



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** March 21, 2019

Staff Contact: Adriana Fralick, Deputy City Manager

Agenda Title: For Possible Action: Discussion and possible action on legislative bills of the 80th (2019) Session of the Nevada Legislature which relate to prevailing wage, specifically Assembly Bill (AB) 136, AB 190 and Senate Bill (SB) 231. (Adriana Fralick, afralick@carson.org)

Staff Summary: During this legislative session of the Nevada Legislature, City staff will bring to meetings of the Board of Supervisors legislative bills as requested by the Board for review. AB 136, AB 190 and SB 231 propose to lower the minimum threshold for the applicability of prevailing wage requirements from \$250,000 to \$100,000, which if enacted may have the effect of costing the City amounts not previously budgeted on pending and future projects.

Agenda Action: Formal Action / Motion **Time Requested:** 5 minutes

Proposed Motion

I move to (support, oppose, remain neutral on) AB 136, AB 190 and SB 231.

Board's Strategic Goal

Efficient Government

Previous Action

None

Background/Issues & Analysis

AB 136:

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage prevailing for the type of work that the mechanic or worker performs in the county in which the public work is located. (NRS 338.020) Existing law also: (1) prescribes the manner in which the Labor Commissioner must determine the prevailing wage for such a project; and (2) requires the Labor Commissioner to set the prevailing wage for such projects of school districts and the Nevada System of Higher Education at 90 percent of the rate of prevailing wage determined in the county in which the project is located. (NRS 338.030) Section 2 of this bill eliminates the requirement to set prevailing wage for public works and other construction projects of school districts and the Nevada System of Higher Education at 90 percent of the rate of prevailing wage on other public works in the applicable county. Under existing law, any contract for a public work whose cost is \$250,000 or more, including, without limitation, any contract for construction work of the Nevada System of Higher Education, is subject to the prevailing wage requirements. (NRS 338.075, 338.080) Existing law also exempts charter schools from such prevailing wage requirements. (NRS 338.080) Sections 3 and 4 of this bill lower the minimum threshold for the applicability of prevailing wage requirements from \$250,000 to \$100,000. Section 4 also subjects charter schools to the

prevailing wage requirements. Section 1 of this bill makes a conforming change. Section 5 of this bill provides that the amendatory provisions of this bill do not apply to a public work or other public construction project awarded before July 1, 2019.

AB 136 was voted out of Assembly Government Affairs Committee with "do pass" on March 11, 2019.

AB 190:

Legislative Counsel's Digest:

Existing law sets forth general provisions applicable to public works, including provisions requiring, with certain exceptions, the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Under existing law, a contractor or subcontractor engaged on a public work is authorized to discharge his or her obligation to pay prevailing wages to workers in part by making certain contributions in the name of the worker. (NRS 338.035) Section 5 of this bill sets forth the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. Section 1 of this bill defines "bona fide fringe benefits" to mean a benefit in the form of a contribution that is made not less frequently than monthly to an independent third party pursuant to a fund, plan or program: (1) which is established for the sole and exclusive benefit of a worker and his or her family and dependents; and (2) for which none of the assets will revert to, or otherwise be credited to, any contributing employer or sponsor of the fund, plan or program. Sections 2 and 8 of this bill makes conforming changes. Section 5 requires the Labor Commissioner, after providing notice and an opportunity for a hearing, to: (1) impose an administrative penalty against a contractor or subcontractor who discharges any part of his or her obligation to pay prevailing wages in an unauthorized manner; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain entities of the violation. Existing law provides that if an administrative penalty is imposed against a person for an offense concerning public works: (1) the person and any corporate officer of the person are prohibited from receiving a contract for a public work for specified periods depending on the number of offenses; and (2) the Labor Commissioner is required to notify the State Contractors' Board with regard to each contractor who is prohibited from being awarded such a contract. (NRS 338.010, 338.017) Section 1 of this bill makes a violation of section 5 an "offense" for that purpose. Sections 2, 3, 6 and 9 of this bill make conforming changes. Existing law requires the Labor Commissioner to determine the prevailing wage in a county for each craft or type of work. (NRS 338.030) Existing regulations prescribe the manner in which the Labor Commissioner must determine the prevailing wage for a recognized class of workers. Existing regulations additionally authorize the Labor Commissioner to adjust the prevailing rate of wages for a recognized class of workers in accordance with wage and benefit adjustments and classifications of workers in a collective bargaining agreement if the Labor Commissioner determines that the prevailing rate of wages for a recognized class of workers is a wage which has been collectively bargained. (NAC 42338.010) If the Labor Commissioner determines that the prevailing rate of wages for a recognized class of workers is a wage which has been collectively bargained, section 4 of this bill requires the Labor Commissioner to: (1) include in his or her determination of that prevailing wage any compensation in addition to the basic hourly wage or benefit for the craft or type of work required to be paid by the collective bargaining agreement; and (2) amend the determination of the prevailing wage for the craft or type of work in response to an increase in the wage prescribed in the collective bargaining agreement that occurs before the next annual determination of that prevailing wage by the Labor Commissioner. Existing regulations require the prevailing rates of wages in effect at the time of the opening of bids of a contract to remain in effect for the duration of the project for which a contract has been awarded. (NAC 338.040) Existing regulations similarly address this requirement when the contract for the public work is entered into without opening bids. (NAC 338.065) Section 4 codifies these requirements in statute, but limits the duration of the requirements to the 36 months immediately following the date on which the bids were opened or, if the contract was not awarded pursuant to a competitive bidding process, to the 36 months immediately following the date on which the contractor was selected or the

contract was entered into. Additionally, section 4 provides that if a contract for a public work is not completed or terminated within 36 months and the prevailing wages in effect on the last day of the 36-month period are lower than the prevailing wages paid during the 36-month period under the contract, the prevailing wages paid during that 36-month period must be paid for the immediately following 36 months. School districts and the Nevada System of Higher Education are required under existing law to pay on their public works and certain other construction projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. (NRS 338.030) Section 4 of this bill eliminates this exception and therefore requires school districts and the Nevada System of Higher Education to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay. Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction, repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is \$250,000 or more. (NRS 338.010, 338.020-338.080) Section 7 of this bill decreases the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 to \$100,000. Sections 3, 6 and 16 of this bill make conforming changes. Under existing law, charter schools are exempt from the requirement to pay prevailing wage rates on their public works and certain other construction projects. (NRS 338.080) Section 7 eliminates this exemption and therefore requires charter schools to pay prevailing wage rates on their public works and other construction projects. Existing law makes the prevailing wage requirements applicable to certain construction projects that are not public works. (NRS 244A.058, 244A.763, 87268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 332.390, 333A.120, 349.670, 349.956, 388A.635, 408.3886, 543.545, 701B.265, 701B.625; Reno-Tahoe Airport Authority Act § 9.5) Sections 10-28 of this bill clarify that those prevailing wage requirements apply in the same manner as if the applicable public body had undertaken the project or awarded the contract. Existing law, with certain exceptions, prohibits a public body from: (1) requiring or prohibiting a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work; or (2) discriminating against a bidder, contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. Existing law further prohibits a public body, with certain exceptions, from awarding a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include in a contract for a project that is the subject of the grant, tax abatement, tax credit or tax exemption a term that: (1) requires or prohibits a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to the project; or (2) discriminates against a bidder, contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the project. (NRS 338.1405) Section 31 of this bill eliminates these prohibitions.

SB 231:

Legislative Counsel's Digest:

Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction, repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is \$250,000 or more. (NRS 338.010, 338.020-338.080) Sections 1, 3 and 4 of this bill decrease the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 to \$100,000. To determine the prevailing wages in each county under existing law, the Labor Commissioner is required to annually survey contractors who have performed work in the county. If, based on the survey, the rate of wages is the same for more than 50 percent of the total hours worked by a specific craft or type of work on similar construction, the Labor Commissioner is required to determine that rate as the prevailing wage. Where no such rate can be determined, the Labor Commissioner is required to determine the rate as the average rate of wages paid per hour based on the number of hours worked per rate. (NRS 338.030) Section 2 of this bill eliminates these provisions to now require the Labor Commissioner to determine the prevailing wage by conducting an annual survey of contractors who have performed work in the county according to each craft or type of work performed. Additionally, under existing law, school districts

and the Nevada System of Higher Education are required to pay on their public works and certain other construction projects 90 percent of the prevailing wage rates that are otherwise required to be paid by other public bodies. (NRS 338.030) Section 2 eliminates this exception and therefore requires school districts and the Nevada System of Higher Education to pay the same prevailing wage rates on their public works and other construction projects as other public bodies are required to pay. Under existing law, charter schools are exempt from the requirement in existing law to pay prevailing wage rates on their public works and certain other construction projects. (NRS 338.080) Section 4 eliminates this exemption and therefore requires charter schools to pay prevailing wage rates on their public works and other construction projects. Existing law, with certain exceptions, prohibits a public body, in any solicitation, contract or other document related to a contract for a public work, from: (1) requiring or prohibiting a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to the public work; or (2) discriminating against a bidder, contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the public work. Existing law further prohibits a public body, with certain exceptions, from awarding a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include in a contract for a project that is the subject of the grant, tax abatement, tax credit or tax exemption a term that: (1) requires or prohibits a bidder, contractor or subcontractor from entering into or adhering to any agreement with one or more labor organizations in regard to the project; or (2) discriminates against a bidder, contractor or subcontractor for entering or not entering into, or adhering or refusing to adhere to, any agreement with one or more labor organizations in regard to the project. (NRS 338.1405) Section 7 of this bill eliminates these prohibitions.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244.146; Carson City Charter, Art. 2, Sec. 2.090; various provisions of NRS (see proposed bills)

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Various

Is it currently budgeted? No

Explanation of Fiscal Impact: See attached fiscal notes from CFO

Alternatives

Take a position to support, oppose or remain neutral on these bills;

Not take a position;

Mayor remand back to staff with instructions based on discussion on the record.

Attachments:

[AB136.pdf](#)

[AB190.pdf](#)

[SB231.pdf](#)

[AB136- Unsolicited fiscal note response.pdf](#)

[AB190 fiscal note.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

ASSEMBLY BILL NO. 136—ASSEMBLYMEN FRIERSON, BENITEZ-THOMPSON, CARLTON, MCCURDY, DALY; ASSEFA, BACKUS, BILBRAY-AXELROD, CARRILLO, COHEN, DURAN, FLORES, FUMO, GORELOW, JAUREGUI, MARTINEZ, MILLER, MONROE-MORENO, MUNK, NEAL, NGUYEN, PETERS, SPIEGEL, SPRINKLE, SWANK, THOMPSON, TORRES, WATTS AND YEAGER

FEBRUARY 13, 2019

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to public construction. (BDR 28-145)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 construction; revising the manner in which the prevailing wage is determined; lowering the estimated thresholds at or above which prevailing wage requirements apply to certain public construction projects; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that mechanics and workers employed on certain public
2 construction projects be paid at least the wage prevailing for the type of work that
3 the mechanic or worker performs in the county in which the public work is located.
4 (NRS 338.020) Existing law also: (1) prescribes the manner in which the Labor
5 Commissioner must determine the prevailing wage for such a project; and (2)
6 requires the Labor Commissioner to set the prevailing wage for such projects of
7 school districts and the Nevada System of Higher Education at 90 percent of the
8 rate of prevailing wage determined in the county in which the project is located.
9 (NRS 338.030) **Section 2** of this bill eliminates the requirement to set prevailing
10 wage for public works and other construction projects of school districts and the
11 Nevada System of Higher Education at 90 percent of the rate of prevailing wage on
12 other public works in the applicable county.
13 Under existing law, any contract for a public work whose cost is \$250,000 or
14 more, including, without limitation, any contract for construction work of the
15 Nevada System of Higher Education, is subject to the prevailing wage
16 requirements. (NRS 338.075, 338.080) Existing law also exempts charter schools
17 from such prevailing wage requirements. (NRS 338.080) **Sections 3 and 4** of this



18 bill lower the minimum threshold for the applicability of prevailing wage
19 requirements from \$250,000 to \$100,000. **Section 4** also subjects charter schools to
20 the prevailing wage requirements. **Section 1** of this bill makes a conforming
21 change.

22 **Section 5** of this bill provides that the amendatory provisions of this bill do not
23 apply to a public work or other public construction project awarded before July 1,
24 2019.

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

1 **Section 1.** NRS 338.018 is hereby amended to read as follows:

2 338.018 The provisions of NRS 338.013 to 338.018, inclusive,
3 apply to any contract for construction work of the Nevada System of
4 Higher Education for which the estimated cost exceeds ~~[\$250,000]~~
5 **\$100,000** even if the construction work does not qualify as a public
6 work, as defined in subsection 17 of NRS 338.010.

7 **Sec. 2.** NRS 338.030 is hereby amended to read as follows:

8 338.030 1. The public body awarding any contract for public
9 work, or otherwise undertaking any public work, shall ascertain
10 from the Labor Commissioner the prevailing wage in the county in
11 which the public work is to be performed for each craft or type of
12 work.

13 2. ~~[The]~~ **To determine a** prevailing wage in each county,
14 including Carson City, ~~[must be established as follows:~~

15 ~~—(a) The]~~ **the** Labor Commissioner shall, annually, survey
16 contractors who have performed work in the county.

17 ~~[(b) Based on the survey conducted pursuant to paragraph (a),~~
18 ~~where the rate of wages is the same for more than 50 percent of the~~
19 ~~total hours worked by each craft or type of work in that county on~~
20 ~~construction similar to the proposed construction, that rate will be~~
21 ~~determined as the prevailing wage.~~

22 ~~—(c) Where no such rate can be determined, the prevailing wage~~
23 ~~for a craft or type of work will be determined as the average rate of~~
24 ~~wages paid per hour based on the number of hours worked per rate,~~
25 ~~to that craft or type of work.~~

26 ~~—(d) The Labor Commissioner shall determine the prevailing~~
27 ~~wage to be 90 percent of the rate determined pursuant to paragraphs~~
28 ~~(a), (b) and (c) for:~~

29 ~~—(1) Any contract for a public work or any other construction,~~
30 ~~alteration, repair, remodeling or reconstruction of an improvement~~
31 ~~or property to which a school district or the Nevada System of~~
32 ~~Higher Education is a party; and~~

33 ~~—(2) A public work of, or constructed by, a school district or~~
34 ~~the Nevada System of Higher Education, or any other construction,~~



~~alteration, repair, remodeling or reconstruction of an improvement or property of or constructed by a school district or the Nevada System of Higher Education.~~

~~3.]~~ Within 30 days after the determination is issued:

(a) A public body or person entitled under subsection ~~[6.]~~ 5 to be heard may submit an objection to the Labor Commissioner with evidence to substantiate that a different wage prevails; and

(b) Any person may submit information to the Labor Commissioner that would support a change in the prevailing wage of a craft or type of work by 50 cents or more per hour in any county.

