

SENATE BILL NO. 114—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF RENO)

FEBRUARY 22, 2005

Referred to Committee on Government Affairs

SUMMARY—Clarifies that certain hiring preferences apply to all circumstances under which persons are employed in construction of public works. (BDR 28-532)

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

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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 works; clarifying that certain hiring preferences apply to all circumstances under which persons are employed in the construction of public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that in all cases where persons are employed in the
2 construction of public works, a public body must give preference, the qualifications
3 of the applicants being equal, first to citizens of the State who are soldiers, sailors
4 and marines who have been discharged honorably from the Armed Forces of the
5 United States, and secondarily to other citizens of the State. (NRS 338.130)
6 This bill clarifies that the hiring preferences must be applied by both
7 contractors and public bodies that employ persons in the construction of public
8 works.

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

- 1 **Section 1.** NRS 338.130 is hereby amended to read as follows:
2 338.130 1. In all cases where persons are employed in the
3 construction of public works, preference must be given , ~~by a~~
4 ~~public body,~~ the qualifications of the applicants being equal:
5 (a) First: To honorably discharged soldiers, sailors and marines
6 of the United States who are citizens of the State of Nevada.



1 (b) Second: To other citizens of the State of Nevada.

2 2. Nothing in this section shall be construed to prevent the
3 working of prisoners by a public body on a public work.

4 3. In each contract for the construction of public works , a
5 clause must be inserted to the effect that if the provisions of this
6 section are not complied with by the contractor engaged on the
7 public work, the contract is void, and any failure or refusal to
8 comply with any of the provisions of this section renders any such
9 contract void. All boards, commissions, officers, agents and
10 employees having the power to enter into contracts for the
11 expenditure of public money on public works shall file in the Office
12 of the Labor Commissioner the names and addresses of all
13 contractors holding contracts with the public body , and upon the
14 letting of new contracts , the names and addresses of such new
15 contractors must likewise be filed with the Labor Commissioner.
16 Upon the demand of the Labor Commissioner, a contractor shall
17 furnish a list of the names and addresses of all subcontractors
18 employed by the contractor engaged on a public work.

19 4. Subject to the exceptions contained in this section, no money
20 may be paid out of the State Treasury or out of the treasury of any
21 political subdivision of the State to any person employed on any
22 work mentioned in this section unless there has been compliance
23 with the provisions of this section.

24 5. Any contractor engaged on a public work or any other
25 person who violates any of the provisions of this section is guilty of
26 a misdemeanor. The penalties provided for in this section do not
27 apply where violations thereof are due to misrepresentations made
28 by the employee or employees.

29 **Sec. 2.** This act becomes effective on July 1, 2005.

