

ASSEMBLY BILL NO. 89—ASSEMBLYMEN O’NEILL,
DICKMAN, HANSEN, DELONG AND GURR

PREFILED JANUARY 30, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to public works.
(BDR 28-510)

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; requiring contractors and subcontractors on a public work to use the federal E-Verify employment verification system to verify eligibility for employment for all workers on the public work; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, a contractor or subcontractor on a public work must
2 comply with certain requirements, such as making employment decisions without
3 discrimination based on race, color, creed, national origin, sex, sexual orientation,
4 gender identity or expression or age. (NRS 338.125) **Section 1** of this bill requires a
5 contractor or subcontractor on a public work to use the federal E-Verify
6 employment verification system to verify the employment eligibility of all workers
7 on the public work. **Section 2** of this bill makes a conforming change to indicate
8 the proper placement of **section 1** in the Nevada Revised Statutes.

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

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

3 ***1. Each contractor and subcontractor on a public work shall***
4 ***register and participate in the E-Verify system to verify the***
5 ***eligibility for employment of all workers on the public work.***



1 2. *As used in this section, “E-Verify system” means the*
2 *electronic employment verification system established pursuant to*
3 *8 U.S.C. 1324a and administrated by the United States Department*
4 *of Homeland Security through which employers may verify the*
5 *eligibility for employment of their employees.*

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

7 338.015 1. The Labor Commissioner shall enforce the
8 provisions of NRS 338.010 to 338.130, inclusive ~~H~~, *and section 1*
9 *of this act.*

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

19 3. The Labor Commissioner may, by regulation, establish a
20 sliding scale based on the severity of the violation to determine the
21 amount of the administrative penalty to be imposed against the
22 person pursuant to this section.

23 4. The Labor Commissioner shall report the violation to the
24 Attorney General, and the Attorney General may prosecute the
25 person in accordance with law.

