

**Amendment No. CA3**

Conference Committee Amendment to (BDR 28-255)  
Senate Bill No. 340 Second Reprint

**Proposed by:** Conference Committee

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) **orange double underlining** is deleted language in the original bill proposed to be retained in this amendment.

---

---

---

---

HAC/JWP



Date: 5/31/2015

S.B. No. 340—Revises provisions governing public works. (BDR 28-255)



SENATE BILL NO. 340—SENATORS SMITH, FORD, SPEARMAN, PARKS; ATKINSON,  
DENIS, KIHUEN, MANENDO AND WOODHOUSE

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN CARRILLO;  
ARAUJO, JOINER, SPIEGEL AND SPRINKLE

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public works. (BDR 28-255)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

~

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

AN ACT relating to public works; disqualifying a contractor from being awarded a contract for a public work under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Labor Commissioner to impose an administrative penalty against a person who violates certain provisions related to contracts for public works in this State. (NRS 338.015) A person against whom such an administrative penalty is imposed may not be awarded a contract for a public work for a period of 3 years, and upon a second or subsequent offense, for a period of 5 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for public works, such a person is also subject to the suspension of his or her contractor's license by the State Contractors' Board for the length of the prohibition. (NRS 624.300)

Under federal law, a contractor may be excluded for a period of time from receiving contracts from the Federal Government if the contractor is debarred. (48 C.F.R. §§ 9.400 et seq.)

This bill provides that, if a contractor is excluded for a period of time from receiving contracts from the Federal Government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the ~~longer of: (1) 4 years after the date on which the Labor Commissioner becomes aware of the exclusion; or (2) the length of the~~ term of **the** debarment.

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

**Section 1.** NRS 338.017 is hereby amended to read as follows:  
338.017 **1.** If any administrative penalty is imposed *pursuant to this chapter* against a person for the commission of an offense **†**

1 ~~1. That~~, *that* person, and the corporate officers, if any, of that person, may  
2 not be awarded a contract for a public work:

3 (a) For the first offense, for a period of 3 years after the date of the imposition  
4 of the administrative penalty; and

5 (b) For the second or subsequent offense, for a period of 5 years after the date  
6 of the imposition of the administrative penalty.

7 2. *A person, and the corporate officers, if any, of that person, who is*  
8 *identified in the System for Award Management Exclusions operated by the*  
9 *General Services Administration as being excluded from receiving contracts from*  
10 *the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of*  
11 *being debarred may not be awarded a contract for a public work.*

12 ~~(a) For a period of 4 years after the date on which the Labor Commissioner~~  
13 ~~is made aware of the exclusion from receiving contracts from the Federal~~  
14 ~~Government, or~~

15 ~~(b) For~~ *for* the period of debarment of the contractor from receiving  
16 contracts from the Federal Government.

17 ~~whichever is longer.~~

18 3. *The Labor Commissioner, upon learning that a contractor has been*  
19 *excluded from receiving contracts from the Federal Government pursuant to 48*  
20 *C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the*  
21 *contractor from being awarded a contract for a public work as provided in*  
22 *subsection 2.*

23 4. The Labor Commissioner shall notify the State Contractors' Board of each  
24 contractor who is prohibited *or disqualified* from being awarded a contract for a  
25 public work pursuant to this section.

26 **Sec. 2.** (Deleted by amendment.)