

Nevada Chapter  
Associated General Contractors



# End of Session Report

2023 Legislative Session  
February 6 – June 5, 2023

34<sup>th</sup> Special Session  
June 6, 2023

35<sup>th</sup> Special Session  
June 7 – 14, 2023

## Table of Contents

Contractors Board/Licensing .....	1
Electric Vehicles .....	3
Employment.....	4
Environment.....	6
Local Government.....	8
Prevailing Wage.....	10
Public Purchasing .....	12
Public Works.....	13
Safety/OSHA .....	16
State Budget.....	17
Taxes .....	18
Transportation Funding.....	20
Miscellaneous .....	21
Veto Messages.....	24

## Contractors Board/Licensing

### **BILLS THAT PASSED:**

#### **AB23** – (Priority B)

Introduced by the Nevada State Contractors’ Board, AB23 creates an additional, informal citation conference for the resolution of an administrative citation issued by the Board.

AGC used this measure to amend existing law. Current law places no timeline by which the Board must hold a hearing on a contested citation. The amendment proposed by AGC and adopted by the Legislature will require the Board to hold a hearing on a contested citation within 90 calendar days.

AB23 passed unanimously in both houses and has been approved by the Governor. It becomes effective on October 1, 2023.

#### **AB27** – (Priority B)

AB27, also introduced by the State Contractors’ Board, will require a general building contractor who is contracted to provide management or counseling services to have an active license in the same classifications and subclassifications that are required to be held by the prime contractor on the project.

AB27 was approved by the Governor on May 23, 2023, and became effective upon passage and approval.

#### **AB29** – (Priority B)

AB29, another bill introduced by the Contractor’s Board, provides that making, or causing to be made, a false or misleading statement or representation, or omission of a material fact in connection with someone’s application for a contractor’s license in order to assist that person in obtaining the license, constitutes cause for disciplinary action.

AGC worked with the Contractor’s Board and other stakeholders to clarify that the law would only apply to a licensee who is a natural person, an owner of a licensee, a managing officer of a license or any person who qualifies to act on behalf of a licensee. AGC wanted to ensure that a licensee could not be held liable for the actions of their employees under this provision of law.

AB29 was approved by the Governor on May 23, 2023, and became effective upon passage and approval.

#### **AB39** – (Priority A)

The final bill introduced by the State Contractors’ Board was AB39, which authorizes the Board to adopt regulations mandating language be included in contracts used by contractors for single-family residential improvements. As drafted it would have limited a down payment to 10% of the contract or \$1000, whichever was less.

After months of negotiation with the Board, AGC was successful in getting an amendment that exempts a contractor from the provisions of this bill if they have been relieved of their bond requirement by the Contractor's Board.

AB39 was approved and signed by the Governor. It becomes effective on October 1, 2023.

### **BILLS THAT DID NOT PASS:**

#### **AB106** – (Priority A)

AB106 would have increased the “Handyman Exemption” from Contractor licensing requirements from \$1000 to \$7600.

AGC, along with other stakeholders, opposed the effort. The bill was never scheduled for a hearing.

## Electric Vehicles

### **BILLS THAT PASSED:**

#### **AB184** – (Priority B)

As originally drafted, AB184 established the Clean Trucks and Buses Incentive Program within the Nevada Department of Environmental Protection for the sale of eligible zero emission medium-duty and heavy-duty vehicles. The bill was amended to remove any state appropriation and will rely solely on money made available through the federal Carbon Reduction Program.

AGC was neutral on this bill, but in testimony stated that it is premature to give any incentive to transition to zero-emission vehicles before finding a sustainable and equitable solution to fund the State Highway Fund.

AB184 was approved by the Governor on June 9, 2023. Sections of the bill became effective immediately for the purposes of adopting regulations, and on January 1, 2024, for all other purposes.

### **BILLS THAT DID NOT PASS:**

#### **AB427** – (Priority B)

AB427 would have allowed a tax credit against the excise tax imposed on Uber, Lyft, and taxi drivers for replacing at least one vehicle used for such services to a zero-emission vehicle.