~~[4.]~~ 3. The Labor Commissioner shall hold a hearing in the locality in which the work is to be executed if the Labor Commissioner:

(a) Is in doubt as to the prevailing wage; or

(b) Receives an objection or information pursuant to subsection

~~[3.]~~ 2.

↳ The Labor Commissioner may hold only one hearing a year on the prevailing wage of any craft or type of work in any county.

~~[5.]~~ 4. Notice of the hearing must be advertised in a newspaper nearest to the locality of the work once a week for 2 weeks before the time of the hearing.

~~[6.]~~ 5. At the hearing, any public body, the crafts affiliated with the State Federation of Labor or other recognized national labor organizations, and the contractors of the locality or their representatives must be heard. From the evidence presented, the Labor Commissioner shall determine the prevailing wage.

~~[7.]~~ 6. The wages so determined must be filed by the Labor Commissioner and must be available to any public body which awards a contract for any public work.

~~[8.]~~ 7. Nothing contained in NRS 338.020 to 338.090, inclusive, may be construed to authorize the fixing of any wage below any rate which may now or hereafter be established as a minimum wage for any person employed upon any public work, or employed by any officer or agent of any public body.

Sec. 3. NRS 338.075 is hereby amended to read as follows:

338.075 The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds ~~[\$250,000]~~ **\$100,000** even if the construction work does not qualify as a public work, as defined in subsection 17 of NRS 338.010.

Sec. 4. NRS 338.080 is hereby amended to read as follows:

338.080 None of the provisions of NRS 338.020 to 338.090, inclusive, apply to:



1 1. Any work, construction, alteration, repair or other
2 employment performed, undertaken or carried out, by or for any
3 railroad company or any person operating the same, whether such
4 work, construction, alteration or repair is incident to or in
5 conjunction with a contract to which a public body is a party, or
6 otherwise.

7 2. Apprentices recorded under the provisions of chapter 610 of
8 NRS.

9 3. Any contract for a public work whose *estimated* cost is less
10 than ~~[\$250,000.]~~ **\$100,000**. A unit of the project must not be
11 separated from the total project, even if that unit is to be completed
12 at a later time, in order to lower the *estimated* cost of the project
13 below ~~[\$250,000.~~

14 ~~—4. Any contract for a public work or any other construction,~~
15 ~~alteration, repair, remodeling or reconstruction of an improvement~~
16 ~~or property to which a charter school is a party, notwithstanding any~~
17 ~~other provision of law.~~

18 ~~—5. A public work of, or constructed by, a charter school, or any~~
19 ~~other construction, alteration, repair, remodeling or reconstruction~~
20 ~~of an improvement or property of or constructed by a charter school,~~
21 ~~notwithstanding any other provision of law.]~~ **\$100,000.**

22 **Sec. 5.** 1. The amendatory provisions of this act do not apply
23 to a public work or other project of construction, alteration, repair,
24 remodeling or reconstruction of an improvement or property of a
25 public body that is awarded before July 1, 2019.

26 2. As used in this section:

27 (a) “Public body” has the meaning ascribed to it in
28 NRS 338.010.

29 (b) “Public work” has the meaning ascribed to it in
30 NRS 338.010.

31 **Sec. 6.** This act becomes effective on July 1, 2019.



ASSEMBLY BILL NO. 190—ASSEMBLYMEN DALY, MCCURDY, CARRILLO, FUMO, FLORES; ASSEFA, BACKUS, BENITEZ-THOMPSON, BILBRAY-AXELROD, CARLTON, COHEN, DURAN, FRIERSON, GORELOW, JAUREGUI, MARTINEZ, MILLER, MONROE-MORENO, MUNK, NGUYEN, PETERS, SPIEGEL, SPRINKLE, SWANK, THOMPSON, TORRES, WATTS AND YEAGER

FEBRUARY 18, 2019

JOINT SPONSORS: SENATORS PARKS, OHRENSCHALL, CANCELA; AND DENIS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain construction. (BDR 28-637)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 construction; revising the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge his or her obligation to pay prevailing wages to workers; revising provisions relating to the determination of the prevailing wages by the Labor Commissioner and the duration of such rates on a public work; decreasing the minimum threshold for the applicability of the prevailing wage requirements; eliminating the exemption for charter schools from the requirement to pay prevailing wages on their public works; clarifying the application of prevailing wage requirements to certain construction projects that are not public works; eliminating certain prohibitions relating to agreements with labor organizations concerning contracts with a public body for a public work or with an awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law sets forth general provisions applicable to public works, including
2 provisions requiring, with certain exceptions, the payment of prevailing wages for
3 public works projects. (NRS 338.010-338.090) Under existing law, a contractor or
4 subcontractor engaged on a public work is authorized to discharge his or her
5 obligation to pay prevailing wages to workers in part by making certain
6 contributions in the name of the worker. (NRS 338.035) **Section 5** of this bill sets
7 forth the requirements pursuant to which a contractor or subcontractor engaged on a
8 public work may discharge any part of his or her obligation to pay prevailing wages
9 to a worker by providing bona fide fringe benefits in the name of the worker. Those
10 requirements include, among other things, that the bona fide fringe benefits are paid
11 equally for all hours worked in a calendar year by the worker for the contractor or
12 subcontractor. **Section 1** of this bill defines "bona fide fringe benefits" to mean a
13 benefit in the form of a contribution that is made not less frequently than monthly
14 to an independent third party pursuant to a fund, plan or program: (1) which is
15 established for the sole and exclusive benefit of a worker and his or her family and
16 dependents; and (2) for which none of the assets will revert to, or otherwise be
17 credited to, any contributing employer or sponsor of the fund, plan or program.
18 **Sections 2 and 8** of this bill makes conforming changes.

19 **Section 5** requires the Labor Commissioner, after providing notice and an
20 opportunity for a hearing, to: (1) impose an administrative penalty against a
21 contractor or subcontractor who discharges any part of his or her obligation to pay
22 prevailing wages in an unauthorized manner; (2) require the contractor or
23 subcontractor to make the affected worker whole by paying to the worker as wages
24 any amounts disallowed as bona fide fringe benefits; (3) report the violation to the
25 Attorney General; and (4) notify certain entities of the violation. Existing law
26 provides that if an administrative penalty is imposed against a person for an offense
27 concerning public works: (1) the person and any corporate officer of the person are
28 prohibited from receiving a contract for a public work for specified periods
29 depending on the number of offenses; and (2) the Labor Commissioner is required
30 to notify the State Contractors' Board with regard to each contractor who is
31 prohibited from being awarded such a contract. (NRS 338.010, 338.017) **Section 1**
32 of this bill makes a violation of **section 5** an "offense" for that purpose. **Sections 2,**
33 **3, 6 and 9** of this bill make conforming changes.

34 Existing law requires the Labor Commissioner to determine the prevailing
35 wage in a county for each craft or type of work. (NRS 338.030) Existing
36 regulations prescribe the manner in which the Labor Commissioner must determine
37 the prevailing wage for a recognized class of workers. Existing regulations
38 additionally authorize the Labor Commissioner to adjust the prevailing rate of
39 wages for a recognized class of workers in accordance with wage and benefit
40 adjustments and classifications of workers in a collective bargaining agreement if
41 the Labor Commissioner determines that the prevailing rate of wages for a
42 recognized class of workers is a wage which has been collectively bargained. (NAC
43 338.010) If the Labor Commissioner determines that the prevailing rate of wages
44 for a recognized class of workers is a wage which has been collectively bargained,
45 **section 4** of this bill requires the Labor Commissioner to: (1) include in his or her
46 determination of that prevailing wage any compensation in addition to the basic
47 hourly wage or benefit for the craft or type of work required to be paid by the
48 collective bargaining agreement; and (2) amend the determination of the prevailing
49 wage for the craft or type of work in response to an increase in the wage prescribed
50 in the collective bargaining agreement that occurs before the next annual
51 determination of that prevailing wage by the Labor Commissioner.

52 Existing regulations require the prevailing rates of wages in effect at the time of
53 the opening of bids of a contract to remain in effect for the duration of the project
54 for which a contract has been awarded. (NAC 338.040) Existing regulations



55 similarly address this requirement when the contract for the public work is entered
56 into without opening bids. (NAC 338.065) **Section 4** codifies these requirements in
57 statute, but limits the duration of the requirements to the 36 months immediately
58 following the date on which the bids were opened or, if the contract was not
59 awarded pursuant to a competitive bidding process, to the 36 months immediately
60 following the date on which the contractor was selected or the contract was entered
61 into. Additionally, **section 4** provides that if a contract for a public work is not
62 completed or terminated within 36 months and the prevailing wages in effect on the
63 last day of the 36-month period are lower than the prevailing wages paid during the
64 36-month period under the contract, the prevailing wages paid during that 36-
65 month period must be paid for the immediately following 36 months.

66 School districts and the Nevada System of Higher Education are required under
67 existing law to pay on their public works and certain other construction projects 90
68 percent of the prevailing wage rates that are otherwise required to be paid by other
69 public bodies. (NRS 338.030) **Section 4** of this bill eliminates this exception and
70 therefore requires school districts and the Nevada System of Higher Education to
71 pay the same prevailing wage rates on their public works and other construction
72 projects as other public bodies are required to pay.

73 Under existing law, with certain exceptions, the prevailing wage in a county for
74 each craft or type of work, as determined by the Labor Commissioner, is required
75 to be paid on a project in the county involving new construction, repair or
76 reconstruction that is financed in whole or in part with public money and for which
77 the estimated cost is \$250,000 or more. (NRS 338.010, 338.020-338.080) **Section 7**
78 of this bill decreases the minimum threshold for the applicability of the prevailing
79 wage requirements from \$250,000 to \$100,000. **Sections 3, 6 and 16** of this bill
80 make conforming changes.

81 Under existing law, charter schools are exempt from the requirement to pay
82 prevailing wage rates on their public works and certain other construction projects.
83 (NRS 338.080) **Section 7** eliminates this exemption and therefore requires charter
84 schools to pay prevailing wage rates on their public works and other construction
85 projects.

86 Existing law makes the prevailing wage requirements applicable to certain
87 construction projects that are not public works. (NRS 244A.058, 244A.763,
88 268.568, 271.710, 271.800, 278C.240, 279.500, 318.140, 318.144, 332.390,
89 333A.120, 349.670, 349.956, 388A.635, 408.3886, 543.545, 701B.265, 701B.625;
90 Reno-Tahoe Airport Authority Act § 9.5) **Sections 10-28** of this bill clarify that
91 those prevailing wage requirements apply in the same manner as if the applicable
92 public body had undertaken the project or awarded the contract.

93 Existing law, with certain exceptions, prohibits a public body from: (1)
94 requiring or prohibiting a bidder, contractor or subcontractor from entering into or
95 adhering to any agreement with one or more labor organizations in regard to a
96 public work; or (2) discriminating against a bidder, contractor or subcontractor for
97 entering or not entering into, or adhering or refusing to adhere to, any agreement
98 with one or more labor organizations in regard to the public work. Existing law
99 further prohibits a public body, with certain exceptions, from awarding a grant, tax
100 abatement, tax credit or tax exemption that is conditioned upon a requirement that
101 the awardee include in a contract for a project that is the subject of the grant, tax
102 abatement, tax credit or tax exemption a term that: (1) requires or prohibits a
103 bidder, contractor or subcontractor from entering into or adhering to any agreement
104 with one or more labor organizations in regard to the project; or (2) discriminates
105 against a bidder, contractor or subcontractor for entering or not entering into, or
106 adhering or refusing to adhere to, any agreement with one or more labor
107 organizations in regard to the project. (NRS 338.1405) **Section 31** of this bill
108 eliminates these prohibitions.



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

1 **Section 1.** NRS 338.010 is hereby amended to read as follows:
2 338.010 As used in this chapter:

3 1. “Authorized representative” means a person designated by a
4 public body to be responsible for the development, solicitation,
5 award or administration of contracts for public works pursuant to
6 this chapter.

7 2. *“Bona fide fringe benefit” means a benefit in the form of a*
8 *contribution that is made not less frequently than monthly to an*
9 *independent third party pursuant to a fund, plan or program:*

10 (a) *Which is established for the sole and exclusive benefit of a*
11 *worker and his or her family and dependents; and*

12 (b) *For which none of the assets will revert to, or otherwise be*
13 *credited to, any contributing employer or sponsor of the fund, plan*
14 *or program.*

15 ↳ *The term includes, without limitation, benefits for a worker that*
16 *are determined pursuant to a collective bargaining agreement and*
17 *included in the determination of the prevailing wage by the Labor*
18 *Commissioner pursuant to NRS 338.030.*

19 3. “Contract” means a written contract entered into between a
20 contractor and a public body for the provision of labor, materials,
21 equipment or supplies for a public work.

22 ~~3.~~ 4. “Contractor” means:

23 (a) A person who is licensed pursuant to the provisions of
24 chapter 624 of NRS.

25 (b) A design-build team.

26 ~~4.~~ 5. “Day labor” means all cases where public bodies, their
27 officers, agents or employees, hire, supervise and pay the wages
28 thereof directly to a worker or workers employed by them on public
29 works by the day and not under a contract in writing.

30 ~~5.~~ 6. “Design-build contract” means a contract between a
31 public body and a design-build team in which the design-build team
32 agrees to design and construct a public work.

33 ~~6.~~ 7. “Design-build team” means an entity that consists of:

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

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

38 (1) A building and its site, at least one person who holds a
39 certificate of registration to practice architecture pursuant to chapter
40 623 of NRS.

41 (2) Anything other than a building and its site, at least one
42 person who holds a certificate of registration to practice architecture



1 pursuant to chapter 623 of NRS or landscape architecture pursuant
2 to chapter 623A of NRS or who is licensed as a professional
3 engineer pursuant to chapter 625 of NRS.

4 ~~7-]~~ 8. “Design professional” means:

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

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

9 (c) A person who holds a certificate of registration to engage in
10 the practice of architecture, interior design or residential design
11 pursuant to chapter 623 of NRS;

12 (d) A person who holds a certificate of registration to engage in
13 the practice of landscape architecture pursuant to chapter 623A of
14 NRS; or

15 (e) A business entity that engages in the practice of professional
16 engineering, land surveying, architecture or landscape architecture.

17 ~~8-]~~ 9. “Division” means the State Public Works Division of
18 the Department of Administration.

19 ~~9-]~~ 10. “Eligible bidder” means a person who is:

20 (a) Found to be a responsible and responsive contractor by a
21 local government or its authorized representative which requests
22 bids for a public work in accordance with paragraph (b) of
23 subsection 1 of NRS 338.1373; or

24 (b) Determined by a public body or its authorized representative
25 which awarded a contract for a public work pursuant to NRS
26 338.1375 to 338.139, inclusive, to be qualified to bid on that
27 contract pursuant to NRS 338.1379 or 338.1382.

