
ASSEMBLY BILL NO. 176—ASSEMBLYMEN CLABORN, MCCLEARY,
ANDERSON, GIBBONS, CHOWNING, ARBERRY, ATKINSON,
COLLINS, CONKLIN, GOICOECHEA, HORNE, KOIVISTO,
LESLIE, MANENDO, MCCLAIN, MORTENSON, OCEGUERA,
OHRENSCHALL, PARKS, PIERCE AND WILLIAMS

FEBRUARY 21, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions governing prevailing wages. (BDR 28-972)

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

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public works; requiring the Labor Commissioner to survey certain additional employers to establish the prevailing rates of wages; providing that certain workmen are deemed to be employed on public works; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 338.030 is hereby amended to read as follows:
2 338.030 1. The public body awarding any contract for public
3 work, or otherwise undertaking any public work, shall ascertain
4 from the Labor Commissioner the prevailing wage in the county in
5 which the public work is to be performed for each craft or type of
6 work.
7 2. To establish a prevailing wage in each county, including
8 Carson City, the Labor Commissioner shall, annually, survey
9 contractors ~~who~~ *and other employers of workmen that* have
10 performed work in the county. Within 30 days after the
11 determination is issued:



1 (a) A public body or person entitled under subsection 5 to be
2 heard may submit an objection to the Labor Commissioner with
3 evidence to substantiate that a different wage prevails; and

4 (b) Any person may submit information to the Labor
5 Commissioner that would support a change in the prevailing wage
6 of a craft or type of work by 50 cents or more per hour in any
7 county.

8 3. The Labor Commissioner shall hold a hearing in the locality
9 in which the work is to be executed if he:

10 (a) Is in doubt as to the prevailing wage; or

11 (b) Receives an objection or information pursuant to
12 subsection 2.

13 The Labor Commissioner may hold only one hearing a year on the
14 prevailing wage of any craft or type of work in any county.

15 4. Notice of the hearing must be advertised in a newspaper
16 nearest to the locality of the work once a week for 2 weeks before
17 the time of the hearing.

18 5. At the hearing, any public body, the crafts affiliated with the
19 state federation of labor or other recognized national labor
20 organizations, and the contractors of the locality or their
21 representatives must be heard. From the evidence presented, the
22 Labor Commissioner shall determine the prevailing wage.

23 6. The wages so determined must be filed by the Labor
24 Commissioner and must be available to any public body which
25 awards a contract for any public work.

26 7. Nothing contained in NRS 338.020 to 338.090, inclusive,
27 may be construed to authorize the fixing of any wage below any rate
28 which may now or hereafter be established as a minimum wage for
29 any person employed upon any public work, or employed by any
30 officer or agent of any political subdivision of the State of Nevada.

31 **Sec. 2.** NRS 338.040 is hereby amended to read as follows:

32 338.040 1. Except as otherwise provided by specific statute,
33 workmen who are:

34 (a) Employed at the site of a public work; and

35 (b) Necessary in the execution of the contract for the public
36 work,

37 are deemed to be employed on public works.

38 2. *For the purposes of subsection 1, a person who:*

39 (a) *Repairs or maintains heavy equipment used for*
40 *construction activities at the site of a public work;*

41 (b) *Performs a test of the soil at the site of a public work;*

42 (c) *Performs duties related to a survey at the site of a public*
43 *work and is not required to be licensed pursuant to chapter 625 of*
44 *NRS; or*



- 1 (d) *Inspects work performed at the site of a public work and is*
2 *not employed by a public body for that purpose,*
3 *shall be deemed to be a workman who is employed on a public*
4 *work.*
- 5 3. The Labor Commissioner shall adopt regulations to define
6 the circumstances under which a workman , *other than a person*
7 *described in subsection 2,* is:
- 8 (a) Employed at the site of a public work; and
9 (b) Necessary in the execution of the contract for the public
10 work.

