
ASSEMBLY BILL NO. 48—ASSEMBLYWOMAN GIUNCHIGLIANI

FEBRUARY 5, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Provides expressly that certain provisions related to labor include persons unlawfully employed. (BDR 53-601)

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 labor; providing expressly that the duties of the Labor Commissioner include the enforcement of certain provisions related to labor without regard to whether a person is lawfully or unlawfully employed; providing expressly that the provisions relating to compensation, wages and hours include persons unlawfully employed by revising the definition of “employee”; providing expressly that the provisions relating to occupational safety and health include persons unlawfully employed by revising the definition of “employee”; providing expressly that the provisions relating to public works projects include persons unlawfully employed by revising the definition of “workman”; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 607 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *The Labor Commissioner shall enforce the provisions of*
4 *chapters 338 and 609 of NRS without regard to whether an*
5 *employee or workman, including, without limitation, an alien, is*
6 *lawfully or unlawfully employed to the extent that doing so does*
7 *not conflict with or infringe upon federal law.*



* A B 4 8 *

1 **Sec. 2.** NRS 608.010 is hereby amended to read as follows:
2 608.010 “Employee” includes both male and female persons ~~§~~
3 *in the service of an employer under any appointment or contract*
4 *of hire or apprenticeship, express or implied, oral or written,*
5 *whether lawfully or unlawfully employed, and includes, without*
6 *limitation, aliens to the extent that doing so does not conflict with*
7 *or infringe upon federal law.*

8 **Sec. 3.** NRS 618.085 is hereby amended to read as follows:
9 618.085 “Employee” means every person who is required,
10 permitted or directed by any employer to engage in any
11 employment, or to go to work or be at any time in any place of
12 employment ~~§~~, *under any appointment or contract of hire or*
13 *apprenticeship, express or implied, oral or written, whether*
14 *lawfully or unlawfully employed, and includes, without limitation,*
15 *aliens to the extent that doing so does not conflict with or infringe*
16 *upon federal law.*

17 **Sec. 4.** NRS 338.010 is hereby amended to read as follows:
18 338.010 As used in this chapter:

19 1. “Day labor” means all cases where public bodies, their
20 officers, agents or employees, hire, supervise and pay the wages
21 thereof directly to a workman or workmen employed by them on
22 public works by the day and not under a contract in writing.

23 2. “Design-build contract” means a contract between a public
24 body and a design-build team in which the design-build team agrees
25 to design and construct a public work.

26 3. “Design-build team” means an entity that consists of:

27 (a) At least one person who is licensed as a general engineering
28 contractor or a general building contractor pursuant to chapter
29 624 of NRS; and

30 (b) For a public work that consists of:

31 (1) A building and its site, at least one person who holds a
32 certificate of registration to practice architecture pursuant to chapter
33 623 of NRS.

34 (2) Anything other than a building and its site, at least one
35 person who holds a certificate of registration to practice architecture
36 pursuant to chapter 623 of NRS or is licensed as a professional
37 engineer pursuant to chapter 625 of NRS.

38 4. “Design professional” means:

39 (a) A person who is licensed as a professional engineer pursuant
40 to chapter 625 of NRS;

41 (b) A person who is licensed as a professional land surveyor
42 pursuant to chapter 625 of NRS;

43 (c) A person who holds a certificate of registration to engage in
44 the practice of architecture pursuant to chapter 623 of NRS;



