

SENATE BILL NO. 384—SENATOR DALY

MARCH 27, 2023

Referred to Committee on Government Affairs

SUMMARY—Establishes certain provisions relating to the award of grants of federal money by a state agency for the development of broadband services and infrastructure. (BDR 18-1035)

FISCAL NOTE: Effect on Local Government: No.
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 broadband; establishing certain requirements for a state agency that awards grants of federal money for the development of broadband services and infrastructure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of Science, Innovation and Technology in the Office of the Governor and requires: (1) the Director of the Office to establish and administer a program of infrastructure grants for the development or improvement of broadband services for persons with low income and persons in rural areas of this State; and (2) the Office to establish and administer a program to encourage the deployment of broadband infrastructure in underserved communities in this State. (NRS 223.600, 223.610, 223.670) **Section 2** of this bill sets forth a legislative declaration regarding the importance of using a well-trained workforce and providing jobs to residents of this State in expending federal money to increase the development of broadband services and infrastructure in this State.

Section 3 of this bill requires each state agency that awards grants of federal money for the development of broadband services and infrastructure to: (1) evaluate and assign a score to each grant application received by the state agency based on the factors and relative weights assigned to each factor that the state agency specified in the request for grant applications; and (2) assign a relative weight of 30 percent to a grant application if the applicant submits a signed certification with his or her application. **Section 3** provides that the applicant must certify that if the applicant or a provider of broadband services will perform some or all of the work or will subcontract some or all of the work to a licensed contractor, the applicant, provider or contractor: (1) meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities; or (2) is a signatory to a collective bargaining agreement that covers the direct employees of



the applicant who will perform any work financed in whole or in part by the grant money.

Section 3 also provides that if an applicant provides a certification that the applicant or provider meets certain safety and training requirements and provides job opportunities with high-quality wages for residents of this State and members of underrepresented communities, certain provisions of law requiring the payment of prevailing wages on public works do not apply. **Section 3.5** of this bill makes a conforming change to provide an exception to the requirements to pay prevailing wages on public works.

Section 3 further requires each state agency to include as a condition of any grant award that: (1) the certification provided by the applicant is binding upon the applicant that is awarded the grant money; and (2) if a licensed contractor performs any work, certain provisions of law governing public works apply to the work performed by the subcontractor. Lastly, **section 3** authorizes the Director of the Office to adopt regulations to carry out the provisions of **section 3**.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Legislature finds and declares that:*

1. The State of Nevada is poised to see a once in a generation wave of federal money resulting from the passage of the Infrastructure Investment and Jobs Act, Public Law 117-58, and the American Rescue Plan Act of 2021, Public Law 117-2, which will help to close the digital divide and increase the development of broadband services and infrastructure across the State;

2. The State of Nevada needs to ensure that this historic investment creates long-lasting broadband infrastructure that is built by a well-trained workforce;

3. Work performed by an unqualified contractor with a poorly trained workforce endangers the public and is not in the best interest of the citizens of this State; and

4. Proper stewardship of public money will require that the State of Nevada implement appropriate measures to ensure that any grants of federal money awarded by this State for the development of broadband services and infrastructure prioritize issuing grants to applicants that will ensure the work is performed safely and by a well-trained workforce and that the applicant provides quality jobs to Nevada workers.

Sec. 3. 1. In awarding any grant of federal money for the development of broadband services and infrastructure in accordance with federal law, each state agency shall:

(a) Evaluate and assign a score to each application received by the state agency based on the factors and relative weights assigned



1 to each factor that the state agency specified in the request for
2 grant applications; and

3 (b) When ranking the proposals, assign a relative weight of 30
4 percent to an application if the applicant submits a signed
5 certification attesting that the applicant meets the requirements of
6 paragraph (a) or (b) of subsection 2.

