
ASSEMBLY BILL NO. 195—ASSEMBLYMEN GOICOECHEA,
GOEDHART, HARDY, COBB; CARPENTER, CHRISTENSEN,
GRADY, HAMBRICK AND SETTELMAYER

FEBRUARY 18, 2009

JOINT SPONSOR: SENATOR RHODS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning certain prevailing wage requirements. (BDR 28-506)

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

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

AN ACT relating to public works; raising the estimated thresholds at or above which prevailing wage requirements apply to certain construction contracts; revising the description of contractors whom the Labor Commissioner must survey to determine the prevailing wage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, any contract for a public work whose cost is in excess of
2 \$100,000 is subject to the prevailing wage requirements. (NRS 338.080) Also, any
3 contract for construction work of the Nevada System of Higher Education for
4 which the estimated cost exceeds \$100,000 is subject to the prevailing wage
5 requirements even if the construction work does not qualify as a public work. (NRS
6 338.018, 338.075) The prevailing wage requirements also apply to a redevelopment
7 project if a redevelopment agency provides financial incentives to the developer
8 with a value of more than \$100,000. (NRS 279.500) **Sections 1 and 3-5** of this bill
9 raise these thresholds for the applicability of prevailing wage requirements from
10 \$100,000 to \$3,000,000, and also make a technical correction clarifying that if the
11 relevant work will cost exactly \$3,000,000, the work is subject to the prevailing
12 wage requirements.

13 Existing law requires the Labor Commissioner to survey contractors who
14 perform work in each county to establish the prevailing wage for each county.
15 (NRS 338.030) **Section 2** of this bill revises the description of contractors whom
16 the Labor Commissioner must survey to include contractors who perform
17 construction work and contractors who perform work of a comparable nature.



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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
4 of Higher Education for which the estimated cost ~~exceeds~~
5 ~~\$100,000~~ *is \$3,000,000 or more*, even if the construction work
6 does not qualify as a public work, as defined in subsection 15 of
7 NRS 338.010.
- 8 **Sec. 2.** NRS 338.030 is hereby amended to read as follows:
9 338.030 1. The public body awarding any contract for public
10 work, or otherwise undertaking any public work, shall ascertain
11 from the Labor Commissioner the prevailing wage in the county in
12 which the public work is to be performed for each craft or type of
13 work.
- 14 2. To establish a prevailing wage in each county, including
15 Carson City, the Labor Commissioner shall, annually, survey
16 contractors who have performed *construction work or work of a*
17 *comparable nature* in the county. Within 30 days after the
18 determination is issued:
- 19 (a) A public body or person entitled under subsection 5 to be
20 heard may submit an objection to the Labor Commissioner with
21 evidence to substantiate that a different wage prevails; and
22 (b) Any person may submit information to the Labor
23 Commissioner that would support a change in the prevailing wage
24 of a craft or type of work by 50 cents or more per hour in any
25 county.
- 26 3. The Labor Commissioner shall hold a hearing in the locality
27 in which the work is to be executed if he:
- 28 (a) Is in doubt as to the prevailing wage; or
29 (b) Receives an objection or information pursuant to
30 subsection 2.
- 31 ↳ The Labor Commissioner may hold only one hearing a year on
32 the prevailing wage of any craft or type of work in any county.
- 33 4. Notice of the hearing must be advertised in a newspaper
34 nearest to the locality of the work once a week for 2 weeks before
35 the time of the hearing.
- 36 5. At the hearing, any public body, the crafts affiliated with the
37 State Federation of Labor or other recognized national labor
38 organizations, and the contractors of the locality or their
39 representatives must be heard. From the evidence presented, the
40 Labor Commissioner shall determine the prevailing wage.



1 6. 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 7. 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
12 of Higher Education for which the estimated cost ~~exceeds~~
13 ~~\$100,000~~ is \$3,000,000, or more, even if the construction work
14 does not qualify as a public work, as defined in subsection 15 of
15 NRS 338.010.

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

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

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

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

27 3. Any contract for a public work whose cost is less than
28 ~~\$100,000~~ \$3,000,000. A unit of the project must not be separated
29 from the total project, even if that unit is to be completed at a later
30 time, in order to lower the cost of the project below ~~\$100,000~~
31 \$3,000,000.

32 **Sec. 5.** NRS 279.500 is hereby amended to read as follows:

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

37 2. If an agency provides property for development at less than
38 the fair market value of the property, or provides financial
39 incentives to the developer with a value of ~~more than \$100,000~~
40 \$3,000,000 or more, the agency must provide in the agreement with
41 the developer that the development project is subject to the
42 provisions of NRS 338.010 to 338.090, inclusive, to the same extent
43 as if the agency had awarded the contract for the project. This
44 subsection applies only to the project covered by the agreement
45 between the agency and the developer. This subsection does not



- 1 apply to future development of the property unless additional
- 2 financial incentives with a value of ~~[more than \$100,000]~~
- 3 *\$3,000,000 or more* are provided to the developer.
- 4 **Sec. 6.** This act becomes effective on July 1, 2009.

