

Amendment No. 694

Senate Amendment to Assembly Bill No. 391 First Reprint	(BDR 28-1031)
Proposed by: Senate Committee on Government Affairs	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

HAC



Date: 5/20/2023

A.B. No. 391—Revises provisions governing public works. (BDR 28-1031)



ASSEMBLY BILL NO. 391—COMMITTEE
ON GOVERNMENT AFFAIRS

MARCH 23, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public works. (BDR 28-1031)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing a local government to ~~require a contractor on~~ **enter into a prehire agreement for** a public work ; ~~to give a preference for local hiring;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth a process for a local government to award a contract for a public
2 work. (NRS 338.1385) This bill authorizes a local government to ~~require a contractor on~~
3 **enter into a prehire agreement for** a public work . ~~to give~~ **Any such prehire agreement**
4 **may contain** a preference for hiring labor on the public work to local residents who reside: (1)
5 within the jurisdiction of the local government; (2) within a certain specified distance of the
6 jurisdiction of the local government; or (3) within a certain geographic area within the
7 jurisdiction of the local government. This authority does not apply if any federal statute or
8 regulation precludes the granting of federal assistance or reduces the amount of that assistance
9 for a particular public work. This bill also clarifies that this authority shall not be construed to
10 authorize a contractor on a public work to pay any worker on the public work less than the
11 applicable prevailing wage.

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 thereto a new
2 section to read as follows:
3 *1. Except as otherwise provided in subsection 2, a local government*
4 *sponsoring or financing a public work may ~~require that a contractor on~~ enter*
5 *into a prehire agreement for the public work . ~~give~~ Any such prehire agreement*
6 *may contain a preference for hiring labor on the public work to local residents*
7 *who possess a valid driver’s license or identification card issued by the*
8 *Department of Motor Vehicles or other proof of current address which indicates*
9 *that the person resides:*
10 *(a) Within the jurisdiction of the local government;*

1 ***(b) Within a certain specified distance of the jurisdiction of the local***
2 ***government, as provided by the local government sponsoring or financing the***
3 ***public work; or***

4 ***(c) Within a certain geographic area within the jurisdiction of the local***
5 ***government.***

6 ***2. If any federal statute or regulation precludes the granting of federal***
7 ***assistance or reduces the amount of that assistance for a particular public work***
8 ***because of the provisions of subsection 1, those provisions do not apply insofar as***
9 ***their application would preclude or reduce federal assistance.***

10 ***3. Nothing in this section shall be construed to authorize a contractor on a***
11 ***public work to pay any worker on the public work less than the applicable***
12 ***prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.***

13 **Sec. 2.** (Deleted by amendment.)

14 **Sec. 3.** (Deleted by amendment.)

15 **Sec. 4.** (Deleted by amendment.)

16 **Sec. 5.** (Deleted by amendment.)

17 **Sec. 6.** 1. The amendatory provisions of this act apply to a public work for
18 which bids are first advertised by a local government after the effective date of this
19 act.

20 2. As used in this section, “local government” and “public work” have the
21 meanings ascribed to them in NRS 338.010.

22 **Sec. 7.** (Deleted by amendment.)

23 **Sec. 8.** This act becomes effective upon passage and approval.