28 ~~10-]~~ 11. “General contractor” means a person who is licensed
29 to conduct business in one, or both, of the following branches of the
30 contracting business:

31 (a) General engineering contracting, as described in subsection 2
32 of NRS 624.215.

33 (b) General building contracting, as described in subsection 3 of
34 NRS 624.215.

35 ~~11-]~~ 12. “Governing body” means the board, council,
36 commission or other body in which the general legislative and fiscal
37 powers of a local government are vested.

38 ~~12-]~~ 13. “Horizontal construction” means the construction of
39 any fixed work, including any irrigation, drainage, water supply,
40 flood control, harbor, railroad, highway, tunnel, airport or airway,
41 sewer, sewage disposal plant or water treatment facility and any
42 ancillary vertical components thereof, bridge, inland waterway,
43 pipeline for the transmission of petroleum or any other liquid or
44 gaseous substance, pier, and work incidental thereto. The term does
45 not include vertical construction, the construction of any terminal or



1 other building of an airport or airway, or the construction of any
2 other building.

3 ~~{13.}~~ 14. "Local government" means every political
4 subdivision or other entity which has the right to levy or receive
5 money from ad valorem or other taxes or any mandatory
6 assessments, and includes, without limitation, any counties, cities,
7 towns, boards, school districts and other districts organized pursuant
8 to chapters 244A, 318, 318A, 379, 474, 538, 541, 543 and 555 of
9 NRS, NRS 450.550 to 450.750, inclusive, and any agency or
10 department of a county or city which prepares a budget separate
11 from that of the parent political subdivision. The term includes a
12 person who has been designated by the governing body of a local
13 government to serve as its authorized representative.

14 ~~{14.}~~ 15. "Offense" means ~~{failing to:}~~ :

15 (a) *Failing to:*

16 ~~{(a)}~~ (1) Pay the prevailing wage required pursuant to this
17 chapter;

18 ~~{(b)}~~ (2) Pay the contributions for unemployment compensation
19 required pursuant to chapter 612 of NRS;

20 ~~{(c)}~~ (3) Provide and secure compensation for employees
21 required pursuant to chapters 616A to 617, inclusive, of NRS; or

22 ~~{(d)}~~ (4) Comply with subsection 5 or 6 of NRS 338.070.

23 ~~{15.}~~ (b) *Discharging an obligation to pay wages in a manner*
24 *that violates the provisions of NRS 338.035.*

25 16. "Prime contractor" means a contractor who:

26 (a) Contracts to construct an entire project;

27 (b) Coordinates all work performed on the entire project;

28 (c) Uses his or her own workforce to perform all or a part of the
29 public work; and

30 (d) Contracts for the services of any subcontractor or
31 independent contractor or is responsible for payment to any
32 contracted subcontractors or independent contractors.

33 ↪ The term includes, without limitation, a general contractor or a
34 specialty contractor who is authorized to bid on a project pursuant to
35 NRS 338.139 or 338.148.

36 ~~{16.}~~ 17. "Public body" means the State, county, city, town,
37 school district or any public agency of this State or its political
38 subdivisions sponsoring or financing a public work.

39 ~~{17.}~~ 18. "Public work" means any project for the new
40 construction, repair or reconstruction of a project financed in whole
41 or in part from public money for:

42 (a) Public buildings;

43 (b) Jails and prisons;

44 (c) Public roads;

45 (d) Public highways;



- 1 (e) Public streets and alleys;
- 2 (f) Public utilities;
- 3 (g) Publicly owned water mains and sewers;
- 4 (h) Public parks and playgrounds;
- 5 (i) Public convention facilities which are financed at least in part
- 6 with public money; and
- 7 (j) All other publicly owned works and property.

8 ~~{18.}~~ 19. "Specialty contractor" means a person who is licensed
9 to conduct business as described in subsection 4 of NRS 624.215.

10 ~~{19.}~~ 20. "Stand-alone underground utility project" means an
11 underground utility project that is not integrated into a larger
12 project, including, without limitation:

13 (a) An underground sewer line or an underground pipeline for
14 the conveyance of water, including facilities appurtenant thereto;
15 and

16 (b) A project for the construction or installation of a storm drain,
17 including facilities appurtenant thereto,

18 ↪ that is not located at the site of a public work for the design and
19 construction of which a public body is authorized to contract with a
20 design-build team pursuant to subsection 2 of NRS 338.1711.

21 ~~{20.}~~ 21. "Subcontract" means a written contract entered into
22 between:

23 (a) A contractor and a subcontractor or supplier; or

24 (b) A subcontractor and another subcontractor or supplier,

25 ↪ for the provision of labor, materials, equipment or supplies for a
26 construction project.

27 ~~{21.}~~ 22. "Subcontractor" means a person who:

28 (a) Is licensed pursuant to the provisions of chapter 624 of NRS
29 or performs such work that the person is not required to be licensed
30 pursuant to chapter 624 of NRS; and

31 (b) Contracts with a contractor, another subcontractor or a
32 supplier to provide labor, materials or services for a construction
33 project.

34 ~~{22.}~~ 23. "Supplier" means a person who provides materials,
35 equipment or supplies for a construction project.

36 ~~{23.}~~ 24. "Vertical construction" means the construction or
37 remodeling of any building, structure or other improvement that is
38 predominantly vertical, including, without limitation, a building,
39 structure or improvement for the support, shelter and enclosure of
40 persons, animals, chattels or movable property of any kind, and any
41 improvement appurtenant thereto.

42 ~~{24.}~~ 25. "Wages" means:

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

44 (b) The amount of pension, health and welfare, vacation and
45 holiday pay, the cost of apprenticeship training ~~for other similar~~



1 ~~programs~~ or other bona fide fringe benefits which are a benefit to
2 the worker.

3 ~~[25.]~~ 26. "Worker" means a skilled mechanic, skilled worker,
4 semiskilled mechanic, semiskilled worker or unskilled worker in the
5 service of a contractor or subcontractor under any appointment or
6 contract of hire or apprenticeship, express or implied, oral or
7 written, whether lawfully or unlawfully employed. The term does
8 not include a design professional.

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

10 338.015 1. The Labor Commissioner shall enforce the
11 provisions of NRS 338.010 to 338.130, inclusive.

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

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

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

27 **Sec. 3.** NRS 338.018 is hereby amended to read as follows:

28 338.018 The provisions of NRS 338.013 to 338.018, inclusive,
29 apply to any contract for construction work of the Nevada System of
30 Higher Education for which the estimated cost exceeds ~~[\$250,000]~~
31 *\$100,000* even if the construction work does not qualify as a public
32 work, as defined in ~~[subsection 17 of]~~ NRS 338.010.

33 **Sec. 4.** NRS 338.030 is hereby amended to read as follows:

34 338.030 1. The public body awarding any contract for public
35 work, or otherwise undertaking any public work, shall ascertain
36 from the Labor Commissioner the prevailing wage in the county in
37 which the public work is to be performed for each craft or type of
38 work.

39 2. The prevailing wage in each county, including Carson City,
40 must be established as follows:

41 (a) The Labor Commissioner shall, annually, survey contractors
42 who have performed work in the county.

43 (b) Based on the survey conducted pursuant to paragraph (a),
44 where the rate of wages is the same for more than 50 percent of the
45 total hours worked by each craft or type of work in that county on



1 construction similar to the proposed construction, that rate will be
2 determined as the prevailing wage.

3 (c) Where no such rate can be determined, the prevailing wage
4 for a craft or type of work will be determined as the average rate of
5 wages paid per hour based on the number of hours worked per rate,
6 to that craft or type of work.

7 ~~[(d) The Labor Commissioner shall determine the prevailing
8 wage to be 90 percent of the rate determined pursuant to paragraphs
9 (a), (b) and (c) for:~~

10 ~~— (1) Any contract for a public work or any other construction,
11 alteration, repair, remodeling or reconstruction of an improvement
12 or property to which a school district or the Nevada System of
13 Higher Education is a party; and~~

14 ~~— (2) A public work of, or constructed by, a school district or
15 the Nevada System of Higher Education, or any other construction,
16 alteration, repair, remodeling or reconstruction of an improvement
17 or property of or constructed by a school district or the Nevada
18 System of Higher Education.]~~

19 3. Within 30 days after the determination is issued:

20 (a) A public body or person entitled under subsection 6 to be
21 heard may submit an objection to the Labor Commissioner with
22 evidence to substantiate that a different wage prevails; and

23 (b) Any person may submit information to the Labor
24 Commissioner that would support a change in the prevailing wage
25 of a craft or type of work by 50 cents or more per hour in any
26 county.

27 4. The Labor Commissioner shall hold a hearing in the locality
28 in which the work is to be executed if the Labor Commissioner:

29 (a) Is in doubt as to the prevailing wage; or

30 (b) Receives an objection or information pursuant to
31 subsection 3.

32 ↪ The Labor Commissioner may hold only one hearing a year on
33 the prevailing wage of any craft or type of work in any county.

34 5. Notice of the hearing must be advertised in a newspaper
35 nearest to the locality of the work once a week for 2 weeks before
36 the time of the hearing.

37 6. At the hearing, any public body, the crafts affiliated with the
38 State Federation of Labor or other recognized national labor
39 organizations, and the contractors of the locality or their
40 representatives must be heard. From the evidence presented, the
41 Labor Commissioner shall determine the prevailing wage.

42 7. *If the Labor Commissioner determines pursuant to*
43 *subsection 2 that the prevailing wage for a craft or type of work is*
44 *a wage that has been collectively bargained, the Labor*
45 *Commissioner shall:*



1 (a) *Include in his or her determination of that prevailing wage*
2 *any compensation in addition to the basic hourly wage or benefit*
3 *for the craft or type of work required to be provided by the*
4 *collective bargaining agreement, including, without limitation,*
5 *premium pay for hours worked in excess of a shift of 8 hours or 12*
6 *hours or such other time increment set forth in the agreement or*
7 *on a weekend or holiday and zone pay. As used in this paragraph,*
8 *“zone pay” means additional pay for performing work at a work*
9 *site that is located in a zone established in a collective bargaining*
10 *agreement.*

11 (b) *Issue an amendment to the determination of the prevailing*
12 *wage for the craft or type of work if the collective bargaining*
13 *agreement provides for an increase in the wage before the next*
14 *determination of that prevailing wage by the Labor Commissioner*
15 *pursuant to subsection 2.*

16 8. The wages so determined must be filed by the Labor
17 Commissioner and must be available to any public body which
18 awards a contract for any public work.

19 ~~8.7~~ 9. *If the contract for a public work:*

20 (a) *Is to be awarded pursuant to a competitive bidding process,*
21 *the prevailing wages in effect at the time of the opening of the bids*
22 *for a contract for a public work must be paid until the completion*
23 *or termination of the contract or for the 36 months immediately*
24 *following the date on which the bids were opened, whichever is*
25 *earlier.*

26 (b) *Is not to be awarded pursuant to a competitive bidding*
27 *process, except as otherwise provided in this paragraph, the*
28 *prevailing rate of wages in effect on the date on which the*
29 *contractor for the contract is selected by the awarding body must*
30 *be paid until the completion or termination of the contract or for*
31 *the 36 months immediately following the date on which the*
32 *contractor was selected, whichever is earlier. If the contract is not*
33 *entered into within 90 days after the date of the selection of the*
34 *contractor, the prevailing rates of wages in effect on the date on*
35 *which the contract is entered into must be paid until the*
36 *completion or termination of the contract or for the 36 months*
37 *immediately following the date on which the contract was entered*
38 *into, whichever is earlier.*

39 10. *If a contract for a public work is not completed or*
40 *terminated within 36 months immediately following the date on*
41 *which the bids were opened pursuant to paragraph (a) of*
42 *subsection 9, within 36 months immediately following the date on*
43 *which the contractor was selected, within 36 months immediately*
44 *following the date the contract was entered into pursuant to*



1 *paragraph (b) of subsection 9 or for any 36-month period*
2 *thereafter until the contract is completed or terminated:*

3 *(a) Except as otherwise provided in paragraph (b), the*
4 *prevailing wages in effect on the last day of the 36-month period*
5 *must be paid for the immediately following 36 months.*

6 *(b) If the prevailing wages in effect on the last day of the 36-*
7 *month period are lower than the prevailing wages paid during that*
8 *36-month period under the contract, the prevailing wages paid*
9 *during that 36-month period must be paid for the immediately*
10 *following 36 months.*

11 **11.** Nothing contained in NRS 338.020 to 338.090, inclusive,
12 may be construed to authorize the fixing of any wage below any rate
13 which may now or hereafter be established as a minimum wage for
14 any person employed upon any public work, or employed by any
15 officer or agent of any public body.

16 **Sec. 5.** NRS 338.035 is hereby amended to read as follows:
17 338.035 ~~[The]~~

18 **1.** *Except as otherwise provided in subsection 5, the*
19 *obligation of a contractor engaged on a public work or a*
20 *subcontractor engaged on a public work to pay wages in accordance*
21 *with the determination of the Labor Commissioner may be*
22 *discharged in part by ~~[making contributions to a third person~~*
23 *~~pursuant to a fund, plan or program]~~ providing bona fide fringe*
24 *benefits in the name of the worker.*

25 **2.** *A contractor or subcontractor may, pursuant to subsection*
26 *1, discharge any part of his or her obligation to pay wages in*
27 *accordance with the determination of the Labor Commissioner*
28 *only to the extent that the bona fide fringe benefits provided in the*
29 *name of the worker are annualized.*

30 **3.** *A contractor or subcontractor who, pursuant to subsection*
31 *1, discharges any part of his or her obligation to pay wages in*
32 *accordance with the determination of the Labor Commissioner*
33 *shall provide to the Labor Commissioner and the public body that*
34 *awarded the contract for the public work any information*
35 *requested by the Labor Commissioner or the public body, as*
36 *applicable, to verify compliance with this section.*

37 **4.** *In addition to any other remedy or penalty provided in this*
38 *chapter, after providing the contractor or subcontractor with*
39 *notice and an opportunity for a hearing, the Labor Commissioner*
40 *shall, if the Labor Commissioner finds that the contractor or*
41 *subcontractor has violated a provision of this section:*

42 *(a) For the first violation, impose against the contractor or*
43 *subcontractor an administrative penalty of not less than \$2,500 or*
44 *more than \$5,000;*



1 (b) For the second or any subsequent violation within 5 years
2 after the date of imposition of an administrative penalty pursuant
3 to paragraph (a), impose against the contractor or subcontractor
4 an administrative penalty of not less than \$5,000;

5 (c) Require the contractor or subcontractor to make the
6 affected worker whole by paying to the worker as wages any
7 amounts disallowed as bona fide fringe benefits in a manner
8 prescribed by the Labor Commissioner;

9 (d) Report the violation to the Attorney General, and the
10 Attorney General may prosecute the contractor or subcontractor
11 in accordance with law; and

12 (e) In addition to notifying the State Contractors' Board
13 pursuant to NRS 338.017, notify the provider of workers'
14 compensation for the contractor or subcontractor, the
15 Employment Security Division of the Department of Employment,
16 Training and Rehabilitation and the public body that awarded the
17 contract for the public work of the violation.