- 1 (d) A person who holds a certificate of registration to engage in
- 2 the practice of landscape architecture pursuant to chapter 623A
- 3 of NRS; or
- 4 (e) A business entity that engages in the practice of professional
- 5 engineering, land surveying, architecture or landscape architecture.
- 6 5. "Eligible bidder" means a person who is:
- 7 (a) Found to be a responsible and responsive contractor by a
- 8 local government which requests bids for a public work in
- 9 accordance with paragraph (b) of subsection 1 of NRS 338.1373; or
- 10 (b) Determined by a public body which awarded a contract for a
- 11 public work pursuant to NRS 338.1375 to 338.139, inclusive, to be
- 12 qualified to bid on that contract pursuant to NRS 338.1379 or was
- 13 exempt from meeting such qualifications pursuant to
- 14 NRS 338.1383.
- 15 6. "General contractor" means a person who is licensed to
- 16 conduct business in one, or both, of the following branches of the
- 17 contracting business:
- 18 (a) General engineering contracting, as described in subsection 2
- 19 of NRS 624.215.
- 20 (b) General building contracting, as described in subsection 3 of
- 21 NRS 624.215.
- 22 7. "Local government" means every political subdivision or
- 23 other entity which has the right to levy or receive money from ad
- 24 valorem or other taxes or any mandatory assessments, and includes,
- 25 without limitation, counties, cities, towns, boards, school districts
- 26 and other districts organized pursuant to chapters 244A, 309, 318,
- 27 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
- 28 inclusive, and any agency or department of a county or city which
- 29 prepares a budget separate from that of the parent political
- 30 subdivision.
- 31 8. "Offense" means failing to:
- 32 (a) Pay the prevailing wage required pursuant to this chapter;
- 33 (b) Pay the contributions for unemployment compensation
- 34 required pursuant to chapter 612 of NRS;
- 35 (c) Provide and secure compensation for employees required
- 36 pursuant to chapters 616A to 617, inclusive, of NRS; or
- 37 (d) Comply with subsection 4 or 5 of NRS 338.070.
- 38 9. "Prime contractor" means a person who:
- 39 (a) Contracts to construct an entire project;
- 40 (b) Coordinates all work performed on the entire project;
- 41 (c) Uses his own workforce to perform all or a part of the
- 42 construction, repair or reconstruction of the project; and
- 43 (d) Contracts for the services of any subcontractor or
- 44 independent contractor or is responsible for payment to any
- 45 contracted subcontractors or independent contractors.



1 The term includes, without limitation, a general contractor or a
2 specialty contractor who is authorized to bid on a project pursuant to
3 NRS 338.139 or 338.148.

4 10. "Public body" means the State, county, city, town, school
5 district or any public agency of this state or its political subdivisions
6 sponsoring or financing a public work.

7 11. "Public work" means any project for the new construction,
8 repair or reconstruction of:

9 (a) A project financed in whole or in part from public money
10 for:

11 (1) Public buildings;

12 (2) Jails and prisons;

13 (3) Public roads;

14 (4) Public highways;

15 (5) Public streets and alleys;

16 (6) Public utilities which are financed in whole or in part by
17 public money;

18 (7) Publicly owned water mains and sewers;

19 (8) Public parks and playgrounds;

20 (9) Public convention facilities which are financed at least in
21 part with public funds; and

22 (10) All other publicly owned works and property whose cost
23 as a whole exceeds \$20,000. Each separate unit that is a part of a
24 project is included in the cost of the project to determine whether a
25 project meets that threshold.

26 (b) A building for the University and Community College
27 System of Nevada of which 25 percent or more of the costs of the
28 building as a whole are paid from money appropriated by this state
29 or from federal money.

30 12. "Specialty contractor" means a person who is licensed to
31 conduct business as described in subsection 4 of NRS 624.215.

32 13. "Stand-alone underground utility project" means an
33 underground utility project that is not integrated into a larger
34 project, including, without limitation:

35 (a) An underground sewer line or an underground pipeline for
36 the conveyance of water, including facilities appurtenant thereto;
37 and

38 (b) A project for the construction or installation of a storm drain,
39 including facilities appurtenant thereto,
40 that is not located at the site of a public work for the design and
41 construction of which a public body is authorized to contract with a
42 design-build team pursuant to subsection 2 of NRS 338.1711.

43 14. "Wages" means:

44 (a) The basic hourly rate of pay; and



1 (b) The amount of pension, health and welfare, vacation and
2 holiday pay, the cost of apprenticeship training or other similar
3 programs , or other bona fide fringe benefits which are a benefit to
4 the workman.

5 15. "Workman" means a skilled mechanic, skilled workman,
6 semiskilled mechanic, semiskilled workman or unskilled workman
7 ~~is~~ *in the service of an employer under any appointment or*
8 *contract of hire or apprenticeship, express or implied, oral or*
9 *written, whether lawfully or unlawfully employed, and includes,*
10 *without limitation, aliens to the extent that doing so does not*
11 *conflict with or infringe upon federal law.* The term does not
12 include a design professional.

