

SENATE BILL NO. 270—SENATOR NGUYEN

MARCH 4, 2025

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to governmental administration. (BDR 28-778)

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 governmental administration; requiring each contractor and subcontractor on a public work or a project paid for in whole or in part by public funds to produce certain documents for inspection upon request from certain entities; requiring a contractor or subcontractor to provide the representative of a joint labor-management committee reasonable access to a public work to monitor compliance with requirements relating to the use of apprenticeships and the payment of prevailing wages; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the payment of prevailing wages to certain workers on a
2 public work. (NRS 338.020) Existing law makes the prevailing wage requirements
3 applicable to certain other construction projects that do not meet the definition of a
4 “public work.” (See, e.g. NRS 244.286, 244A.058, 244A.763, 268.568, 271.710,
5 271.800, 278C.240, 279.500, 318.140, 318.144, 321.416, 332.390, 333A.120,
6 349.670, 349.956, 349.981, 388A.635, 408.3886, 543.545, 701B.265, 701B.625)
7 **Section 2** of this bill requires a contractor or subcontractor on a public work or
8 other project paid for in whole or in part from public funds to provide certain
9 documents upon the written request of a Taft-Hartley trust fund or a joint labor-
10 management committee. The documents that may be inspected upon request, as
11 they relate to the public work, are: (1) the bid on the contract and any documents
12 submitted as part of the bidding process; (2) any executed contract or subcontract;
13 and (3) any record of work performed, including, without limitation, payroll
14 records. **Section 2** provides that: (1) the requested documents must be produced
15 within 10 days after receipt of a written request; and (2) personal identifying
16 information must be redacted from any requested document. **Section 2** further
17 provides that: (1) if a document requested is not provided within 10 days after
18 receipt of a written request, the requesting party may file a complaint with the



19 Labor Commissioner; (2) upon review of such a complaint, the Labor
20 Commissioner may impose an administrative penalty against the noncompliant
21 party in the amount of \$100 for each day the document is not produced; and (3) a
22 contractor will not be penalized for failing to produce any requested document that
23 is in the possession or control of a subcontractor. For the purposes of **section 2**, it
24 shall be deemed that a project is a project paid for in whole or in part by public
25 money if: (1) a public body pays money or other compensation directly to or on
26 behalf of the developer or contractor of the project or any subcontractor who
27 performs any work on the project; (2) a public body pays, credits, reduces, forgives
28 or waives any fee, cost, rent, insurance premium, bond premium, obligation or
29 expense in relation to the project that is normally required in the execution of a
30 contract for a public work; (3) a public body loans money in relation to the project
31 that is required to be repaid to the public body on a contingent basis; or (4) in
32 relation to the project, a public body transfers the project for less than fair market
33 value.

34 **Section 3** of this bill provides that a representative of a joint labor-management
35 committee must be given reasonable access to a public work to monitor compliance
36 with prevailing wage and certain apprenticeships requirements. **Section 3** exempts
37 a public body, contractor or subcontractor on a public work from liability for any
38 injury sustained by, or violation of any standard for occupational safety and health
39 as a result of monitoring by, a representative of a joint labor-management
40 committee. **Section 3** further authorizes a joint labor-management committee to
41 bring a cause of action in a court of competent jurisdiction against a public body,
42 contractor or subcontractor who denies reasonable access to a public work and, if
43 the joint labor-management committee prevails, to be awarded: (1) \$1,000 for each
44 occasion reasonable access was denied; and (2) reasonable attorney's fees and
45 costs. **Section 3** defines "reasonable access" as access during reasonable working
46 hours that does not disrupt the performance of any work and does not violate any
47 occupational safety and health standards.

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 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *Upon written request of a Taft-Hartley***
4 ***multiemployer pension trust fund formed pursuant to 29 U.S.C. §***
5 ***186(c)(5) or a joint labor-management committee established***
6 ***pursuant to 29 U.S.C. § 175a, each contractor and subcontractor***
7 ***shall make available for inspection the following documents***
8 ***relating to a public work or other project paid for in whole or in***
9 ***part by public money;***

10 ***(a) The bid on the contract and any documents submitted as***
11 ***part of the bidding process on the public work or project paid for***
12 ***in whole or in part by public money;***

13 ***(b) Any executed contract or subcontract relating to the public***
14 ***work or project paid for in whole or in part by public money; and***



1 (c) Any record of work performed on the public work or other
2 project paid for in whole or in part by public money, including,
3 without limitation, payroll records.

4 2. If a contractor or subcontractor fails to make any
5 document requested pursuant to subsection 1 available for
6 inspection within 10 days after receipt of a written request, the
7 requesting party may file a complaint with the Labor
8 Commissioner. Upon review of such a complaint, the Labor
9 Commissioner may, except as otherwise provided in subsection 4,
10 impose an administrative penalty of \$100 upon the noncompliant
11 contractor or subcontractor for each day the document is not
12 made available for inspection.

13 3. Each contractor and subcontractor shall, before making
14 any record available for inspection pursuant to subsection 1,
15 redact any personal identifying information, including, without
16 limitation, social security numbers and dates of birth.

17 4. A contractor must not be subject to a penalty imposed
18 pursuant to subsection 2 for failure to produce any document
19 requested that is in the possession or control of a subcontractor.

20 5. For the purposes of this section, it shall be deemed that a
21 project is a project paid for in whole or in part by public money if:

22 (a) A public body pays money or other compensation directly
23 to or on behalf of the developer or contractor of the project or any
24 subcontractor who performs any work on the project;

25 (b) A public body pays, credits, reduces, forgives or waives any
26 fee, cost, rent, insurance premium, bond premium, obligation or
27 expense in relation to the project that is normally required in the
28 execution of a contract for a public work;

29 (c) A public body loans money in relation to the project that is
30 required to be repaid to the public body on a contingent basis; or

31 (d) In relation to the project, a public body transfers the
32 project for less than fair market value.

33 **Sec. 3. 1.** A representative of a joint labor-management
34 committee established pursuant to 29 U.S.C. § 175a must be given
35 reasonable access to a public work to monitor compliance with the
36 provisions of NRS 338.01165 and 338.020 to 338.090, inclusive.

37 2. A public body, contractor or subcontractor on a public
38 work shall not be liable for any violation of any occupational
39 safety and health standard as a result of the monitoring of a public
40 work by a representative of a joint labor-management committee
41 pursuant to subsection 1.

42 3. Any injury sustained by a representative of a joint labor-
43 management committee while monitoring a public work pursuant
44 to subsection 1 is subject to the workers' compensation or liability
45 insurance policy of the joint labor-management committee and is



1 *not a liability of the public body or any contractor or*
2 *subcontractor on the public work.*

3 *4. A joint labor-management committee may bring a cause of*
4 *action in a court of competent jurisdiction against a public body,*
5 *contractor or subcontractor who denies a representative of a joint*
6 *labor-management committee reasonable access to a public work*
7 *pursuant to subsection 1. An action brought pursuant to this*
8 *subsection must be brought within 6 months after the date the*
9 *representative was denied reasonable access. If the joint labor-*
10 *management committee is the prevailing party in an action*
11 *brought pursuant to this subsection, the court shall award the*
12 *joint labor-management committee:*

13 *(a) One thousand dollars for each occasion reasonable access*
14 *was denied; and*

15 *(b) Reasonable attorney's fees and costs.*

16 *5. As used in this section, "reasonable access" means access*
17 *during reasonable working hours that does not disrupt the*
18 *performance of any work on a public work and does not violate*
19 *any occupational safety and health standards.*

