

ASSEMBLY BILL NO. 367—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 21, 2023

Referred to Committee on Government Affairs

SUMMARY—Establishes requirements relating to labor agreements for certain public works projects. (BDR 28-450)

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

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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; providing, with certain exceptions, that a contract for certain public works projects require a contractor or subcontractor to enter into an agreement with a labor organization; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes general procedures and requirements for a public body that awards a contract for a public work. (Chapter 338 of NRS) **Section 1** of this bill provides that a contract for a public work that is a transportation project awarded by a public body must require that the contractor or subcontractor enter into or adhere to an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work. **Section 2** of this bill: (1) requires the Labor Commissioner to enforce this requirement; and (2) authorizes the Labor Commissioner to impose an administrative penalty for a violation of this requirement.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, every contract for a public work that is a transportation project to which a public body of this State is a party must contain in express terms a requirement that a contractor or subcontractor must enter into



1 *or adhere to an agreement with one or more labor organizations*
2 *in regard to the public work or any construction project integrated*
3 *into the public work before the contractor or subcontractor may*
4 *commence work on the public work.*

5 2. The provisions of subsection 1 do not apply to a public
6 work on a transportation project that uses federal money.

7 3. As used in this section, "transportation project" means a
8 project to provide transportation for public use, and includes,
9 without limitation, works, systems and facilities for transporting
10 persons, rolling stock, equipment, terminals, stations, platforms
11 and other facilities necessary, useful or desirable for such a
12 project, and all property, easements, rights-of-way and other rights
13 or interest incidental to the project.

14 **Sec. 2.** NRS 338.015 is hereby amended to read as follows:

15 338.015 1. The Labor Commissioner shall enforce the
16 provisions of NRS 338.010 to 338.130, inclusive ~~H~~, and *section 1*
17 *of this act.*

18 2. Except as otherwise provided in NRS 338.035 and in
19 addition to any other remedy or penalty provided in this chapter, if
20 any person, including, without limitation, a public body, violates
21 any provision of NRS 338.010 to 338.130, inclusive, *and section 1*
22 *of this act*, or any regulation adopted pursuant thereto, the Labor
23 Commissioner may, after providing the person with notice and an
24 opportunity for a hearing, impose against the person an
25 administrative penalty of not more than \$5,000 for each such
26 violation.

27 3. The Labor Commissioner may, by regulation, establish a
28 sliding scale based on the severity of the violation to determine the
29 amount of the administrative penalty to be imposed against the
30 person pursuant to this section.

31 4. The Labor Commissioner shall report the violation to the
32 Attorney General, and the Attorney General may prosecute the
33 person in accordance with law.

34 **Sec. 3.** This act becomes effective on July 1, 2023.