18 5. The provisions of this section do not apply with regard to:

19 (a) A worker whose benefits are determined pursuant to a
20 collective bargaining agreement; or

21 (b) Contributions made in the name of the worker by a
22 contractor or subcontractor to a defined contribution plan to the
23 extent that the amount contributed does not exceed 25 percent of
24 the hourly rate of wages paid to the worker on the public work.

25 6. As used in this section:

26 (a) "Annualized" means an amount paid equally for all hours
27 worked in a calendar year by the worker for the contractor or
28 subcontractor who is providing bona fide fringe benefits.

29 (b) "Defined contribution plan" has the meaning ascribed to it
30 in 29 U.S.C. § 1002(34).

31 **Sec. 6.** NRS 338.075 is hereby amended to read as follows:

32 338.075 The provisions of NRS 338.020 to 338.090, inclusive,
33 apply to any contract for construction work of the Nevada System of
34 Higher Education for which the estimated cost exceeds ~~[\$250,000]~~
35 **\$100,000** even if the construction work does not qualify as a public
36 work, as defined in ~~[subsection 17 of]~~ NRS 338.010.

37 **Sec. 7.** NRS 338.080 is hereby amended to read as follows:

38 338.080 None of the provisions of NRS 338.020 to 338.090,
39 inclusive, apply to:

40 1. Any work, construction, alteration, repair or other
41 employment performed, undertaken or carried out, by or for any
42 railroad company or any person operating the same, whether such
43 work, construction, alteration or repair is incident to or in
44 conjunction with a contract to which a public body is a party, or
45 otherwise.



1 2. Apprentices recorded under the provisions of chapter 610 of
2 NRS.

3 3. Any contract for a public work whose cost is less than
4 ~~[\$250,000.]~~ **\$100,000**. A unit of the project must not be separated
5 from the total project, even if that unit is to be completed at a later
6 time, in order to lower the cost of the project below ~~[\$250,000.~~

7 ~~— 4. — Any contract for a public work or any other construction,
8 alteration, repair, remodeling or reconstruction of an improvement
9 or property to which a charter school is a party, notwithstanding any
10 other provision of law.~~

11 ~~— 5. — A public work of, or constructed by, a charter school, or any
12 other construction, alteration, repair, remodeling or reconstruction
13 of an improvement or property of or constructed by a charter school,
14 notwithstanding any other provision of law.]~~ **\$100,000.**

15 **Sec. 8.** NRS 338.090 is hereby amended to read as follows:

16 338.090 1. Except as otherwise provided in subsection ~~[4,]~~ **5**,
17 any person, including the officers, agents or employees of a public
18 body, who violates any provision of NRS 338.010 to 338.090,
19 inclusive, or any regulation adopted pursuant thereto, is guilty of a
20 misdemeanor.

21 2. The Labor Commissioner, in addition to any other remedy or
22 penalty provided in this chapter:

23 (a) Shall, *except as otherwise provided in subsection 4*, assess
24 a person who, after an opportunity for a hearing, is found to have
25 failed to pay the prevailing wage required pursuant to NRS 338.020
26 to 338.090, inclusive, an amount equal to the difference between the
27 prevailing wages required to be paid and the wages that the
28 contractor or subcontractor actually paid; and

29 (b) May, in addition to any other administrative penalty, impose
30 an administrative penalty not to exceed the costs incurred by the
31 Labor Commissioner to investigate and prosecute the matter.

32 3. If the Labor Commissioner finds that a person has failed to
33 pay the prevailing wage required pursuant to NRS 338.020 to
34 338.090, inclusive, the public body may, in addition to any other
35 remedy or penalty provided in this chapter, require the person to pay
36 the actual costs incurred by the public body to investigate the
37 matter.

38 4. *The Labor Commissioner is not required to assess a person
39 an amount equal to the difference between the prevailing wages
40 required to be paid and the wages that the contractor or
41 subcontractor actually paid if the contractor or subcontractor has
42 already paid that amount to a worker pursuant to paragraph (c) of
43 subsection 4 of NRS 338.035.*

44 5. The provisions of subsection 1 do not apply to a
45 subcontractor specified in NRS 338.072.



1 **Sec. 9.** NRS 338.1908 is hereby amended to read as follows:

2 338.1908 1. The governing body of each local government
3 shall, by July 28, 2009, develop a plan to retrofit public buildings,
4 facilities and structures, including, without limitation, traffic-control
5 systems, and to otherwise use sources of renewable energy to serve
6 those buildings, facilities and structures. Such a plan must:

7 (a) Include a list of specific projects. The projects must be
8 prioritized and selected on the basis of the following criteria:

9 (1) The length of time necessary to commence the project.

10 (2) The number of workers estimated to be employed on the
11 project.

12 (3) The effectiveness of the project in reducing energy
13 consumption.

14 (4) The estimated cost of the project.

15 (5) Whether the project is able to be powered by or otherwise
16 use sources of renewable energy.

17 (6) Whether the project has qualified for participation in one
18 or more of the following programs:

19 (I) The Solar Energy Systems Incentive Program created
20 by NRS 701B.240;

21 (II) The Renewable Energy School Pilot Program created
22 by NRS 701B.350;

23 (III) The Wind Energy Systems Demonstration Program
24 created by NRS 701B.580; or

25 (IV) The Waterpower Energy Systems Demonstration
26 Program created by NRS 701B.820.

27 (b) Include a list of potential funding sources for use in
28 implementing the projects, including, without limitation, money
29 available through the Energy Efficiency and Conservation Block
30 Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts,
31 donations or other sources of money from public and private
32 sources.

33 2. The governing body of each local government shall transmit
34 the plan developed pursuant to subsection 1 to the Director of the
35 Office of Energy and to any other entity designated for that purpose
36 by the Legislature.

37 3. As used in this section:

38 (a) "Local government" means each city or county that meets
39 the definition of "eligible unit of local government" as set forth in
40 42 U.S.C. § 17151 and each unit of local government, as defined in
41 ~~subsection 13 of~~ NRS 338.010, that does not meet the definition of
42 "eligible entity" as set forth in 42 U.S.C. § 17151.

43 (b) "Renewable energy" means a source of energy that occurs
44 naturally or is regenerated naturally, including, without limitation:



- 1 (1) Biomass;
- 2 (2) Fuel cells;
- 3 (3) Geothermal energy;
- 4 (4) Solar energy;
- 5 (5) Waterpower; and
- 6 (6) Wind.

7 ↪ The term does not include coal, natural gas, oil, propane or any
8 other fossil fuel, or nuclear energy.

9 (c) "Retrofit" means to alter, improve, modify, remodel or
10 renovate a building, facility or structure to make that building,
11 facility or structure more energy-efficient.

12 **Sec. 10.** NRS 244A.058 is hereby amended to read as follows:

13 244A.058 1. A board that has adopted an ordinance imposing
14 a fee pursuant to NRS 244A.810 may, on behalf of the county and in
15 its name:

16 (a) Acquire, lease, improve, equip, operate and maintain within
17 the county a minor league baseball stadium project.

18 (b) Subject to the provisions of chapter 350 of NRS, issue
19 revenue bonds of the county to acquire, lease, improve or equip, or
20 any combination thereof, within the county a minor league baseball
21 stadium project.

22 2. Bonds issued pursuant to this section must be payable from
23 the proceeds of the fee imposed by the county pursuant to NRS
24 244A.810 and may be additionally secured by and payable from the
25 gross or net revenues of the minor league baseball stadium project,
26 including, without limitation, amounts received from any minor
27 league baseball team pursuant to a contract with that team, fees,
28 rates and charges for the use of the stadium by a minor league
29 baseball team or any other uses of the stadium, and related uses,
30 including, without limitation, parking and concessions, surcharges
31 on tickets in an amount approved by the board, grants, whether
32 conditional or unconditional, made for the payment of debt service
33 or otherwise for the purposes of the minor league baseball stadium
34 project, and any and all other sources of revenue attributable to the
35 minor league baseball stadium project as provided by the board in
36 the ordinance authorizing the issuance of bonds or any instrument
37 supplemental or appertaining thereto.

38 3. The provisions of chapters 332, 338 and 339 of NRS do not
39 apply to a contract entered into by a county and a private developer
40 pursuant to which the private developer constructs a minor league
41 baseball stadium project, except that the contract must include a
42 provision stating that the requirements of NRS ~~338.010~~ **338.013** to
43 338.090, inclusive, apply to any construction work to be performed
44 under the contract. *The board, the private developer and any*
45 *contractor and subcontractor on the minor league baseball*



1 *stadium project shall comply with the provisions of NRS 338.013*
2 *to 338.090, inclusive, in the same manner as if the board had*
3 *undertaken the minor league baseball stadium project or had*
4 *awarded the contract.*

5 **Sec. 11.** NRS 244A.763 is hereby amended to read as follows:

6 244A.763 1. NRS 244A.669 to 244A.763, inclusive, without
7 reference to other statutes of this State, constitute full authority for
8 the exercise of powers granted in those sections, including, but not
9 limited to, the authorization and issuance of bonds.

10 2. No other act or law with regard to the authorization or
11 issuance of bonds that provides for an election, requires an approval,
12 or in any way impedes or restricts the carrying out of the acts
13 authorized in NRS 244A.669 to 244A.763, inclusive, to be done,
14 applies to any proceedings taken or acts done pursuant to those
15 sections, except for laws to which reference is expressly made in
16 those sections or by necessary implication of those sections.

17 3. The provisions of no other law, either general or local,
18 except as provided in NRS 244A.669 to 244A.763, inclusive, apply
19 to the doing of the things authorized in those sections to be done,
20 and no board, agency, bureau, commission or official not designated
21 in those sections has any authority or jurisdiction over the doing of
22 any of the acts authorized in those sections to be done, except:

23 (a) As otherwise provided in those sections.

24 (b) That a project for the generation and transmission of
25 electricity is subject to review and approval by the state regulatory
26 agencies which have jurisdiction of the matters involved, including,
27 without limitation, the Public Utilities Commission of Nevada, the
28 State Environmental Commission and the State Department of
29 Conservation and Natural Resources.

30 4. No notice, consent or approval by any public body or officer
31 thereof may be required as a prerequisite to the sale or issuance of
32 any bonds, the making of any contract or lease, or the exercise of
33 any other power under NRS 244A.669 to 244A.763, inclusive,
34 except as provided in those sections.

35 5. A project is not subject to any requirements relating to
36 public buildings, structures, ground works or improvements
37 imposed by the statutes of this State or any other similar
38 requirements which may be lawfully waived by this section, and any
39 requirement of competitive bidding or other restriction imposed on
40 the procedure for award of contracts for such purpose or the lease,
41 sale or other disposition of property of the counties is not applicable
42 to any action taken pursuant to NRS 244A.669 to 244A.763,
43 inclusive, except that the provisions of NRS ~~338.010~~ **338.013** to
44 338.090, inclusive, apply to any contract for new construction,
45 repair or reconstruction for which tentative approval for financing is



1 granted on or after January 1, 1992, by the county for work to be
2 done in a project. *The board of county commissioners, the lessee,*
3 *purchaser or obligor or designee thereof, any contractor who is*
4 *awarded a contract or entered into an agreement to perform the*
5 *construction, repair or reconstruction and any subcontractor who*
6 *performs any portion of the construction, repair or reconstruction*
7 *shall comply with the provisions of NRS 338.013 to 338.090,*
8 *inclusive, in the same manner as if the board of county*
9 *commissioners had undertaken the project or had awarded the*
10 *contract.*

11 6. Any bank or trust company located within or without this
12 State may be appointed and act as a trustee with respect to bonds
13 issued and projects financed pursuant to NRS 244A.669 to
14 244A.763, inclusive, without the necessity of associating with any
15 other person or entity as cofiduciary except that such association is
16 not prohibited.

17 7. The powers conferred by NRS 244A.669 to 244A.763,
18 inclusive, are in addition and supplemental to, and not in
19 substitution for, and the limitations imposed by those sections do
20 not affect the powers conferred by any other law.

21 8. No part of NRS 244A.669 to 244A.763, inclusive, repeals or
22 affects any other law or part thereof, except to the extent that those
23 sections are inconsistent with any other law, it being intended that
24 those sections provide a separate method of accomplishing its
25 objectives, and not an exclusive one.

26 **Sec. 12.** NRS 268.568 is hereby amended to read as follows:

27 268.568 1. NRS 268.512 to 268.568, inclusive, without
28 reference to other statutes of the State, constitute full authority for
29 the exercise of powers granted in those sections, including, but not
30 limited to, the authorization and issuance of bonds.

31 2. No other act or law with regard to the authorization or
32 issuance of bonds that provides for an election, requires an approval,
33 or in any way impedes or restricts the carrying out of the acts
34 authorized in NRS 268.512 to 268.568, inclusive, to be done,
35 including, without limitation, the charter of any city, applies to any
36 proceedings taken or acts done pursuant to those sections, except for
37 laws to which reference is expressly made in those sections.

38 3. The provisions of no other law, either general or local,
39 except as provided in NRS 268.512 to 268.568, inclusive, apply to
40 the doing of the things authorized in NRS 268.512 to 268.568,
41 inclusive, to be done, and no board, agency, bureau, commission or
42 official not designated in those sections has any authority or
43 jurisdiction over the doing of any of the acts authorized in those
44 sections to be done, except as otherwise provided in those sections.



1 4. No notice, consent or approval by any public body or officer
2 thereof may be required as a prerequisite to the sale or issuance of
3 any bonds, the making of any contract or lease, or the exercise of
4 any other power under NRS 268.512 to 268.568, inclusive, except
5 as provided in those sections.

6 5. A project is not subject to any requirements relating to
7 public buildings, structures, ground works or improvements
8 imposed by the statutes of this state or any other similar
9 requirements which may be lawfully waived by this section, and any
10 requirement of competitive bidding or other restriction imposed on
11 the procedure for award of contracts for such purpose or the lease,
12 sale or other disposition of property of the cities is not applicable to
13 any action taken pursuant to NRS 268.512 to 268.568, inclusive,
14 except that the provisions of NRS ~~338.010~~ **338.013** to 338.090,
15 inclusive, apply to any contract for new construction, repair or
16 reconstruction for which tentative approval for financing is granted
17 on or after January 1, 1992, by the city for work to be done in a
18 project. *The governing body, the lessee, purchaser or obligor or*
19 *designee thereof, any contractor who is awarded a contract*
20 *or enters into an agreement to perform the construction, repair or*
21 *reconstruction in a project and any subcontractor who performs*
22 *any portion of the construction, repair or reconstruction in a*
23 *project shall comply with the provisions of NRS 338.013 to*
24 *338.090, inclusive, in the same manner as if the governing body*
25 *had undertaken the project or had awarded the contract.*

26 6. Notwithstanding the provisions of NRS 662.245 or any other
27 specific statute to the contrary, any bank or trust company located
28 within or without this state may be appointed and act as a trustee
29 with respect to bonds issued and projects financed pursuant to NRS
30 268.512 to 268.568, inclusive, without meeting the qualifications set
31 forth in NRS 662.245.