AGC opposed the bill in principle, arguing that providing a tax credit for the purchase of a zero-emission vehicle should not be implemented before a sustainable and equitable solution to fund the State Highway Fund is implemented.

AB427 failed to make it out of the Assembly Committee on Ways and Means.

## Employment

### BILLS THAT PASSED:

#### [AB163](#) – (Priority B)

AB163 extends the requirement that an employer must provide 160 hours of leave, paid or unpaid, for victims of domestic violence to victims of sexual assault for care or treatment of a health condition, counseling, or to participate in court proceedings. Employees are required to give 48 hours' notice, and employers are allowed to ask for documentation supporting the reason an employee has requested the leave.

AGC was neutral on the bill but monitored closely for amendments.

AB163 was approved by the Governor on June 5, 2023, and becomes effective on January 1, 2024.

#### [SB145](#) – (Priority A)

As originally drafted, SB145 revised provisions regarding employee misclassification. It eliminated any warnings and consideration of willful intent and imposed a fine of \$5000 for each misclassified employee. It also allowed the Labor Commissioner to keep the fines and penalties collected to fund additional staff and operations.

AGC opposed the bill as drafted but worked with the sponsor and stakeholders on amendment language. As adopted, willful intent must be considered, and all fines and penalties collected must be deposited in the State General Fund.

SB145 was approved by the Governor on June 12, 2023, and becomes effective on July 1, 2023.

#### [SB147](#) – (Priority B)

In its original draft, SB147 extended the rules regarding the paying of wages and compensation to a *fired* employee to one who has been laid off. The first draft of the bill was redundant with existing law regarding the payment of wages upon termination of employment and did not address the sponsor's stated intent.

AGC worked with stakeholders to better clarify the language in the bill. While not perfect, the bill was passed as amended, requiring the payment of wages earned and unpaid due at the time an employee is placed in "nonworking status".

SB147 was approved by the Governor on May 31, 2023, and becomes effective on July 1, 2023.

## **BILLS THAT DID NOT PASS:**

### **SB271** – (Priority B)

Among other things related to the Nevada Equal Rights Commission, SB271 would have required the Commission, upon receiving a complaint alleging an unlawful discriminatory practice in employment, to consider any historical data of discriminatory practices on behalf of the employer to determine whether an investigation is warranted.

AGC had no position on the bill but was monitoring closely for potential amendments.

The bill received a policy hearing but was not processed further.

## Environment

### **BILLS THAT PASSED:**

#### **SB115** – (Priority B)

SB115 allows a board of county commissioners to establish, use and operate an in-lieu fee program in addition to a mitigation bank for wetlands in accordance with federal regulations.

AGC supported the bill as it provides for additional mitigation options which can be difficult to obtain in Nevada due to the limited wetlands. This will allow for projects to move forward without delay and without spending mitigation money in other states.

SB115 was approved by the Governor and became effective immediately.

### **BILLS THAT DID NOT PASS:**

#### **AB312** – (Priority B)

The original draft of AB312 would have created a Commission on Environmental Justice to review any regulation in the State prior to adoption to ensure it did not have a direct, indirect, or cumulative environmental impact and would not disproportionately affect a historically underserved community. Because of the potential to slow economic growth, AGC joined with the larger business community to oppose the bill.

The sponsor amended the bill to change the Commission to an Advisory Council to work with elected officials and other stakeholders on matters concerning environmental justice.

AGC worked with the sponsor of the bill to amend it further to add structure and transparency to the Advisory Council. With those changes, AGC was able to move to a neutral position on the bill.

AB312 received a policy hearing but was not processed further.

#### **AJR3** – (Priority A)

AJR3 proposed to amend the Nevada Constitution to give Nevadans inalienable rights to a clean and healthy environment, including pure water, clean air, healthy ecosystems, and a stable climate.

While well intentioned, AGC had to oppose the bill due to the open-ended possibilities for interpretation of the language and the probability of endless lawsuits for every new development or project in Nevada.

