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FIRST REPRINT

S.B. 299

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 exempts the work of or incident to the installation and
12 operation of a monorail from the prevailing wage requirements. (NRS 705.690)
13 **Section 2** of this bill removes this exemption, and as a result, the work of or
14 incident to the installation and operation of a monorail may be subject to the
15 prevailing wage requirements.



* S B 2 9 9 R 1 *

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.]~~ 2. The Department of Transportation, the county in which
24 a 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.

