.”.***

Amend section 1, page 2, line 23, by deleting “4.” and inserting “5.”.

Amend section 1, page 2, line 25, by deleting “3,” and inserting “4.”.

Amend section 1, page 2, line 42, by deleting “5.” and inserting “6.”.

Amend section 1, page 3, line 8, by deleting “6.” and inserting “7.”.

Amend section 1, page 3, line 15, after “***the construction***” by inserting:

***“, landscaping or fencing”.***

Amend the bill as a whole by renumbering sections 2 through 5 as sections 5 through 8 and adding a new section designated sec. 4, following section 1, to read as follows:

**“Sec. 4.** NRS 338.015 is hereby amended to read as follows:

338.015 1. The Labor Commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive ~~[,]~~, ***and sections 2 and 3 of this act.***

***2. If the Labor Commissioner receives notification of a possible violation from a public body pursuant to paragraph (b) of subsection 1 of NRS 338.070, the Labor Commissioner shall investigate and determine whether a violation has been committed within 60 days after receipt of such notification.***

***3. In addition to any other remedy or penalty provided in this chapter, if any person violates any provision of NRS 338.010 to 338.130, inclusive, and sections 2 and 3 of this act, or any regulation adopted pursuant thereto, the Labor Commissioner may impose against the person an administrative penalty of not more than \$5,000 for each such violation.***

~~{3-}~~ 4. The Labor Commissioner may, by regulation, establish a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the person pursuant to this section.

~~{4-}~~ 5. The Labor Commissioner shall report the violation to the Attorney General, and the Attorney General shall prosecute the person in accordance with law.”.

Amend sec. 2, page 3, line 30, by deleting “I” and inserting “3”.

Amend sec. 2, page 4, by deleting lines 32 and 33 and inserting:

*“Commissioner at least 60 days before the date on which the prevailing wages that have been determined for the recognized class of workmen by the Labor Commissioner for that year pursuant to section 3 of this act become effective.*

*↪ Any increase in the prevailing wage pursuant to this subsection becomes effective on the date on which the prevailing wages that have been determined for the recognized class of workmen by the Labor Commissioner for that year pursuant to section 3 of this act become effective.”.*

Amend sec. 2, page 4, line 34, by deleting “prevents” and inserting:

~~{prevents}~~ :

*(a) Prevents”.*

Amend sec. 2, page 4, line 36, by deleting “established practice.” and inserting:

*“the established practice ~~{-}~~ in the area.*

*(b) Requires a public body to amend a contract for a public work, authorize a change order or otherwise increase the amount of compensation paid to a contractor or subcontractor for a public work, if the Labor Commissioner increases the prevailing wage for a recognized class of workmen pursuant to subsection 7.”.*

Amend sec. 3, page 5, line 2, by deleting “*I*” and inserting “*3*”.

Amend sec. 3, page 5, by deleting line 28 and inserting:

***“awards a contract for any public work ~~[-]~~ and to any person or governmental entity that is otherwise required to comply with the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act.”.***

Amend sec. 3, page 5, line 30, by deleting “*section I*” and inserting:

***“sections 2 and 3”.***

Amend sec. 3, page 5, by deleting lines 35 through 38.

Amend sec. 4, page 5, by deleting line 41 and inserting:

***“any person or governmental entity that is otherwise required to comply with the provisions of NRS 338.010 to 338.090, inclusive, and sections 2 and 3 of this act, shall:”.***

Amend sec. 4, page 5, line 43, after “inclusive,” by inserting:

***“and sections 2 and 3 of this act”.***

Amend sec. 4, page 6, line 2, by deleting “and” and inserting “~~and~~”.

Amend sec. 4, page 6, line 3, after “(b)” by inserting:

***“If based on a copy of the record received pursuant to subsection 5, a public body reasonably believes that a contractor or subcontractor has failed to compensate a workman in compliance with any applicable state or federal law for work on a public work, project or undertaking other than the public work, project or undertaking that is the subject of the contract, the public body shall notify the Labor Commissioner of the possible violation; and  
  
(c)”.***

Amend sec. 4, page 6, lines 6 and 15, by deleting “inclusive.” and inserting:

~~“[inclusive.], and sections 2 and 3 of this act.”.~~

Amend sec. 4, page 6, by deleting line 23 and inserting:

**“(a) *The name*”.**

Amend sec. 4, page 6, line 25, by deleting “***work;***” and inserting:

***“work and the city and state in which each such workman resides and, if different, the city and state in which a workman has a mailing address;”.***

Amend the title of the bill to read as follows:

“AN ACT relating to public works; clarifying the applicability of certain provisions requiring the payment of prevailing wages; revising the provisions governing the determination of the prevailing wages by the Labor Commissioner; providing that, with certain exceptions, the prevailing wages in effect at the time of opening bids for a contract for a public work are the prevailing wages for the duration of the contract; requiring a public body to report possible violations of certain laws by contractors or subcontractors to the Labor Commissioner; revising the provisions governing the maintenance of records relating to employees of contractors and subcontractors engaged on public works; and providing other matters properly relating thereto.”.