

SENATE BILL NO. 336—SENATORS HUTCHISON;
CEGAVSKE, KIECKHEFER AND SETTELMAYER

MARCH 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to prevailing wages.
(BDR 28-855)

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 prevailing wages; exempting school districts from the requirement to pay prevailing wages on contracts for certain public works; requiring school districts to calculate the cost savings from the exemption from prevailing wage requirements and deposit such savings into certain funds for school construction or improvements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, certain contracts for public works projects must provide for
2 the payment to certain workers on the project a wage that is not less than the
3 prevailing wage for certain classes of mechanics and workers, as established by the
4 Labor Commissioner. (NRS 338.020, 338.030) **Section 2** of this bill exempts from
5 the prevailing wage requirement a contract that is sponsored or financed by the
6 board of trustees of a county school district for a school construction or
7 improvement project. (NRS 338.080) **Section 1** of this bill requires a board of
8 trustees that enters into a contract for any such project to monitor and calculate the
9 cost savings attributable to the prevailing wage exemption, and deposit any such
10 savings in the county school district buildings and sites fund, to be used for various
11 purposes, including, without limitation, construction design or purchase of new
12 buildings for schools, enlarging, remodeling or repairing existing buildings or
13 grounds for schools, or acquiring sites for building schools. (NRS 387.335) **Section**
14 **4** of this bill requires a board of trustees that contracts for a school construction or
15 improvement project on or after July 1, 2013, to report to the Legislature the annual
16 savings realized from the exemption from the prevailing wage requirement. **Section**
17 **5** of this bill provides that the amendatory provisions of this act apply only to
18 contracts entered on or after July 1, 2013.



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

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

1. The board of trustees of a county school district shall monitor and calculate the annual cost savings attributable to the exemption from prevailing wage requirements provided in subsection 4 of NRS 338.080.

2. Any savings realized pursuant to subsection 1 must be deposited by the board of trustees into the county school district buildings and sites fund created in NRS 387.177, to be used for the purposes enumerated in NRS 387.335.

Sec. 2. 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 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 cost of the project below \$100,000.

4. Any contract sponsored or financed by the board of trustees of a county school district for a school construction or improvement project.

Sec. 3. NRS 387.177 is hereby amended to read as follows:

387.177 1. There is hereby created in each county treasury or in a separate account, if established under NRS 354.603, a fund to be designated as the county school district buildings and sites fund.

2. The county school district buildings and sites fund shall be composed of:

(a) Receipts from the rentals and sales of school property.

(b) Gifts to the school district for any or all of the purposes enumerated in NRS 387.335.

(c) All moneys received from the Federal Government for the construction of school facilities.

(d) All money deposited by the board of trustees pursuant to section 1 of this act.



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1 3. Moneys in the county school district buildings and sites fund
2 may be expended by the board of trustees, notwithstanding such
3 expenditures have not been budgeted in accordance with law, only
4 for the purposes enumerated in NRS 387.335, and no others.

5 **Sec. 4.** The board of trustees of a county school district that
6 deposits money pursuant to subsection 2 of section 1 of this act
7 shall, on or before February 1 of each year in which such a deposit
8 is made, prepare and submit a report to the Director of the
9 Legislative Counsel Bureau for transmittal to the Legislature if the
10 Legislature is in session, or to the Interim Finance Committee if
11 the Legislature is not in session. The report must include, without
12 limitation:

13 1. The status of any public works projects from which cost
14 savings were realized pursuant to subsection 1 of section 1 of this
15 act;

16 2. The total yearly amount of the cost savings that have
17 resulted from the exemption provided in subsection 4 of NRS
18 338.080, as amended by section 2 of this act; and

19 3. Any other information required by the Legislature or the
20 Interim Finance Committee.

21 **Sec. 5.** The amendatory provisions of this act apply only to
22 contracts entered into on or after July 1, 2013.

23 **Sec. 6.** This act becomes effective on July 1, 2013.

