

SENATE BILL NO. 146—SENATOR KIECKHEFER

FEBRUARY 18, 2013

Referred to Committee on Government Affairs

SUMMARY—Exempts public works projects of schools and of the Nevada System of Higher Education from prevailing wage requirements. (BDR 28-44)

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; requiring each school district, each charter school and the Nevada System of Higher Education to prepare a report of its activities concerning certain public works; specifying that certain provisions governing the payment of prevailing wages do not apply to a school district, a charter school or the Nevada System of Higher Education; repealing provisions governing the payment of those wages by the Nevada System of Higher Education; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law sets forth general provisions applicable to public works, including  
2 provisions requiring the payment of prevailing wages to mechanics and workmen  
3 employed on public works projects. (NRS 338.020-338.090) Existing law also  
4 provides specifically that contracts for construction work of the Nevada System of  
5 Higher Education for which the estimated cost exceeds \$100,000 require the  
6 payment of prevailing wages even if the construction work does not qualify as a  
7 public work. (NRS 338.075)  
8 **Section 2** of this bill excludes from the prevailing wage requirement: (1) any  
9 contract for a public work to which a school district, a charter school or the Nevada  
10 System of Higher Education is a party; and (2) a public work of, or constructed by,  
11 a school district, a charter school or the Nevada System of Higher Education.  
12 **Section 3** of this bill eliminates the requirement that the Nevada System of Higher  
13 Education pay prevailing wages on certain construction work that does not qualify  
14 as a public work. **Section 1** of this bill requires each school district, each charter  
15 school and the Nevada System of Higher Education to submit a report twice each  
16 year to the Director of the Legislative Counsel Bureau stating whether the school  
17 district, charter school or System contracted for, undertook or expended money on



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18 a public work during the immediately preceding 6-month period and, if so, setting  
19 forth certain additional information regarding the actual cost of that activity and the  
20 savings of money, if any, attributable to not having to pay prevailing wages.

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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. On or before January 1 and July 1 of each year, each*  
4 *school district, each charter school and the Nevada System of*  
5 *Higher Education shall:*

6 *(a) Determine whether the school district, charter school or*  
7 *System, during the immediately preceding 6-month period, entered*  
8 *into a contract for a public work, undertook a public work or*  
9 *expended money on a public work;*

10 *(b) Prepare a report of its activities in compliance with*  
11 *subsection 2; and*

12 *(c) Submit the report to the Director of the Legislative Counsel*  
13 *Bureau for transmission to the Legislature, or to the Legislative*  
14 *Commission when the Legislature is not in regular session.*

15 *2. The report required to be prepared pursuant to subsection*  
16 *1 must:*

17 *(a) State whether the school district, charter school or Nevada*  
18 *System of Higher Education, during the immediately preceding*  
19 *6-month period, entered into a contract for a public work,*  
20 *undertook a public work or expended money on a public work;*  
21 *and*

22 *(b) If the school district, charter school or Nevada System of*  
23 *Higher Education, during the immediately preceding 6-month*  
24 *period, entered into a contract for a public work, undertook a*  
25 *public work or expended money on a public work, set forth the*  
26 *following information concerning the public work:*

27 *(I) A description of the public work, including, without*  
28 *limitation, identification of the specific educational institution to*  
29 *which the public work pertains;*

30 *(2) With respect to the cost of labor performed on the public*  
31 *work:*

32 *(I) The actual cost of the labor;*

33 *(II) What the cost of the labor would have been if the*  
34 *public work had not been exempt from the provisions of NRS*  
35 *338.020 to 338.090, inclusive, pursuant to subsection 4 or 5 of*  
36 *NRS 338.080; and*

37 *(III) The difference between the costs described in*  
38 *sub-subparagraphs (I) and (II); and*



1           ***(3) With respect to the total cost of the public work:***

2           ***(I) The actual total cost;***

3           ***(II) What the actual total cost would have been if the***  
4 ***public work had not been exempt from the provisions of NRS***  
5 ***338.020 to 338.090, inclusive, pursuant to subsection 4 or 5 of***  
6 ***NRS 338.080; and***

7           ***(III) The difference between the costs described in***  
8 ***sub-subparagraphs (I) and (II).***

9           **Sec. 2.** NRS 338.080 is hereby amended to read as follows:

10          338.080 None of the provisions of NRS 338.020 to 338.090,  
11 inclusive, apply to:

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

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

20          3. Any contract for a public work whose cost is less than  
21 \$100,000. A unit of the project must not be separated from the total  
22 project, even if that unit is to be completed at a later time, in order to  
23 lower the cost of the project below \$100,000.

24          4. ***Any contract for a public work to which a school district,***  
25 ***a charter school or the Nevada System of Higher Education is a***  
26 ***party.***

27          5. ***A public work of, or constructed by, a school district, a***  
28 ***charter school or the Nevada System of Higher Education.***

29          **Sec. 3.** NRS 338.075 is hereby repealed.

30          **Sec. 4.** The provisions of section 1 of this act do not require  
31 the preparation or submission of a report specified in that section  
32 before January 1, 2014.

33          **Sec. 5.** This act becomes effective on July 1, 2013.

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**TEXT OF REPEALED SECTION**

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**338.075 Applicability to certain contracts for construction work of Nevada System of Higher Education.** The provisions of NRS 338.020 to 338.090, inclusive, apply to any contract for construction work of the Nevada System of Higher Education for



which the estimated cost exceeds \$100,000 even if the construction work does not qualify as a public work, as defined in subsection 16 of NRS 338.010.

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