AJR3 received a hearing but was not processed further.



### [SB49](#) – (Priority A)

SB49 would have authorized the State Environmental Commission (SEC) to prescribe by regulation standards and other requirements for the control of vehicle emissions that are identical to the State of California. It also would have authorized the SEC to impose administrative fines for a violation of the new emissions standards up to \$25,000.

SB49 was requested by the Nevada Division of Environmental Protection under the previous administration before Governor Lombardo took office. Under the new leadership, the bill was withdrawn.

## Local Government

### **BILLS THAT PASSED:**

#### **AB2** – (Priority B)

AB2 authorizes vehicles used by a local government for the construction, maintenance or repair of highways, or a vehicle owned or operated by a person who contracts with a local government to aid motorists or mitigate traffic incidents, to be equipped with and the use non-flashing blue tail lamps under certain circumstances.

AB2 was approved by the Governor and becomes effective on October 1, 2023.

#### **SB11** – (Priority B)

As originally drafted, SB11 would have required the Nevada Department of Public Safety to adopt regulations allowing local governments to operate unmanned aerial vehicles for the purpose of conducting building inspections. AGC had concerns with the language and sought clarification that only a qualified inspector could make any determination.

The bill was amended to prohibit a public agency from collecting any photograph, image or recording, but that if a photograph, image, or recording *is* collected, it would not be admissible in any proceeding other than one relating to the purpose of the inspection and may not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense. With the adoption of the amendment, AGC was neutral on the bill.

SB11 was approved by the Governor on June 8, 2023, and will become effective on October 1, 2023.

#### **SB261** – (Priority B)

Senate Bill 261 requires the governing body of a local government to notify chambers of commerce of any proposed rule that is likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business. It also requires a governing body to hold a workshop to solicit comments on a proposed rule upon the timely request of two or more chambers of commerce and/or trade associations. Additionally, it requires business impact statements to include the total number of businesses likely to be affected by the proposed rule, a list of the chambers of commerce and trade associations notified of the proposed rule, and a summary of any workshop held regarding the proposed rule.

SB261 was approved by the Governor and becomes effective on October 1, 2023.

## **BILLS THAT DID NOT PASS:**

### **SB12** – (Priority B)

SB12 proposed to amend the Reno City Charter to allow the city to authorize "green infrastructure projects" and to maintain the At-Large seat on the City Council.

AGC was opposed to the language authorizing green infrastructure projects because such projects can already be incorporated in development plans and buildings. AGC testified in opposition to that section of the bill but supported the section maintaining the At-Large Council seat.

The bill received a hearing but was not processed out of committee.

### **SB169** – (Priority A)

SB169 would have required the master plan in Clark and Washoe Counties to include a heat mitigation element. As originally drafted, the bill also delineated the requirements that must be incorporated in the heat mitigation element, including cooling spaces, public drinking water, shade over paved surfaces, and urban tree canopies. AGC was opposed to the bill as drafted due concerns over how much the requirements would increase the cost of building.

The bill was amended to make the definition of the items to consider as the heat mitigation element permissive, rather than mandatory, allowing each county to design a plan that suited their very different climates. With this language, AGC moved to a neutral position.

SB169 passed out of both houses but was vetoed by the Governor on May 31. It was not brought back for consideration of a veto override by the Senate.

## Prevailing Wage

### BILLS THAT PASSED:

#### [AB210](#) – (Priority A)

As drafted, AB210 would have required all contractors doing public works, at the start of *each* job, to ask every employee their primary language and then provide most employment paperwork and information on prevailing wage rates in that employee’s primary language. It also called for double penalties for failing to pay prevailing wage.

AGC was opposed to the bill due to the burden it would put on employers. AGC worked with labor representatives throughout the session to find compromise language.

After several drafts, a compromise amendment was presented and adopted that deleted the sections mentioning ‘primary language’, requires employers to provide the Labor Commissioner’s website be given in writing to every employee upon hire so they can easily find the prevailing wage rates, and imposes double penalties for *willfully and repeatedly* failing to pay prevailing wage.