32 7. The powers conferred by NRS 268.512 to 268.568,
33 inclusive, are in addition and supplemental to, and not in
34 substitution for, and the limitations imposed by those sections do
35 not affect the powers conferred by, any other law.

36 8. No part of NRS 268.512 to 268.568, inclusive, repeals or
37 affects any other law or part thereof, except to the extent that those
38 sections are inconsistent with any other law, it being intended that
39 those sections provide a separate method of accomplishing its
40 objectives, and not an exclusive one.

41 **Sec. 13.** NRS 271.710 is hereby amended to read as follows:

42 271.710 1. A governing body may adopt an ordinance
43 pursuant to NRS 271.325 creating a district and ordering a project to
44 be acquired or improved and may contract with a person to construct
45 or improve a project, issue bonds or otherwise finance the cost of



1 the project and levy assessments, without complying with the
2 provisions of NRS 271.305 to 271.320, inclusive, 271.330 to
3 271.345, inclusive, 271.380 and 271.385 and, except as otherwise
4 provided in this section, the provisions of any law requiring public
5 bidding or otherwise imposing requirements on any public contract,
6 project, works or improvements, including, without limitation,
7 chapters 332, 338 and 339 of NRS, if the governing body has
8 entered into a written agreement with the owners of all of the
9 assessable property within the district which states that:

10 (a) The governing body agrees to enter into a contract for the
11 acquisition, construction or improvement of the project or projects
12 in the district which includes:

13 (1) A provision stating that the requirements of NRS
14 ~~338.010~~ **338.013** to 338.090, inclusive, apply to any construction
15 work to be performed under the contract; and

16 (2) The price, stated as a lump sum or as unit prices, which
17 the governing body agrees to pay for the project if the project meets
18 all requirements and specifications in the contract.

19 (b) The owners of the assessable property agree that if the rate
20 of interest on any assessment levied for the district is determined
21 from time to time as provided in NRS 271.487, the owners will
22 provide written notice to the governing body in a timely manner
23 when a parcel of the assessable property in the district is sold to a
24 person who intends to occupy a dwelling unit on the parcel as his or
25 her residence.

26 (c) The owners of the assessable property agree that the
27 governing body may create the district, levy the assessments and for
28 all other purposes relating to the district proceed pursuant to the
29 provisions of this section.

30 2. If an ordinance is adopted and the agreement entered into
31 pursuant to subsection 1 so states:

32 (a) The governing body may amend the ordinance creating the
33 district, change the assessment roll and redistribute the assessments
34 required by NRS 271.390 in the same manner in which these actions
35 were originally taken to add additional property to the district. The
36 assessments may be redistributed between the assessable property
37 originally in the district and the additional assessable property if:

38 (1) The owners of additional assessable property also consent
39 in writing to inclusion of their property in the district and to the
40 amount of the assessment against their property; and

41 (2) The redistribution of the assessments is not prohibited by
42 any covenants made for the benefit of the owners of any bonds or
43 interim warrants issued for the district.

44 (b) The governing body may amend the ordinance creating the
45 district, change the assessment roll and redistribute the assessments



1 required by NRS 271.390 in the same manner in which these actions
2 were originally taken to remove assessable property from the
3 district. The assessments may be redistributed among the assessable
4 property remaining in the district if:

5 (1) The owners of the remaining assessable property consent
6 in writing to the amount of the revised assessment on their property;
7 and

8 (2) The redistribution of the assessments is not prohibited by
9 any covenants made for the benefit of the owners of any bonds or
10 interim warrants issued for the district.

11 (c) The governing body may adopt any ordinance pertaining to
12 the district including the ordinance creating the district required by
13 NRS 271.325, the ordinance authorizing interim warrants required
14 by NRS 271.355, the ordinance levying assessments required by
15 NRS 271.390, the ordinance authorizing bonds required by NRS
16 271.475 or any ordinance amending those ordinances after a single
17 reading and without holding a hearing thereon, as if an emergency
18 exists, upon an affirmative vote of not less than two-thirds of all
19 voting members of the governing body, excluding from any
20 computation any vacancy on the governing body and any members
21 thereon who may vote to break a tie vote, and provide that the
22 ordinances become effective at the time an emergency ordinance
23 would have become effective. The provisions of NRS 271.308 do
24 not apply to any such ordinance.

25 (d) The governing body may provide for a reserve fund, letter of
26 credit, surety bond or other collateral for payment of any interim
27 warrants or bonds issued for the district and include all or any
28 portion of the costs thereof in the amounts assessed against the
29 property in the district and in the amount of bonds issued for the
30 district. The governing body may provide for the disposition of
31 interest earned on the reserve fund and other bond proceeds, for the
32 disposition of unexpended bond proceeds after completion of
33 the project and for the disposition of the unexpended balance in the
34 reserve fund after payment in full of the bonds for the district.

35 3. If the governing body of a municipality forms a district
36 pursuant to the provisions of this section, the governing body:

37 (a) Is not required to adopt the resolutions required pursuant to
38 the provisions of NRS 271.280, 271.310, 271.360 and 271.390.

39 (b) Shall be deemed to have adopted the resolution required
40 pursuant to the provisions of NRS 271.325 if the plans and
41 specifications are sufficiently specific to allow a competent
42 contractor with the assistance of a competent engineer to estimate
43 the cost of constructing the project and to construct the project.

44 ***4. The governing body, the owners of the assessable property,***
45 ***any contractor who is awarded a contract or enters into an***



1 *agreement to perform the construction work on a project pursuant*
2 *to this section, and any subcontractor who performs any portion of*
3 *the construction work on the project shall comply with the*
4 *provisions of NRS 338.013 to 338.090, inclusive, in the same*
5 *manner as if the governing body had undertaken the project or*
6 *had awarded the contract.*

7 **Sec. 14.** NRS 271.800 is hereby amended to read as follows:

8 271.800 1. A governing body may, pursuant to NRS 271.275
9 or 271.710, establish a district to finance an underground conversion
10 project. Before the governing body may adopt an ordinance
11 pursuant to NRS 271.325 to establish such a district, each service
12 provider that owns the overhead service facilities to be converted to
13 underground facilities must submit its written approval of the
14 project to the governing body. The governing body shall not
15 establish a district to finance an underground conversion project
16 without receiving the written approval of each such service provider
17 pursuant to this subsection.

18 2. Before initiating the establishment of a district pursuant to
19 this section, the governing body must request in writing and receive
20 from each service provider that owns the overhead service facilities
21 to be converted in the proposed improvement district a written
22 estimate of the cost to convert those facilities to underground
23 facilities. The service provider shall provide its estimate of the cost
24 of the conversion to the governing body not later than 120 days after
25 the service provider receives the request from the governing body.

26 3. If a district already exists for the location for which the
27 underground conversion project is proposed, the governing body
28 may, pursuant to NRS 271.295, combine the underground
29 conversion project with other projects in that district.

30 4. An underground conversion project must be constructed by
31 one or more of the service providers that own the overhead service
32 facilities to be converted, pursuant to a written agreement between
33 the governing body and each service provider that will engage in the
34 construction. Such a project must be constructed in accordance with
35 the standard underground practices and procedures approved by the
36 Public Utilities Commission of Nevada.

37 5. The provisions of any law requiring public bidding or
38 otherwise imposing requirements on any public contract, project,
39 works or improvements, including, without limitation, the
40 provisions of chapters 332, 338 and 339 of NRS, do not apply to a
41 contract entered into by a municipality and a service provider
42 pursuant to this section, except that the contract must include a
43 provision stating that the requirements of NRS ~~338.010~~ 338.013 to
44 338.090, inclusive, apply to any construction work to be performed
45 under the contract. *The governing body, the service provider, any*



1 *contractor who is awarded a contract or enters into an agreement*
2 *to perform the construction work on an underground conversion*
3 *project, and any subcontractor who performs any portion of the*
4 *construction work on an underground conversion project shall*
5 *comply with the provisions of NRS 338.013 to 338.090, inclusive,*
6 *in the same manner as if the governing body had undertaken the*
7 *underground conversion project or had awarded the contract.*

8 6. Construction on an underground conversion project
9 approved pursuant to this chapter may not commence until:

10 (a) An ordinance creating a district is adopted pursuant to
11 NRS 271.325;

12 (b) The time for filing an appeal pursuant to NRS 271.315 has
13 expired, or if such an appeal has been timely filed, a final,
14 nonappealable judgment upholding the validity of the ordinance has
15 been rendered;

16 (c) Arrangements for the financing of the construction have been
17 completed through the issuance of bonds or interim warrants; and

18 (d) The service provider has obtained all applicable permits,
19 easements and licenses necessary to convert the facilities.

20 **Sec. 15.** NRS 278C.240 is hereby amended to read as follows:

21 278C.240 The provisions of NRS ~~338.010~~ **338.013** to
22 338.090, inclusive, apply to any construction work to be performed
23 under any contract or other agreement related to an undertaking
24 ordered by a governing body pursuant to this chapter. *The*
25 *governing body, the developer, any contractor who is awarded the*
26 *contract or enters into the agreement to perform the construction*
27 *work and any subcontractor who performs any portion of the*
28 *construction work related to such an undertaking shall comply*
29 *with the provisions of NRS 338.013 to 338.090, inclusive, in the*
30 *same manner as if the governing body had undertaken the*
31 *undertaking or had awarded the contract.*

32 **Sec. 16.** NRS 279.500 is hereby amended to read as follows:

33 279.500 1. The provisions of NRS ~~338.010~~ **338.013** to
34 338.090, inclusive, apply to any contract for new construction,
35 repair or reconstruction which is awarded on or after October 1,
36 1991, by an agency for work to be done in a project.

37 2. If an agency:

38 (a) Provides property for development at less than the fair
39 market value of the property;

40 (b) Provides a loan to a small business pursuant to NRS 279.700
41 to 279.730, inclusive; or

42 (c) Provides financial incentives to a developer with a value of
43 more than \$100,000,

44 ↗ regardless of whether the project is publicly or privately owned,
45 the agency must provide in the loan agreement with the small



1 business or the agreement with the developer, as applicable, that the
2 development project is subject to the provisions of NRS ~~338.010~~
3 **338.013** to 338.090, inclusive, to the same extent as if the agency
4 had awarded the contract for the project. *The agency, the small*
5 *business or the developer, as applicable, any contractor who is*
6 *awarded the contract or enters into the agreement to perform the*
7 *project, and any subcontractor who performs any portion of the*
8 *project shall comply with the provisions of NRS 338.013 to*
9 *338.090, inclusive, in the same manner as if the agency had*
10 *undertaken the project or had awarded the contract.* This
11 subsection applies only to the project covered by the loan agreement
12 between the agency and the small business or the agreement
13 between the agency and the developer, as applicable. This
14 subsection does not apply to future development of the property
15 unless an additional loan, or additional financial incentives with a
16 value of more than \$100,000, are provided to the small business or
17 developer, as applicable.

18 **Sec. 17.** NRS 318.140 is hereby amended to read as follows:

19 318.140 In the case of a district created wholly or in part for
20 acquiring sanitary sewer improvements:

21 1. The board may:

22 (a) Construct, reconstruct, improve or extend the sanitary sewer
23 system or any part thereof, including, without limitation, mains,
24 laterals, wyes, tees, meters and collection, treatment and disposal
25 plants.

26 (b) Sell any product or by-product thereof and acquire the
27 appropriate outlets within or without the district and extend the
28 sewer lines of the district thereto.

29 (c) Enter into and perform, without any election, contracts or
30 agreements for a term not to exceed 50 years with any person or a
31 public agency, to provide the services, equipment or supplies
32 necessary or appropriate to conduct tests of the discharge of
33 pollutants into the state's water and to report the results of those
34 tests as required by chapter 445A of NRS or the regulations adopted
35 thereunder. For the purposes of this paragraph, "public agency" has
36 the meaning ascribed to it in NRS 277.100.

37 2. The provisions of chapters 332 and 339 of NRS do not apply
38 to a contract under which a private developer extends a sewer main
39 to his or her development or installs any appurtenances to that
40 extension. Except as otherwise provided in this subsection, the
41 provisions of chapter 338 of NRS do not apply to such a contract. If
42 the developer does not pay all of the initial construction costs of the
43 extension, the provisions of NRS 338.013 to 338.090, inclusive,
44 apply to the contract. *The board, the developer, any contractor who*
45 *is awarded a contract or enters into an agreement to perform the*



1 *extension or installation of appurtenances to the extension, and*
2 *any subcontractor who performs any portion of the extension or*
3 *installation of appurtenances to the extension shall comply with*
4 *the provisions of NRS 338.013 to 338.090, inclusive, in the same*
5 *manner as if the board had undertaken the extension or had*
6 *awarded the contract.*

7 **Sec. 18.** NRS 318.144 is hereby amended to read as follows:

8 318.144 1. The board may acquire, construct, reconstruct,
9 improve, extend or better a works, system or facilities for the
10 supply, storage and distribution of water for private and public
11 purposes.

12 2. The provisions of chapters 332 and 339 of NRS do not apply
13 to a contract under which a private developer constructs water
14 facilities for his or her development. Except as otherwise provided
15 in this subsection, the provisions of chapter 338 of NRS do not
16 apply to such a contract. If the developer does not pay all of the
17 initial construction costs of the facility, the provisions of NRS
18 338.013 to 338.090, inclusive, apply to the contract. *The board, the*
19 *developer, any contractor who is awarded a contract or enters into*
20 *an agreement to perform the construction of the facility, and any*
21 *subcontractor who performs any portion of the construction of the*
22 *facility shall comply with the provisions of NRS 338.013 to*
23 *338.090, inclusive, in the same manner as if the board had*
24 *undertaken the construction or had awarded the contract.*

25 **Sec. 19.** NRS 332.390 is hereby amended to read as follows:

26 332.390 1. If a performance contract entered into pursuant to
27 NRS 332.300 to 332.440, inclusive, requires the employment of
28 skilled mechanics, skilled workers, semiskilled mechanics,
29 semiskilled workers or unskilled labor to perform the performance
30 contract, the performance contract must include a provision relating
31 to the prevailing wage as required pursuant to NRS ~~338.020~~
32 *338.013* to 338.090, inclusive. *The local government, the qualified*
33 *service company, any contractor who is awarded a contract or*
34 *enters into an agreement to perform the work for the performance*
35 *contract, and any subcontractor who performs any portion of that*
36 *work shall comply with the provisions of NRS 338.013 to 338.090,*
37 *inclusive, in the same manner as if the local government had*
38 *undertaken the work or had awarded the contract.*

39 2. Before a qualified service company enters into a
40 performance contract pursuant to NRS 332.300 to 332.440,
41 inclusive, that exceeds \$100,000, the qualified service company
42 must furnish to the contracting body any bonds required pursuant to
43 NRS 339.025. The provisions of chapter 339 of NRS apply to any
44 performance contract described in this subsection.



