

SENATE BILL NO. 297—SENATOR COPENING

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to preferential employment in the construction of public works. (BDR 28-1056)

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

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public works; revising certain preferences relating to employment in the construction of a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, if the qualifications of applicants for employment in the
2 construction of a public work are equal, preference must be given first to a Nevada
3 resident who is an honorably discharged veteran of the Armed Forces of the United
4 States and second to any other Nevada resident. (NRS 338.130) This bill revises
5 those preferences to apply first to an honorably discharged veteran who is a resident
6 of the county where the public work will be constructed and second to a resident of
7 the county where the public work will be constructed.

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, the
4 qualifications of the applicants being equal:
5 (a) First: To persons who:
6 (1) Have been honorably discharged from the Army, Navy,
7 Air Force, Marine Corps or Coast Guard of the United States, a
8 reserve component thereof or the National Guard; and



(2) Are citizens of the ~~{State of Nevada.}~~ *county in which the public work will be constructed.*

(b) Second: To other citizens of the ~~{State of Nevada.}~~ *county in which the public work will be constructed.*

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, 2011.

