

ASSEMBLY BILL NO. 391—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 23, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public works.
(BDR 28-1031)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~

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

AN ACT relating to public works; authorizing a local government to enter into a prehire agreement for a public work; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth a process for a local government to award a contract for
2 a public work. (NRS 338.1385) This bill authorizes a local government to enter into
3 a prehire agreement for a public work. Any such prehire agreement may contain a
4 preference for hiring labor on the public work to local residents who reside: (1)
5 within the jurisdiction of the local government; (2) within a certain specified
6 distance of the jurisdiction of the local government; or (3) within a certain
7 geographic area within the jurisdiction of the local government. This authority does
8 not apply if any federal statute or regulation precludes the granting of federal
9 assistance or reduces the amount of that assistance for a particular public work.
10 This bill also clarifies that this authority shall not be construed to authorize a
11 contractor on a public work to pay any worker on the public work less than the
12 applicable prevailing wage.

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

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

3 *1. Except as otherwise provided in subsection 2, a local*
4 *government sponsoring or financing a public work may enter into*
5 *a prehire agreement for the public work. Any such prehire*
6 *agreement may contain a preference for hiring labor on the public*



1 *work to local residents who possess a valid driver's license or*
2 *identification card issued by the Department of Motor Vehicles or*
3 *other proof of current address which indicates that the person*
4 *resides:*

5 *(a) Within the jurisdiction of the local government;*

6 *(b) Within a certain specified distance of the jurisdiction of the*
7 *local government, as provided by the local government sponsoring*
8 *or financing the public work; or*

9 *(c) Within a certain geographic area within the jurisdiction of*
10 *the local government.*

11 *2. If any federal statute or regulation precludes the granting*
12 *of federal assistance or reduces the amount of that assistance for a*
13 *particular public work because of the provisions of subsection 1,*
14 *those provisions do not apply insofar as their application would*
15 *preclude or reduce federal assistance.*

16 *3. Nothing in this section shall be construed to authorize a*
17 *contractor on a public work to pay any worker on the public work*
18 *less than the applicable prevailing wage required pursuant to NRS*
19 *338.020 to 338.090, inclusive.*

20 **Sec. 2.** (Deleted by amendment.)

21 **Sec. 3.** (Deleted by amendment.)

22 **Sec. 4.** (Deleted by amendment.)

23 **Sec. 5.** (Deleted by amendment.)

24 **Sec. 6.** 1. The amendatory provisions of this act apply to a
25 public work for which bids are first advertised by a local
26 government after the effective date of this act.

27 2. As used in this section, "local government" and "public
28 work" have the meanings ascribed to them in NRS 338.010.

29 **Sec. 7.** (Deleted by amendment.)

30 **Sec. 8.** This act becomes effective upon passage and approval.