1 **Sec. 20.** NRS 333A.120 is hereby amended to read as follows:
2 333A.120 If a performance contract entered into pursuant to
3 this chapter requires the employment of skilled mechanics, skilled
4 workers, semiskilled mechanics, semiskilled workers or unskilled
5 labor to perform the performance contract, the performance contract
6 must include a provision relating to the prevailing wage as required
7 pursuant to NRS ~~338.020~~ **338.013** to 338.090, inclusive. *The*
8 *using agency, the qualified service company, any contractor who*
9 *is awarded a contract or enters into an agreement to perform the*
10 *work for the performance contract, and any subcontractor who*
11 *performs any portion of that work shall comply with the provisions*
12 *of NRS 338.013 to 338.090, inclusive, in the same manner as if the*
13 *using agency had undertaken the work or had awarded the*
14 *contract.*

15 **Sec. 21.** NRS 349.670 is hereby amended to read as follows:
16 349.670 1. NRS 349.400 to 349.670, inclusive, without
17 reference to other statutes of the State, constitute full authority for
18 the exercise of powers granted in those sections, including but not
19 limited to the authorization and issuance of bonds.

20 2. No other act or law with regard to the authorization or
21 issuance of bonds that provides for an election, requires an approval,
22 or in any way impedes or restricts the carrying out of the acts
23 authorized in NRS 349.400 to 349.670, inclusive, to be done,
24 applies to any proceedings taken or acts done pursuant to those
25 sections, except for laws to which reference is expressly made in
26 those sections or by necessary implication of those sections.

27 3. The provisions of no other law, either general or local,
28 except as provided in NRS 349.400 to 349.670, inclusive, apply to
29 the doing of the things authorized in those sections to be done, and
30 no board, agency, bureau, commission or official not designated in
31 those sections has any authority or jurisdiction over the doing of any
32 of the acts authorized in those sections to be done, except as
33 otherwise provided in those sections.

34 4. A project is not subject to any requirements relating to
35 public buildings, structures, ground works or improvements
36 imposed by the statutes of this state or any other similar
37 requirements which may be lawfully waived by this section, and any
38 requirement of competitive bidding or other restriction imposed on
39 the procedure for award of contracts for such purpose or the lease,
40 sale or other disposition of property is not applicable to any action
41 taken pursuant to NRS 349.400 to 349.670, inclusive, except that
42 the provisions of NRS ~~338.010~~ **338.013** to 338.090, inclusive,
43 apply to any contract for new construction, repair or reconstruction
44 for which tentative approval for financing is granted on or after
45 January 1, 1992, by the Director for work to be done in a project.



1 *The Director, the lessee, purchaser, obligor or other enterprise,*
2 *any contractor who is awarded a contract or enters into an*
3 *agreement to perform the construction, repair or reconstruction*
4 *for a project, and any subcontractor who performs any portion of*
5 *such construction, repair or reconstruction shall comply with the*
6 *provisions of NRS 338.013 to 338.090, inclusive, in the same*
7 *manner as if a public body had undertaken the project or had*
8 *awarded the contract.*

9 5. Any bank or trust company located within or without this
10 state may be appointed and act as a trustee with respect to bonds
11 issued and projects financed pursuant to NRS 349.400 to 349.670,
12 inclusive, without the necessity of associating with any other person
13 or entity as cofiduciary, but such an association is not prohibited.

14 6. The powers conferred by NRS 349.400 to 349.670,
15 inclusive, are in addition and supplemental to, and not in
16 substitution for, and the limitations imposed by those sections do
17 not affect the powers conferred by any other law.

18 7. No part of NRS 349.400 to 349.670, inclusive, repeals or
19 affects any other law or part thereof, except to the extent that those
20 sections are inconsistent with any other law, it being intended that
21 those sections provide a separate method of accomplishing its
22 objectives, and not an exclusive one.

23 8. The Director or a person designated by the Director may
24 take any actions and execute and deliver any instruments, contracts,
25 certificates and other documents, including the bonds, necessary or
26 appropriate for the sale and issuance of the bonds or accomplishing
27 the purposes of NRS 349.400 to 349.670, inclusive, without the
28 assistance or intervention of any other officer.

29 **Sec. 22.** NRS 349.956 is hereby amended to read as follows:

30 349.956 A water project is not subject to any requirements
31 relating to public buildings, structures, ground works or
32 improvements imposed by the statutes of this state or any other
33 similar requirements which may be lawfully waived by this section,
34 and any requirement of competitive bidding or other restriction
35 imposed on the procedure for award of contracts for such purpose or
36 the lease, sale or other disposition of property is not applicable to
37 any action taken pursuant to NRS 349.935 to 349.961, inclusive,
38 except that the provisions of NRS ~~338.010~~ **338.013** to 338.090,
39 inclusive, apply to any contract for new construction, repair or
40 reconstruction for which tentative approval for financing is granted
41 on or after January 1, 1992, by the Director or a municipality for
42 work to be done in a water project. *The Director or municipality,*
43 *the lessee, purchaser or other obligor, any contractor who is*
44 *awarded a contract or enters into an agreement to perform the*
45 *construction, repair or reconstruction for a water project, and any*



1 *subcontractor who performs any portion of such construction,*
2 *repair or reconstruction shall comply with the provisions of NRS*
3 *338.013 to 338.090, inclusive, in the same manner as if a public*
4 *body had undertaken the water project or had awarded the*
5 *contract.*

6 **Sec. 23.** NRS 388A.635 is hereby amended to read as follows:

7 388A.635 1. NRS 388A.550 to 388A.695, inclusive, without
8 reference to other statutes of this State, constitute full authority for
9 the exercise of powers granted in those sections, including, without
10 limitation, the authorization and issuance of bonds.

11 2. No other act or law with regard to the authorization or
12 issuance of bonds that provides for an election, requires an approval,
13 or in any way impedes or restricts the carrying out of the acts
14 authorized by NRS 388A.550 to 388A.695, inclusive, to be done,
15 applies to any proceedings taken or acts done pursuant to those
16 sections, except for laws to which reference is expressly made in
17 those sections or by necessary implication of those sections.

18 3. The provisions of no other law, either general or local,
19 except as provided in NRS 388A.550 to 388A.695, inclusive, apply
20 to the doing of the things authorized in those sections to be done,
21 and no board, agency, bureau, commission or official not designated
22 in those sections has any authority or jurisdiction over the doing of
23 any of the acts authorized in those sections to be done, except as
24 otherwise provided in those sections.

25 4. A project is not subject to any requirements relating to
26 public buildings, structures, ground works or improvements
27 imposed by the statutes of this State or any other similar
28 requirements which may be lawfully waived by this section, and any
29 requirement of competitive bidding or other restriction imposed on
30 the procedure for award of contracts for such purpose or the lease,
31 sale or other disposition of property is not applicable to any action
32 taken pursuant to NRS 388A.550 to 388A.695, inclusive **[H]**, *except*
33 *that the provisions of NRS 338.013 to 338.090, inclusive, apply to*
34 *any contract for new construction, repair or reconstruction for*
35 *which tentative approval for financing is granted on or after*
36 *July 1, 2019, by the Director of the Department of Business and*
37 *Industry. The Director, the lessee, purchaser or other obligor, any*
38 *contractor who is awarded a contract or enters into an agreement*
39 *to perform the construction, repair or reconstruction for the*
40 *project, and any subcontractor who performs any portion of such*
41 *construction, repair or reconstruction shall comply with the*
42 *provisions of NRS 338.013 to 338.090, inclusive, in the same*
43 *manner as if a public body had undertaken the project or had*
44 *awarded the contract.*



1 5. Any bank or trust company located within or without this
2 State may be appointed and act as a trustee with respect to bonds
3 issued and projects financed pursuant to NRS 388A.550 to
4 388A.695, inclusive, without the necessity of associating with any
5 other person or entity as cofiduciary, but such an association is not
6 prohibited.

7 6. The powers conferred by NRS 388A.550 to 388A.695,
8 inclusive, are in addition and supplemental to, and not in
9 substitution for, and the limitations imposed by those sections do
10 not affect, the powers conferred by any other law.

11 7. No part of NRS 388A.550 to 388A.695, inclusive, repeals or
12 affects any other law or part thereof, except to the extent that those
13 sections are inconsistent with any other law, it being intended that
14 those sections provide a separate method of accomplishing its
15 objectives, and not an exclusive one.

16 8. The Director of the Department of Business and Industry or
17 a person designated by the Director of the Department of Business
18 and Industry may take any actions and execute and deliver any
19 instruments, contracts, certificates and other documents, including
20 the bonds, necessary or appropriate for the sale and issuance of the
21 bonds or accomplishing the purposes of NRS 388A.550 to
22 388A.695, inclusive, without the assistance or intervention of any
23 other officer.

24 **Sec. 24.** NRS 408.3886 is hereby amended to read as follows:

25 408.3886 1. After selecting the finalists pursuant to NRS
26 408.3885, the Department shall provide to each finalist a request for
27 final proposals for the project. The request for final proposals must:

28 (a) Set forth the factors that the Department will use to select a
29 design-build team to design and construct the project, including the
30 relative weight to be assigned to each factor; and

31 (b) Set forth the date by which final proposals must be
32 submitted to the Department.

33 2. Except as otherwise provided in this subsection, in assigning
34 the relative weight to each factor for selecting a design-build team
35 pursuant to subsection 1, the Department shall assign, without
36 limitation, a relative weight of 5 percent to the design-build team's
37 possession of both a certificate of eligibility to receive a preference
38 in bidding on public works by the prime contractor on the design-
39 build team, if the design-build team submits a signed affidavit that
40 meets the requirements of subsection 1 of NRS 338.0117, and a
41 certificate of eligibility to receive a preference when competing for
42 public works by all persons who hold a certificate of registration to
43 practice architecture or a license as a professional engineer on the
44 design-build team, and a relative weight of at least 30 percent for the
45 proposed cost of design and construction of the project. If any



1 federal statute or regulation precludes the granting of federal
2 assistance or reduces the amount of that assistance for a particular
3 project because of the provisions of this subsection relating to a
4 preference in bidding on public works or a preference when
5 competing for public works, those provisions of this subsection do
6 not apply insofar as their application would preclude or reduce
7 federal assistance for that project.

8 3. A final proposal submitted by a design-build team pursuant
9 to this section must be prepared thoroughly, be responsive to the
10 criteria that the Department will use to select a design-build team to
11 design and construct the project described in subsection 1 and
12 comply with the provisions of NRS 338.141.

13 4. After receiving the final proposals for the project, the
14 Department shall:

15 (a) Select the most cost-effective and responsive final proposal,
16 using the criteria set forth pursuant to subsections 1 and 2;

17 (b) Reject all the final proposals; or

18 (c) Request best and final offers from all finalists in accordance
19 with subsection 5.

20 5. If the Department determines that no final proposal received
21 is cost-effective or responsive and the Department further
22 determines that requesting best and final offers pursuant to this
23 subsection will likely result in the submission of a satisfactory offer,
24 the Department may prepare and provide to each finalist a request
25 for best and final offers for the project. In conjunction with
26 preparing a request for best and final offers pursuant to this
27 subsection, the Department may alter the scope of the project, revise
28 the estimates of the costs of designing and constructing the project,
29 and revise the selection factors and relative weights described in
30 paragraph (a) of subsection 1. A request for best and final offers
31 prepared pursuant to this subsection must set forth the date by which
32 best and final offers must be submitted to the Department. After
33 receiving the best and final offers, the Department shall:

34 (a) Select the most cost-effective and responsive best and final
35 offer, using the criteria set forth in the request for best and final
36 offers; or

37 (b) Reject all the best and final offers.

38 6. If the Department selects a final proposal pursuant to
39 paragraph (a) of subsection 4 or selects a best and final offer
40 pursuant to paragraph (a) of subsection 5, the Department shall hold
41 a public meeting to:

42 (a) Review and ratify the selection.

43 (b) Partially reimburse the unsuccessful finalists if partial
44 reimbursement was provided for in the request for preliminary
45 proposals pursuant to paragraph (f) of subsection 3 of



1 NRS 408.3883. The amount of reimbursement must not exceed, for
2 each unsuccessful finalist, 3 percent of the total amount to be paid to
3 the design-build team as set forth in the design-build contract.

4 (c) Make available to the public a summary setting forth the
5 factors used by the Department to select the successful design-build
6 team and the ranking of the design-build teams who submitted final
7 proposals and, if applicable, best and final offers. The Department
8 shall not release to a third party, or otherwise make public, financial
9 or proprietary information submitted by a design-build team.

10 7. A contract awarded pursuant to this section:

11 (a) Must comply with the provisions of NRS ~~{338.020}~~ **338.013**
12 to 338.090, inclusive; and

13 (b) Must specify:

14 (1) An amount that is the maximum amount that the
15 Department will pay for the performance of all the work required by
16 the contract, excluding any amount related to costs that may be
17 incurred as a result of unexpected conditions or occurrences as
18 authorized by the contract;

19 (2) An amount that is the maximum amount that the
20 Department will pay for the performance of the professional
21 services required by the contract; and

22 (3) A date by which performance of the work required by the
23 contract must be completed.

24 8. *The Department, the design-build team, any contractor*
25 *who is awarded a contract or enters into an agreement to perform*
26 *work on the project, and any subcontractor who performs work on*
27 *the project shall comply with the provisions of NRS 338.013 to*
28 *338.090, inclusive, in the same manner as if the Department had*
29 *undertaken the project or had awarded the contract.*

30 9. A design-build team to whom a contract is awarded pursuant
31 to this section shall:

32 (a) Assume overall responsibility for ensuring that the design
33 and construction of the project is completed in a satisfactory
34 manner; and

35 (b) Use the workforce of the prime contractor on the design-
36 build team to construct at least 15 percent of the project.

37 **Sec. 25.** NRS 543.545 is hereby amended to read as follows:

38 543.545 **1.** Except as otherwise provided in ~~{subsection 3}~~
39 *this section*, the provisions of any law requiring public bidding or
40 otherwise imposing requirements on any public contract, project,
41 works or improvements, including, without limitation, the
42 provisions of chapters 332, 338 and 339 of NRS, do not apply to
43 any contract entered into by a flood control district for the
44 construction of a flood control facility pursuant to the master plan, if



1 a majority of the construction costs are paid by a private developer
2 and the written agreement:

3 ~~[1-] (a)~~ Complies with the requirements of subsection 1 of
4 NRS 543.360;

5 ~~[2-] (b)~~ Clearly sets forth the computation of the construction
6 costs, and includes the terms and conditions of the contract; and

7 ~~[3-] (c)~~ Contains a provision stating that the requirements of
8 NRS ~~[338.010]~~ **338.013** to 338.090, inclusive, apply to any
9 construction work performed pursuant to the contract.

