

SENATE BILL NO. 299—SENATORS FLORES, DALY, HANSEN, CANNIZZARO, SPEARMAN; DONATE, DONDERO LOOP, D. HARRIS, LANGE, NEAL, NGUYEN, OHRENSCHALL, PAZINA AND SCHEIBLE

MARCH 16, 2023

JOINT SPONSORS: ASSEMBLYMEN TORRES, D’SILVA; DICKMAN AND WATTS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions related to monorails. (BDR 28-955)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 public works; eliminating certain exemptions from prevailing wage requirements relating to railroad companies or monorails; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that every contract to which a public body is a party that
2 requires the employment of certain workers to perform the public work must
3 require that such workers be paid at least the wages prevailing for the type of work
4 that the worker performs in the region in which the public work is performed. (NRS
5 338.020) Existing law exempts from the requirements to pay the prevailing wage
6 any work, construction, alteration, repair or other employment performed,
7 undertaken or carried out, by or for any railroad company or any person operating
8 the same, regardless of whether a public body is party to the contract. (NRS
9 338.080) **Section 1** of this bill removes this exemption, and as a result, any such
10 activity or employment may be subject to the prevailing wage requirements.

11 Existing law also: (1) exempts the work of or incident to the installation and
12 operation of a monorail from the prevailing wage requirements; and (2) provides
13 that a monorail is not a public utility. (NRS 705.690) **Section 2** of this bill removes
14 these exemptions, and as a result, the work of or incident to the installation and
15 operation of a monorail may be subject to the prevailing wage requirements.



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

1 **Section 1.** NRS 338.080 is hereby amended to read as follows:
2 338.080 Except as otherwise provided in NRS 408.55086,
3 none of the provisions of NRS 338.020 to 338.090, inclusive, apply
4 to:

5 1. ~~Any work, construction, alteration, repair or other~~
6 ~~employment performed, undertaken or carried out, by or for any~~
7 ~~railroad company or any person operating the same, whether such~~
8 ~~work, construction, alteration or repair is incident to or in~~
9 ~~conjunction with a contract to which a public body is a party, or~~
10 ~~otherwise.~~

11 ~~—2.]~~ Apprentices recorded under the provisions of chapter 610 of
12 NRS.

13 ~~[3.]~~ 2. Any contract for a public work whose estimated cost is
14 less than \$100,000. A unit of the project must not be separated from
15 the total project, even if that unit is to be completed at a later time,
16 in order to lower the estimated cost of the project below \$100,000.

17 **Sec. 2.** NRS 705.690 is hereby amended to read as follows:

18 705.690 ~~[1. The work of or incident to the installation and~~
19 ~~operation of a monorail is not a public work within the meaning of~~
20 ~~chapter 338 of NRS.~~

21 ~~—2. A monorail is not a public utility within the meaning of~~
22 ~~chapter 704 of NRS.~~

23 ~~—3.]~~ The Department of Transportation, the county in which a
24 monorail is located or proposed to be located and a city within that
25 county may exercise a power it holds related to transportation to
26 facilitate the installation and operation of a monorail, and may
27 contribute to or assist in the financing of the monorail.

28 **Sec. 3.** The amendatory provisions of this act do not apply to
29 any contract entered into before October 1, 2023.