AB210 was approved by the Governor on May 30, 2023, and becomes effective on January 1, 2024.

#### [SB226](#) – (Priority A)

SB226 began as a huge expansion of prevailing wage that would have required any entity receiving public money in any form must pay prevailing wage on projects over \$100k. It included affordable housing, nonprofits, private business if they received any abatements or incentives, and the entirety of a private property if a public entity leased or rented *any* part of the space.

AGC opposed the bill as drafted and worked with stakeholders across the board to find a compromise.

The final version was drastically scaled back. It makes a declaration of legislative intent that the payment of prevailing wages to workers on public works projects that are funded in whole or in part by public money is essential to the economic well-being of the State and clarifies that if a local government enters into a lease, lease-purchase or installment-purchase with a private developer, prevailing wages must be paid.

SB226 was approved by the Governor and becomes effective on June 15, 2023, and became effective immediately.

## **BILLS THAT DID NOT PASS:**

### **AB235** – (Priority A)

As originally drafted, AB235 would have required the payment of prevailing wages to workers who perform custom fabrication on a public work. The bill was amended before the first hearing to limit it to the custom fabrication of plumbing or pipefitting, ventilation systems, air-conditioning and heating systems, sheet metal products, and signage.

AGC worked with stakeholders throughout the session to find a compromise, but we were unable to find language that addressed our concerns and met the intent of the sponsor, and thus remained opposed.

The bill passed out of both houses but was vetoed by the Governor at the request of AGC members on June 1, 2023. The bill was not brought back for consideration of a veto override by the Assembly.

### **SB301** – (Priority A)

As originally drafted, SB301 would have required the payment of prevailing wages for the delivery and removal of all construction materials or structures to or from a public work. It was later amended to limit the definition of construction materials as aggregate, asphalt and concrete.

AGC opposed the bill as drafted and as amended.

SB301 passed out of both houses but was vetoed by the Governor on June 16, 2023. Due to the 82<sup>nd</sup> Legislative Session having concluded on June 5, SB301 may be brought back in 2025 for consideration of a veto override.

### **SB433** – (Priority A)

SB433, as originally drafted, was a huge expansion of prevailing wage similar to SB226 discussed above. The sponsor amended it significantly, simply requiring the Labor Commissioner to adopt regulations establishing the factors to be considered when determining whether prevailing wages are required to be paid on a project and clarifies that the Labor Commissioner is not bound by any determination or finding of a public body relating to the applicability of the requirement to pay prevailing wage.

Following the adoption of the amendment, AGC was neutral on the bill.

SB433 passed out of both houses but was vetoed by the Governor on June 3, 2023. It was not brought back for consideration of a veto override by the Senate.

## Public Purchasing

### **BILLS THAT DID NOT PASS:**

#### **SB272**

SB272 would have required each state agency or local government to post on its website the total number of public purchasing and public works contracts awarded in the preceding fiscal year; the total dollar amount of those contracts; the total number of contracts awarded to minority-owned businesses, women-owned businesses, LGBTQ-owned businesses, and veteran-owned businesses; and the total dollar amount of those contracts to minority-owned businesses, women-owned businesses, LGBTQ-owned businesses, and veteran-owned businesses.

SB272 passed both houses but was vetoed by the Governor on June 16, 2023. Due to the 82<sup>nd</sup> Legislative Session having concluded on June 5, SB272 may be brought back in 2025 for consideration of a veto override.

**Public Works**

**BILLS THAT PASSED:**

**AB391** – (Priority A)

As originally drafted, AB391 would have authorized a local government to award a 5 percent bidders' preference to contractors who bid on a contract for a public work for which the estimated cost exceeds \$250,000 if they signed an affidavit ensuring that at least 50 percent of the workers employed on the public work for the duration of the project reside within the jurisdiction of the local government or within a certain specified distance of the jurisdiction of the local government, as provided by the local government.