10 **2. The board, the developer, any contractor who is awarded a**
11 **contract or enters into an agreement to perform the construction**
12 **work, and any subcontractor who performs any portion of the**
13 **construction work shall comply with the provisions of NRS**
14 **338.013 to 338.090, inclusive, in the same manner as if the board**
15 **had undertaken the construction work or had awarded the**
16 **contract.**

17 **Sec. 26.** NRS 701B.265 is hereby amended to read as follows:

18 701B.265 1. The installation of a solar energy system on
19 property owned or occupied by a public body pursuant to NRS
20 701B.010 to 701B.290, inclusive, shall be deemed to be a public
21 work for the purposes of chapters 338 and 341 of NRS, regardless of
22 whether the installation of the solar energy system is financed in
23 whole or in part by public money. **The public body, the utility, any**
24 **contractor who is awarded a contract or entered into an agreement**
25 **to perform the installation and any subcontractor who performs**
26 **any portion of the installation shall comply with the provisions of**
27 **NRS 338.013 to 338.090, inclusive, in the same manner as if the**
28 **public body had undertaken the installation or had awarded the**
29 **contract.**

30 2. The amount of any incentive issued by a utility relating to
31 the installation of a solar energy system on property owned or
32 occupied by a public body may not be used to reduce the cost of the
33 project to an amount which would exempt the project from the
34 requirements of NRS ~~[338.020]~~ **338.013** to 338.090, inclusive.

35 3. As used in this section, "public body" means the State or a
36 county, city, town, school district or any public agency of this State
37 or its political subdivisions.

38 **Sec. 27.** NRS 701B.625 is hereby amended to read as follows:

39 701B.625 1. The installation of a wind energy system on
40 property owned or occupied by a public body pursuant to NRS
41 701B.400 to 701B.650, inclusive, shall be deemed to be a public
42 work for the purposes of chapters 338 and 341 of NRS, regardless of
43 whether the installation of the wind energy system is financed in
44 whole or in part by public money. **The public body, the utility, any**
45 **contractor who is awarded a contract or entered into an agreement**



1 *to perform the installation and any subcontractor who performs*
2 *any portion of the installation shall comply with the provisions of*
3 *NRS 338.013 to 338.090, inclusive, in the same manner as if the*
4 *public body had undertaken the installation or had awarded the*
5 *contract.*

6 2. The amount of any incentive issued by a utility relating to
7 the installation of a wind energy system on property owned or
8 occupied by a public body may not be used to reduce the cost of the
9 project to an amount which would exempt the project from the
10 requirements of NRS ~~338.020~~ 338.013 to 338.090, inclusive.

11 3. As used in this section, "public body" means the State or a
12 county, city, town, school district or any public agency of this State
13 or its political subdivisions.

14 **Sec. 28.** Section 9.5 of the Reno-Tahoe Airport Authority Act,
15 being chapter 474, Statutes of Nevada 1977, as amended by chapter
16 98, Statutes of Nevada 2013, at page 335, is hereby amended to read
17 as follows:

18 Sec. 9.5. 1. Except as otherwise determined by the
19 Board or provided in subsection 2, the provisions of any law
20 requiring public bidding or otherwise imposing requirements
21 on any public contract, project, acquisition, works or
22 improvements, including, without limitation, the provisions
23 of chapters 332, 338 and 339 of NRS, do not apply to any
24 contract entered into by the Board if the Board:

25 (a) Complies with the provisions of subsection 3; and

26 (b) Finances the contract, project, acquisition, works or
27 improvement by means of:

28 (1) Revenue bonds issued by the Authority; or

29 (2) An installment obligation of the Authority in a
30 transaction in which:

31 (I) The Authority acquires real or personal property
32 and another person acquires or retains a security interest in
33 that or other property; and

34 (II) The obligation by its terms is extinguished by
35 failure of the Board to appropriate money for the ensuing
36 fiscal year for payment of the amounts then due.

37 2. A contract entered into by the Board pursuant to this
38 section must:

39 (a) Contain a provision stating that the requirements of
40 NRS ~~338.010~~ 338.013 to 338.090, inclusive, apply to any
41 construction work performed pursuant to the contract; and

42 (b) If the contract is with a design professional who is not
43 a member of a design-build team, comply with the provisions
44 of NRS 338.155. As used in this paragraph, "design



1 professional” has the meaning ascribed to it in ~~subsection 7~~
2 ~~of~~ NRS 338.010.

3 3. For contracts entered into pursuant to this section that
4 are exempt from the provisions of chapters 332, 338 and 339
5 of NRS pursuant to subsection 1, the Board shall adopt
6 regulations pursuant to subsection ~~4~~ 5 which establish:

7 (a) One or more competitive procurement processes for
8 letting such a contract; and

9 (b) A method by which a bid on such a contract will be
10 adjusted to give a 5 percent preference to a contractor who
11 would qualify for a preference pursuant to NRS 338.147, if:

12 (1) The estimated cost of the contract exceeds
13 \$250,000; and

14 (2) Price is a factor in determining the successful bid
15 on the contract.

16 4. *The Board, any contractor who is awarded a*
17 *contract or enters into an agreement to perform the*
18 *construction work, and any subcontractor who performs*
19 *any portion of the construction work shall comply with*
20 *the provisions of NRS 338.013 to 338.090, inclusive, in the*
21 *same manner as if the Board had undertaken the*
22 *construction work or had awarded the contract.*

23 5. The Board:

24 (a) Shall, before adopting, amending or repealing a
25 permanent or temporary regulation pursuant to subsection 3,
26 give at least 30 days’ notice of its intended action. The notice
27 must:

28 (1) Include:

29 (I) A statement of the need for and purpose of the
30 proposed regulation.

31 (II) Either the terms or substance of the proposed
32 regulation or a description of the subjects and issues involved.

33 (III) The estimated cost to the Board for
34 enforcement of the proposed regulation.

35 (IV) The time when, the place where and the
36 manner in which interested persons may present their views
37 regarding the proposed regulation.

38 (V) A statement indicating whether the regulation
39 establishes a new fee or increases an existing fee.

40 (2) State each address at which the text of the
41 proposed regulation may be inspected and copied.

42 (3) Be mailed to all persons who have requested in
43 writing that they be placed upon a mailing list, which must be
44 kept by the Authority for that purpose.



1 (b) May adopt, if it has adopted a temporary regulation
2 after notice and the opportunity for a hearing as provided in
3 this subsection, after providing a second notice and the
4 opportunity for a hearing, a permanent regulation.

5 (c) Shall, in addition to distributing the notice to each
6 recipient of the Board's regulations, solicit comment
7 generally from the public and from businesses to be affected
8 by the proposed regulation.

9 (d) Shall, before conducting a workshop pursuant to
10 paragraph (g), determine whether the proposed regulation is
11 likely to impose a direct and significant economic burden
12 upon a small business or directly restrict the formation,
13 operation or expansion of a small business. If the Board
14 determines that such an impact is likely to occur, the Board
15 shall:

16 (1) Insofar as practicable, consult with owners and
17 officers of small businesses that are likely to be affected by
18 the proposed regulation.

19 (2) Consider methods to reduce the impact of the
20 proposed regulation on small businesses.

21 (3) Prepare a small business impact statement and
22 make copies of the statement available to the public at the
23 workshop conducted pursuant to paragraph (g) and the public
24 hearing held pursuant to paragraph (h).

25 (e) Shall ensure that a small business impact statement
26 prepared pursuant to subparagraph (3) of paragraph (d) sets
27 forth the following information:

28 (1) A description of the manner in which comment
29 was solicited from affected small businesses, a summary of
30 their response and an explanation of the manner in which
31 other interested persons may obtain a copy of the summary.

32 (2) The estimated economic effect of the proposed
33 regulation on the small businesses which it is to regulate,
34 including, without limitation:

35 (I) Both adverse and beneficial effects; and

36 (II) Both direct and indirect effects.

37 (3) A description of the methods that the Board
38 considered to reduce the impact of the proposed regulation on
39 small businesses and a statement regarding whether the Board
40 actually used any of those methods.

41 (4) The estimated cost to the Board for enforcement of
42 the proposed regulation.

43 (5) If the proposed regulation provides a new fee or
44 increases an existing fee, the total annual amount the Board



1 expects to collect and the manner in which the money will be
2 used.

3 (f) Shall afford a reasonable opportunity for all interested
4 persons to submit data, views or arguments upon the
5 proposed regulation, orally or in writing.

6 (g) Shall, before holding a public hearing pursuant to
7 paragraph (h), conduct at least one workshop to solicit
8 comments from interested persons on the proposed
9 regulation. Not less than 15 days before the workshop, the
10 Board shall provide notice of the time and place set for the
11 workshop:

12 (1) In writing to each person who has requested to be
13 placed on a mailing list; and

14 (2) In any other manner reasonably calculated to
15 provide such notice to the general public and any business
16 that may be affected by a proposed regulation which
17 addresses the general topics to be considered at the workshop.

18 (h) Shall set a time and place for an oral public hearing,
19 but if no one appears who will be directly affected by the
20 proposed regulation and requests an oral hearing, the Board
21 may proceed immediately to act upon any written
22 submissions. The Board shall consider fully all written and
23 oral submissions respecting the proposed regulation.

24 (i) Shall keep, retain and make available for public
25 inspection written minutes of each public hearing held
26 pursuant to paragraph (h) in the manner provided in
27 subsections 1 and 2 of NRS 241.035.

28 (j) May record each public hearing held pursuant to
29 paragraph (h) and make those recordings available for public
30 inspection in the manner provided in subsection 4 of
31 NRS 241.035.

32 (k) Shall ensure that a small business which is aggrieved
33 by a regulation adopted pursuant to this subsection may
34 object to all or a part of the regulation by filing a petition with
35 the Board within 90 days after the date on which the
36 regulation was adopted. Such petition may be based on the
37 following:

38 (1) The Board failed to prepare a small business
39 impact statement as required pursuant to subparagraph (3) of
40 paragraph (d); or

41 (2) The small business impact statement prepared by
42 the Board did not consider or significantly underestimated the
43 economic effect of the regulation on small businesses.

44 ➤ After receiving a petition pursuant to this paragraph, the
45 Board shall determine whether the petition has merit. If the



1 Board determines that the petition has merit, the Board may,
2 pursuant to this subsection, take action to amend the
3 regulation to which the small business objected.

4 ~~[5-]~~ 6. The determinations made by the Board pursuant
5 to this section are conclusive unless it is shown that the Board
6 acted with fraud or a gross abuse of discretion.

7 **Sec. 29.** The provisions of NRS 338.030, as amended by
8 section 4 of this act, apply to any rates of prevailing wages
9 determined by the Labor Commissioner pursuant to that section on
10 or after July 1, 2019.

11 **Sec. 30.** 1. The amendatory provisions of this act do not
12 apply to a contract for a public work or other project of construction,
13 alteration, repair, remodeling or reconstruction of an improvement
14 or property of a public body that is awarded before July 1, 2019.

15 2. As used in this section:

16 (a) "Public body" has the meaning ascribed to it in
17 NRS 338.010.

18 (b) "Public work" has the meaning ascribed to it in
19 NRS 338.010.

20 **Sec. 31.** NRS 338.1405 is hereby repealed.

21 **Sec. 32.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

338.1405 Requirements regarding agreements with labor organizations prohibited; exceptions.

1. The Legislature hereby finds and declares that the provisions of this section prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:

(a) Intended to provide:

(1) More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and

(2) Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.

(b) The best method for effectuating the intent of paragraph (a).

2. Except as otherwise provided in subsection 5 or 6, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:



(a) Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.

(b) Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to 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.

3. Except as otherwise provided in subsection 5 or 6, a public body shall not award a grant, tax abatement, tax credit or tax exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 2 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.

4. The provisions of subsections 2 and 3 do not:

(a) Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:

(1) Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and

(2) The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;

(b) Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:

(1) With a public body for a public work; or

(2) Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;

(c) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;

(d) Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or



(e) Affect any provision of NRS 338.020 to 338.090, inclusive.

5. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this subsection must not be based on the possibility or presence of a labor dispute concerning:

(a) The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or

(b) Employees on the public work who are not members of or affiliated with a labor organization.

6. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:

(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; or

(b) A water system.

7. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.



SENATE BILL NO. 231—SENATORS BROOKS, CANNIZZARO, PARKS;
ATKINSON, CANCELA, DENIS, HARRIS, OHRENSCHALL,
RATTI, SCHEIBLE AND WOODHOUSE

FEBRUARY 19, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain construction.
(BDR 28-910)

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 construction; revising provisions governing the payment of prevailing wages; eliminating certain prohibitions relating to agreements with labor organizations concerning contracts with a public body for a public work or with an awardee of certain grants, tax abatements, tax credits or tax exemptions from a public body; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, with certain exceptions, the prevailing wage in a county for each craft or type of work, as determined by the Labor Commissioner, is required to be paid on a project in the county involving new construction, repair or reconstruction that is financed in whole or in part with public money and for which the estimated cost is \$250,000 or more. (NRS 338.010, 338.020-338.080) **Sections 1, 3 and 4** of this bill decrease the minimum threshold for the applicability of the prevailing wage requirements from \$250,000 to \$100,000.

To determine the prevailing wages in each county under existing law, the Labor Commissioner is required to annually survey contractors who have performed work in the county. If, based on the survey, the rate of wages is the same for more than 50 percent of the total hours worked by a specific craft or type of work on similar construction, the Labor Commissioner is required to determine that rate as the prevailing wage. Where no such rate can be determined, the Labor Commissioner is required to determine the rate as the average rate of wages paid per hour based on the number of hours worked per rate. (NRS 338.030) **Section 2** of this bill eliminates these provisions to now require the Labor Commissioner to determine the prevailing wage by conducting an annual survey of contractors who have performed work in the county according to each craft or type of work performed.



19 Additionally, under existing law, school districts and the Nevada System of
20 Higher Education are required to pay on their public works and certain other
21 construction projects 90 percent of the prevailing wage rates that are otherwise
22 required to be paid by other public bodies. (NRS 338.030) **Section 2** eliminates this
23 exception and therefore requires school districts and the Nevada System of Higher
24 Education to pay the same prevailing wage rates on their public works and other
25 construction projects as other public bodies are required to pay.

26 Under existing law, charter schools are exempt from the requirement in existing
27 law to pay prevailing wage rates on their public works and certain other
28 construction projects. (NRS 338.080) **Section 4** eliminates this exemption and
29 therefore requires charter schools to pay prevailing wage rates on their public
30 works and other construction projects.

