

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. This bill also specifies that the hiring preferences must first be given to
9 persons who are citizens of the State and who were honorably discharged from the
10 Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a
11 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.

