

Senate Bill No. 114—Committee on Government Affairs

CHAPTER.....

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:

Existing law provides that in all cases where persons are employed in the construction of public works, a public body must give preference, the qualifications of the applicants being equal, first to citizens of the State who are soldiers, sailors and marines who have been discharged honorably from the Armed Forces of the United States, and secondarily to other citizens of the State. (NRS 338.130)

This bill clarifies that the hiring preferences must be applied by both contractors and public bodies that employ persons in the construction of public works. This bill also specifies that the hiring preferences must first be given to persons who are citizens of the State and who were honorably discharged from the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard.

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

Section 1. NRS 338.130 is hereby amended to read as follows:

338.130 1. In all cases where persons are employed in the construction of public works, preference must be given , ~~by a public body,~~ the qualifications of the applicants being equal:

(a) First: To *persons who:*

(1) *Have been* honorably discharged ~~[soldiers, sailors and marines]~~ *from the Army, Navy, Air Force, Marine Corps or Coast Guard* of the United States ~~[who are]~~ , *a reserve component thereof or the National Guard; and*

(2) *Are* citizens of the State of Nevada.

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

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

3. In each contract for the construction of public works , a clause must be inserted to the effect that if the provisions of this section are not complied with by the contractor engaged on the public work, the contract is void, and any failure or refusal to comply with any of the provisions of this section renders any such contract void. All boards, commissions, officers, agents and employees having the power to enter into contracts for the expenditure of public money on public works shall file in the Office of the Labor Commissioner the names and addresses of all contractors holding contracts with the public body , and upon the letting of new contracts , the names and addresses of such new

contractors must likewise be filed with the Labor Commissioner. Upon the demand of the Labor Commissioner, a contractor shall furnish a list of the names and addresses of all subcontractors employed by the contractor engaged on a public work.

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

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

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