31 Existing law, with certain exceptions, prohibits a public body, in any
32 solicitation, contract or other document related to a contract for a public work,
33 from: (1) requiring or prohibiting a bidder, contractor or subcontractor from
34 entering into or adhering to any agreement with one or more labor organizations in
35 regard to the public work; or (2) discriminating against a bidder, contractor or
36 subcontractor for entering or not entering into, or adhering or refusing to adhere to,
37 any agreement with one or more labor organizations in regard to the public work.
38 Existing law further prohibits a public body, with certain exceptions, from
39 awarding a grant, tax abatement, tax credit or tax exemption that is conditioned
40 upon a requirement that the awardee include in a contract for a project that is the
41 subject of the grant, tax abatement, tax credit or tax exemption a term that: (1)
42 requires or prohibits a bidder, contractor or subcontractor from entering into or
43 adhering to any agreement with one or more labor organizations in regard to the
44 project; or (2) discriminates against a bidder, contractor or subcontractor for
45 entering or not entering into, or adhering or refusing to adhere to, any agreement
46 with one or more labor organizations in regard to the project. (NRS 338.1405)
47 **Section 7** of this bill eliminates these prohibitions.

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

1 **Section 1.** NRS 338.018 is hereby amended to read as follows:
2 338.018 The provisions of NRS 338.013 to 338.018, inclusive,
3 apply to any contract for construction work of the Nevada System of
4 Higher Education for which the estimated cost exceeds ~~[\$250,000]~~
5 **\$100,000** even if the construction work does not qualify as a public
6 work, as defined in ~~[subsection 17 of]~~ NRS 338.010.

7 **Sec. 2.** NRS 338.030 is hereby amended to read as follows:
8 338.030 1. The public body awarding any contract for public
9 work, or otherwise undertaking any public work, shall ascertain
10 from the Labor Commissioner the prevailing wage in the county in
11 which the public work is to be performed for each craft or type of
12 work.

13 2. ~~[The]~~ **To determine a** prevailing wage in each county,
14 including Carson City, ~~[must be established as follows:~~
15 ~~—(a) The]~~ **the** Labor Commissioner shall, annually, survey
16 contractors who have performed work in the county.



1 ~~[(b) Based on the survey conducted pursuant to paragraph (a),~~
2 ~~where the rate of wages is the same for more than 50 percent of the~~
3 ~~total hours worked by each craft or type of work in that county on~~
4 ~~construction similar to the proposed construction, that rate will be~~
5 ~~determined as the prevailing wage.~~

6 ~~—(c) Where no such rate can be determined, the prevailing wage~~
7 ~~for a craft or type of work will be determined as the average rate of~~
8 ~~wages paid per hour based on the number of hours worked per rate,~~
9 ~~to that craft or type of work.~~

10 ~~—(d) The Labor Commissioner shall determine the prevailing~~
11 ~~wage to be 90 percent of the rate determined pursuant to paragraphs~~
12 ~~(a), (b) and (c) for:~~

13 ~~—(1) Any contract for a public work or any other construction,~~
14 ~~alteration, repair, remodeling or reconstruction of an improvement~~
15 ~~or property to which a school district or the Nevada System of~~
16 ~~Higher Education is a party; and~~

17 ~~—(2) A public work of, or constructed by, a school district or~~
18 ~~the Nevada System of Higher Education, or any other construction,~~
19 ~~alteration, repair, remodeling or reconstruction of an improvement~~
20 ~~or property of or constructed by a school district or the Nevada~~
21 ~~System of Higher Education.]~~

22 3. Within 30 days after the determination is issued:

23 (a) A public body or person entitled under subsection 6 to be
24 heard may submit an objection to the Labor Commissioner with
25 evidence to substantiate that a different wage prevails; and

26 (b) Any person may submit information to the Labor
27 Commissioner that would support a change in the prevailing wage
28 of a craft or type of work by 50 cents or more per hour in any
29 county.

30 4. The Labor Commissioner shall hold a hearing in the locality
31 in which the work is to be executed if the Labor Commissioner:

32 (a) Is in doubt as to the prevailing wage; or

33 (b) Receives an objection or information pursuant to
34 subsection 3.

35 ↪ The Labor Commissioner may hold only one hearing a year on
36 the prevailing wage of any craft or type of work in any county.

37 5. Notice of the hearing must be advertised in a newspaper
38 nearest to the locality of the work once a week for 2 weeks before
39 the time of the hearing.

40 6. At the hearing, any public body, the crafts affiliated with the
41 State Federation of Labor or other recognized national labor
42 organizations, and the contractors of the locality or their
43 representatives must be heard. From the evidence presented, the
44 Labor Commissioner shall determine the prevailing wage.



1 7. The wages so determined must be filed by the Labor
2 Commissioner and must be available to any public body which
3 awards a contract for any public work.

4 8. Nothing contained in NRS 338.020 to 338.090, inclusive,
5 may be construed to authorize the fixing of any wage below any rate
6 which may now or hereafter be established as a minimum wage for
7 any person employed upon any public work, or employed by any
8 officer or agent of any public body.

9 **Sec. 3.** NRS 338.075 is hereby amended to read as follows:

10 338.075 The provisions of NRS 338.020 to 338.090, inclusive,
11 apply to any contract for construction work of the Nevada System of
12 Higher Education for which the estimated cost exceeds ~~[\$250,000]~~
13 **\$100,000** even if the construction work does not qualify as a public
14 work, as defined in ~~[subsection 17 of]~~ NRS 338.010.

15 **Sec. 4.** NRS 338.080 is hereby amended to read as follows:

16 338.080 None of the provisions of NRS 338.020 to 338.090,
17 inclusive, apply to:

18 1. Any work, construction, alteration, repair or other
19 employment performed, undertaken or carried out, by or for any
20 railroad company or any person operating the same, whether such
21 work, construction, alteration or repair is incident to or in
22 conjunction with a contract to which a public body is a party, or
23 otherwise.

24 2. Apprentices recorded under the provisions of chapter 610 of
25 NRS.

26 3. Any contract for a public work whose cost is less than
27 ~~[\$250,000.]~~ **\$100,000**. A unit of the project must not be separated
28 from the total project, even if that unit is to be completed at a later
29 time, in order to lower the cost of the project below ~~[\$250,000.~~

30 ~~—4. Any contract for a public work or any other construction,
31 alteration, repair, remodeling or reconstruction of an improvement
32 or property to which a charter school is a party, notwithstanding any
33 other provision of law.~~

34 ~~—5. A public work of, or constructed by, a charter school, or any
35 other construction, alteration, repair, remodeling or reconstruction
36 of an improvement or property of or constructed by a charter school,
37 notwithstanding any other provision of law.]~~ **\$100,000**.

38 **Sec. 5.** 1. The provisions of NRS 338.018, 338.030, 338.075
39 and 338.080, as amended by sections 1, 2, 3 and 4, respectively of
40 this act do not apply to a contract for a public work or other project
41 of construction, alteration, repair, remodeling or reconstruction of an
42 improvement or property of a public body that is awarded before
43 July 1, 2019.

44 2. As used in this section:



1 (a) "Public body" has the meaning ascribed to it in
2 NRS 338.010.

3 (b) "Public work" has the meaning ascribed to it in
4 NRS 338.010.

5 **Sec. 6.** The provisions of NRS 338.030, as amended by
6 section 2 of this act, apply to any rates of prevailing wages
7 determined by the Labor Commissioner pursuant to that section on
8 or after July 1, 2019.

9 **Sec. 7.** NRS 338.1405 is hereby repealed.

10 **Sec. 8.** This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

338.1405 Requirements regarding agreements with labor organizations prohibited; exceptions.

1. The Legislature hereby finds and declares that the provisions of this section prohibiting requirements for certain terms in contracts entered into by a public body for a public work or entered into by the awardee of a grant, tax abatement, tax credit or tax exemption from a public body are:

(a) Intended to provide:

(1) More economical, nondiscriminatory, neutral and efficient contracts for public works by public bodies in this State as market participants; and

(2) Fair and open competition in awarding contracts, grants, tax abatements, tax credits and tax exemptions.

(b) The best method for effectuating the intent of paragraph (a).

2. Except as otherwise provided in subsection 5 or 6, a public body, in any advertisement, solicitation, specification, contract or any other document related to a contract for a public work, shall not:

(a) Require or prohibit an eligible bidder, contractor or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public work or any construction project integrated into the public work.

(b) Discriminate against an eligible bidder, contractor or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to 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.

3. Except as otherwise provided in subsection 5 or 6, a public body shall not award a grant, tax abatement, tax credit or tax



exemption that is conditioned upon a requirement that the awardee include a term described in paragraph (a) or (b) of subsection 2 in a contract for any construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption.

4. The provisions of subsections 2 and 3 do not:

(a) Prohibit a public body from awarding a contract for a public work or a grant, tax abatement, tax credit or tax exemption to an owner who is not a public body, an eligible bidder, a contractor or a subcontractor who enters into, who is a party to or who adheres to an agreement with a labor organization if:

(1) Entering into, being or becoming a party to or adhering to an agreement with a labor organization is not a condition for awarding the contract, grant, tax abatement, tax credit or tax exemption; and

(2) The public body does not discriminate against an owner who is not a public body, an eligible bidder, a contractor or a subcontractor in the awarding of the contract, grant, tax abatement, tax credit or tax exemption based upon the status of entering into, being or becoming a party to or adhering to an agreement with a labor organization;

(b) Prohibit an eligible bidder, contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract:

(1) With a public body for a public work; or

(2) Funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body;

(c) Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.;

(d) Interfere with labor relations of parties that are left unregulated by the Labor Management Relations Act of 1947, 29 U.S.C. §§ 151 et seq.; or

(e) Affect any provision of NRS 338.020 to 338.090, inclusive.

5. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that a special circumstance requires such an exemption to avert an imminent threat to the public health or safety. A finding of a special circumstance pursuant to this subsection must not be based on the possibility or presence of a labor dispute concerning:

(a) The use of a contractor or subcontractor who is not a signatory to or does not adhere to an agreement with one or more labor organizations; or



(b) Employees on the public work who are not members of or affiliated with a labor organization.

6. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from the provisions of subsection 2 if the public body makes a finding, after notice and a hearing, that the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for:

(a) An airport, including, without limitation, a runway, taxiway, air traffic control tower or project to improve airport security; or

(b) A water system.

7. As used in this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.



NOT A FISCAL NOTE. PRINTED FROM WEB BY AGENCY

Fiscal Note: 5874 (Unsolicited)

Document: [BDR 28-145](#) [AB136](#)

Organization: Carson City

Due: No Due Date

Next Meeting Date: (None)

Saved!
✕

Line Items

Line items added, removed, and edited will not be saved until you press 'Save Changes' at the bottom of this page

Category Type	Item of Revenue or Expense, or Both	Fiscal Year 2018-19	Fiscal Year 2019-20	Fiscal Year 2020-21	Effect of Future Biennia
— Expense	Expenses	\$200,000	\$200,000	\$200,000	\$200,000
Totals:		(\$200,000)	(\$200,000)	(\$200,000)	(\$200,000)

⏪ ⏩ 1 ⏪ ⏩
1 - 1 of 1 items

Supporting Information

Pursuant to [NRS 218D.470](#), all fiscal notes submitted are required to be "factual and concise in nature, and must provide a reliable estimate of the dollar amount of effect the bill or joint resolution will have." Comments that contain opinions, arguments, or other statements that are contrary to the purpose of fiscal notes stated in [NRS 218D.470](#) are subject to rejection by the Governor's Finance Office or the Fiscal Analysis Division.

Explanation (1642 characters remaining) :

To reduce the minimum contract amount from \$250,000 down to \$100,000 to comply with prevailing wage rates, would cost the City roughly \$200,000 annually as we do several smaller projects to playgrounds, safe routes to school, community used facilities as well as smaller infrastructure projects to keep our City safe. We wont be able to do as many projects.

Exhibit templates: [Word](#) [Excel](#)

You can only upload Word (.doc or .docx), Excel (.xls or .xlsx) or .pdf files.

Click here to select files to upload

Alternatively, you can drag multiple files into this box

Determination

Please select an organizational impact. A fiscal note may not have a designation of "No Impact" if potential revenue or expense items are identified in the table or comments above. If the selected organization impact is "Cannot be Determined," comments must be provided explaining why the organization cannot determine the impact before it can be submitted.

Organizational Impact:

Has Impact



Signature:

Sheri Russell

Title:

CFO

Local Government Responses
A.B. 190 / BDR 28 - 637

<p>City/County: Carson City Approved by: Sheri Russell, CFO Comment: It reduces the minimum contract amount (\$250,000 to \$100,000) to require the payment of prevailing wages. This item could cost the City roughly \$200,000 annually.</p>				
Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
Has Impact	\$200,000	\$200,000	\$200,000	\$200,000

<p>City/County: Churchill County Approved by: Jim R. Barbee, County Manager Comment: If BDR 28-637 were to pass it does not appear to create a significant fiscal impact to Churchill County. Passage of this bill may possibly increase some costs for contractors, who could in turn pass the cost to the County, but this cannot be determined at this time.</p>				
Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
No Impact	\$0	\$0	\$0	\$0

<p>City/County: Clark County Approved by: Edward M. Zagalo, Manager of Financial Planning Comment: Clark County has determined that this BDR, as currently written, would have a fiscal impact on its operations. Clark County has approximately 40 projects valued at less than \$250,000 but more than \$100,000 with an average value of \$177,000. If prevailing wages and/or benefits are higher than the other construction wages and/or benefits, every 1% increase in these wages could increase county costs by \$70,800 ($40 \times 177,000 \times 1\%$). Clark County is unable, at this time, to determine the BDRs fiscal impact. This analysis would require a review of each of the construction trades involved in its approximate 40 projects, then a review and comparison of the project's wages and benefits with the corresponding prevailing wages and benefits. However, the data on the wages and benefits being paid is not readily available and as such, the impact is undeterminable.</p>				
Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

<p>City/County: Douglas County Approved by: Terri Willoughby, Chief Financial Officer Comment: This bill would increase the number of public works projects and would cause a great deal of additional salary expense in order to comply with the bill.</p>				
Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
Has Impact	\$0	\$0	\$0	\$0

School District: **Storey County School District**

Approved by: Kristen Chandler, Business Manager

Comment:

Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **Washoe County School District**

Approved by: Lindsay Anderson, Government Affairs Director

Comment: Additional administrative work will be required due to additional projects being subject to prevailing wage, but it would be absorbed by existing staff.

Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
No Impact	\$0	\$0	\$0	\$0

School District: **White Pine County School District**

Approved by: Paul Johnson, CFO

Comment: Impact cannot be determined.

Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
Cannot Be Determined	\$0	\$0	\$0	\$0

City/County: **Carson City**

Approved by: Sheri Russell, CFO

Comment: It reduces the minimum contract amount (\$250,000 to \$100,000) to require the payment of prevailing wages. This item could cost the City roughly \$200,000 annually.

Impact	FY 2018-19	FY 2019-20	FY 2020-21	Future Biennia
Has Impact	\$200,000	\$200,000	\$200,000	\$200,000