7 2. An applicant for a grant of federal money for the
8 development of broadband services and infrastructure shall
9 submit to a state agency with the application for the grant a signed
10 statement certifying that:

11 (a) If the applicant:

12 (1) Will perform some or all of the work that is financed in
13 whole or in part with the grant money or if such work will be
14 performed by a provider of broadband services, the applicant or
15 provider, as applicable, meets the requirements set forth in
16 paragraph (b) or (c); and

17 (2) Will subcontract some or all of the work that is financed
18 in whole or in part with the grant money, the subcontractor meets
19 the requirements set forth in paragraph (b) or (c);

20 (b) The applicant, provider of broadband services or
21 contractor, as applicable:

22 (1) Has a robust training program with training
23 requirements that are tied to titles, uniform wage scales and skill
24 codes recognized in the industry;

25 (2) Requires safety training, including, without limitation,
26 any safety training requirements of the Occupational Safety and
27 Health Administration of the United States Department of Labor,
28 and operates a safety program that requires drug testing;

29 (3) Requires work performed by the applicant, provider or
30 contractor, as applicable, that is financed in whole or in part with
31 the grant money will be performed by employees who are directly
32 employed by the applicant, provider or contractor, as applicable,
33 and that such workers will receive high-quality wages and
34 benefits;

35 (4) Has programs to promote the training and hiring of
36 workers from underrepresented communities;

37 (5) Primarily employs a qualified local work force
38 consisting of residents of this State or conducts a program to
39 promote the hiring of residents of this State; and

40 (6) Has a documented record of complying with all
41 applicable labor and employment laws in the 5-year period
42 immediately preceding the date the grant application is filed or has
43 a documented record of mitigating any violations of the applicable
44 labor and employment laws and has taken measures to ensure
45 future compliance with such laws; or



(c) *The applicant, provider of broadband services or contractor licensed pursuant to chapter 624 of NRS that will perform some or all of the work is a signatory to a collective bargaining agreement that covers all non-supervisory employees directly employed by the applicant, provider or contractor, as applicable, who will perform any work financed in whole or in part with the grant money.*

3. *Except as otherwise provided in subsection 5, the provisions of NRS 338.020 to 338.090, inclusive, do not apply to work performed by an applicant or provider of broadband services that is a public work if the applicant or provider, as applicable, is a signatory to a collective bargaining agreement.*

4. *Any certification submitted by an applicant for a grant pursuant to subsection 2 must be made available on the Internet website of the state agency which awarded the grant.*

5. *In addition to the requirements of subsections 1 and 2 and except as otherwise provided in federal law, each state agency shall require as a condition of any grant of federal money for the development of broadband services and infrastructure in accordance with federal law that is awarded by the state agency that:*

(a) *Any certification provided by the applicant pursuant to subsection 2 is binding upon the applicant who is awarded the grant money; and*

(b) *If a contractor licensed pursuant to chapter 624 of NRS performs any work financed in whole or in part with the grant money, the provisions of NRS 338.020 to 338.090, inclusive, shall apply.*

6. *If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular grant because of the provisions of this section, the provisions of this section do not apply insofar as their application would preclude or reduce federal assistance for that work.*

7. *The Director of the Office of Science, Innovation and Technology established pursuant to NRS 223.600 may adopt regulations to carry out the provisions of this section.*

8. *As used in this section, "state agency" means every public agency, bureau, board, commission, department, division, officer or employee of the Executive Department of the State Government.*

Sec. 3.5. NRS 338.080 is hereby amended to read as follows:

338.080 Except as otherwise provided in NRS 408.55086, 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



1 railroad company or any person operating the same, whether such
2 work, construction, alteration or repair is incident to or in
3 conjunction with a contract to which a public body is a party, or
4 otherwise.

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

7 3. Any contract for a public work whose estimated cost is less
8 than \$100,000. A unit of the project must not be separated from the
9 total project, even if that unit is to be completed at a later time, in
10 order to lower the estimated cost of the project below \$100,000.

11 *4. Any work performed for the development of broadband*
12 *services and infrastructure using grant money awarded pursuant*
13 *to section 3 of this act by the recipient of the grant money or a*
14 *provider of broadband services if the recipient or provider, as*
15 *applicable, is a signatory to a collective bargaining agreement,*
16 *unless the work is performed by a contractor who is licensed*
17 *pursuant to chapter 624 of NRS.*

18 **Sec. 4.** 1. This section becomes effective upon passage and
19 approval.

20 2. Sections 1 to 3.5, inclusive, of this act become effective:

21 (a) Upon passage and approval for the purpose of adopting any
22 regulations and performing any other preparatory administrative
23 tasks that are necessary to carry out the provisions of this act; and

24 (b) On January 1, 2024, for all other purposes.

