

ASSEMBLY BILL NO. 154—ASSEMBLYMEN BROOKS, SPIEGEL, SPRINKLE, JOINER, DALY; ELLIOT ANDERSON, BILBRAY-AXELROD, BUSTAMANTE ADAMS, COHEN, FRIERSON, FUMO, JAUREGUI, MILLER, MONROE-MORENO, NEAL, SWANK AND THOMPSON

PREFILED FEBRUARY 13, 2017

JOINT SPONSOR: SENATOR ATKINSON

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to prevailing wages. (BDR 28-747)

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 prevailing wages; revising provisions governing the payment of prevailing wages; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, with certain exceptions, the prevailing wage in a county for
2 each craft or type of work, as determined by the Labor Commissioner, is required
3 to be paid on a project in the county involving new construction, repair or
4 reconstruction that is financed in whole or in part with public money and for which
5 the estimated cost is \$250,000 or more. (NRS 338.010, 338.020-338.080) **Sections**
6 **1, 3 and 4** of this bill decrease the minimum threshold for the applicability of the
7 prevailing wage requirements from \$250,000 to \$100,000.

8 School districts and the Nevada System of Higher Education are required under
9 existing law to pay on their public works and certain other construction projects 90
10 percent of the prevailing wage rates that are otherwise required to be paid by other
11 public bodies. (NRS 338.030) **Section 2** of this bill eliminates this exception and
12 therefore requires school districts and the Nevada System of Higher Education to
13 pay the same prevailing wage rates on their public works and other construction
14 projects as other public bodies are required to pay.

15 Under existing law, charter schools are exempt from the requirement in existing
16 law to pay prevailing wage rates on their public works and certain other
17 construction projects. (NRS 338.080) **Section 4** eliminates this exemption and



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18 therefore requires charter schools to pay prevailing wage rates on their public
19 works and other construction projects.

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 16 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 prevailing wage in each county, including Carson City,
14 must be established as follows:

15 (a) The Labor Commissioner shall, annually, survey contractors
16 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,~~
35 ~~alteration, repair, remodeling or reconstruction of an improvement~~
36 ~~or property of or constructed by a school district or the Nevada~~
37 ~~System of Higher Education.]~~

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



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

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

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

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

11 (b) Receives an objection or information pursuant to
12 subsection 3.

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

15 5. Notice of the hearing must be advertised in a newspaper
16 nearest to the locality of the work once a week for 2 weeks before
17 the time of the hearing.

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

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

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

31 **Sec. 3.** 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 16 of]~~ NRS 338.010.

37 **Sec. 4.** 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 **\$100,000.**

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

12 ~~— 5. A public work of, or constructed by, a charter school, or any~~
13 ~~other construction, alteration, repair, remodeling or reconstruction~~
14 ~~of an improvement or property of or constructed by a charter school,~~
15 ~~notwithstanding any other provision of law.~~

16 **Sec. 5.** 1. The amendatory provisions of this act do not apply
17 to a public work or other project of construction, alteration, repair,
18 remodeling or reconstruction of an improvement or property of a
19 public body that is awarded before July 1, 2017.

20 2. As used in this section:

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

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

25 **Sec. 6.** This act becomes effective on July 1, 2017.

