
ASSEMBLY BILL NO. 148—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

FEBRUARY 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Expands exemption from requirements concerning payment of prevailing wage for certain contracts for public works. (BDR 28-506)

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

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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; expanding the exemption from the requirements concerning the payment of the prevailing wage for certain contracts for public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that certain employees who perform work on a public works project that costs \$100,000 or more must be paid the prevailing wage that is paid to that type of employee in the county in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020-338.090) A person who fails to pay the prevailing wage when required is guilty of a misdemeanor and may also be subject to administrative penalties and certain other penalties. (NRS 338.090)

This bill makes the exemption from the requirement of paying the prevailing wage for public works contracts for which the estimated cost is less than \$100,000 applicable only to contracts awarded by the State of Nevada or a local government in a county with a population of 100,000 or more (currently Washoe and Clark Counties). In counties with a population of less than 100,000 (currently counties other than Washoe and Clark Counties), this bill requires the payment of the prevailing wage only if the estimated cost of the public works project exceeds \$300,000.

Existing law requires the payment of the prevailing wage on a development project in a redevelopment area if a redevelopment agency provided the property for the development project at less than fair market value or gave financial incentives of more than \$100,000 to the developer of the project. (NRS 279.500)



This bill makes the exemption from the requirement of paying the prevailing wage on a development project for which a redevelopment agency provided financial incentives of more than \$100,000 to the developer applicable only to such a project in counties with a population of 100,000 or more (currently Washoe and Clark Counties). In counties with a population of less than 100,000 (currently counties other than Washoe and Clark Counties), this bill requires the payment of the prevailing wage on development projects for which the redevelopment agency provided financial incentives of more than \$300,000 to the developer. This bill does not affect the applicability of the requirement of paying the prevailing wage on development projects in all counties on property which the redevelopment agency provided for development at less than the fair market value of the property.

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

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

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

3. Any contract for a public work ~~whose~~ *awarded by this State or by a local government in a county whose population is 100,000 or more for which the estimated* cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the *estimated* cost of the project below \$100,000.

4. *Any contract for a public work awarded by a local government in a county whose population is less than 100,000 for which the estimated cost is less than \$300,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the estimated cost of the project below \$300,000.*

Sec. 2. NRS 279.500 is hereby amended to read as follows:

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

2. If an agency *in a county whose population is 100,000 or more* provides property for development at less than the fair market value of the property, or provides financial incentives to the



1 developer with a value of more than \$100,000, the agency must
2 provide in the agreement with the developer that the development
3 project is subject to the provisions of NRS 338.010 to 338.090,
4 inclusive, to the same extent as if the agency had awarded the
5 contract for the project. This subsection applies only to the project
6 covered by the agreement between the agency and the developer.
7 This subsection does not apply to future development of the
8 property unless additional financial incentives with a value of more
9 than \$100,000 are provided to the developer.

10 *3. If an agency in a county whose population is less than*
11 *100,000 provides property for development at less than the fair*
12 *market value of the property, or provides financial incentives to*
13 *the developer with a value of more than \$300,000, the agency must*
14 *provide in the agreement with the developer that the development*
15 *project is subject to the provisions of NRS 338.010 to 338.090,*
16 *inclusive, to the same extent as if the agency had awarded the*
17 *contract for the project. This subsection applies only to the project*
18 *covered by the agreement between the agency and the developer.*
19 *This subsection does not apply to future development of the*
20 *property unless additional financial incentives with a value of*
21 *more than \$300,000 are provided to the developer.*