The bill was amended by deleting the bidders' preference and authorizing a local government to enter into a prehire agreement for a public work and that any such agreement may contain a preference to hire local residents.

AGC opposed the bill, as historically, these prehire agreements do not result in increased employment for local residents and are synonymous with project labor agreements.

As part of the negotiations during the special session to approve the financing for the A's stadium, Governor Lombardo approved AB391 on June 15 and it became effective immediately.

**SB82** – (Priority A)

SB82 revises the Apprenticeship Utilization Act (AUA). AGC worked with the sponsor and other stakeholders throughout the session to craft language that improved the AUA for apprentices, contractors, and public bodies.

Changes include: Annual accounting of apprenticeship hours based on all public works jobs performed as opposed to per job; requires the contractor to submit apprenticeship hours directly to Labor Commissioner; requires good faith effort to utilize apprentices, including requesting one every 30 days; requires that supporting documentation detailing efforts to get apprentices must be included in the annual report; subcontractors are responsible for their own apprenticeship hours and reports; establishes a tiered penalty schedule for failure to meet the minimum percentage; and establishes timelines by which the Labor Commissioner may initiate an investigation.

SB82 was approved by the Governor on June 13, 2023, and becomes effective on January 1, 2024.

## **BILLS THAT DID NOT PASS:**

### **AB89** – (Priority B)

AB89 would have required contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers.

AGC was opposed to the measure.

AB89 was never scheduled for a hearing.

### **AB171** – (Priority A)

AB171 would have authorized public bodies to award a contract to the responsive and responsible bidder offering the best value bid based on whether a contractor provides bona fide fringe benefits, health insurance coverage to their employees and dependents, the history of the contractor's compliance with prevailing wage and workers' compensation laws, and whether the contractor offers any workforce training or education.

AGC opposed AB171 since the definition of bona fide benefits in Nevada law are largely limited to signatory employers.

AB171 passed out of the Assembly but was not processed in the Senate.

### **AB173** – (Priority A)

AB173 was a bill AGC requested to make the listing of subcontractors easier for both public bodies and contractors.

It would have eliminated the requirement to list first-tier subcontractors who would be paid an amount exceeding \$250,000, and if not more than \$250,000 then if they will be paid \$50,000 or 1% of the contract total, whichever is greater; and instead, would have simply required any first-tier subcontractor who will paid \$100,000 or more to be listed on the two-hour list.

The bill passed out of the Assembly but failed to be processed out of the policy committee in the Senate.

### **AB305** – (Priority A)

AB305 would have required a minimum number of apprentices required on public works to be women.

AGC opposed the bill since there are not enough women enrolled in the apprenticeship programs to meet the proposed requirement. Further, this measure did not include a requirement to recruit additional female apprentices.

The bill passed both houses but was vetoed by the Governor on June 16, 2023. Due to the 82<sup>nd</sup> Legislative Session having concluded on June 5, AB305 may be brought back in 2025 for consideration of a veto override.



### [AB367](#) – (Priority A)

AB367 would have required project labor agreements on all transportation projects in Nevada that do not use federal funds.

AGC opposed the measure.

AB367 was never scheduled for a hearing.

### [SB52](#) – (Priority B)

SB52 would have required the State Public Works Board to adopt regulations to achieve net-zero energy consumption and net-zero greenhouse gas emissions where practicable.

AGC opposed the bill because the technology does not exist to cost effectively build net-zero buildings.

SB52 was requested by the Nevada State Public Works Division under the previous administration before Governor Lombardo took office. Under the new leadership, the bill was withdrawn.

### [SB111](#) – (Priority A)

SB111 would have prohibited a bid from being deemed nonresponsive on the grounds that the prime failed to submit their list of first tier subcontractors on time or failed to include all required information, and instead called for a penalty in the amount equal to 1% of the total contract. It also would have allowed a prime to substitute a subcontractor to perform work the prime indicated he would perform or substitute any other subcontractor named in the bid in order of the lowest bid and would be subject to a penalty of 1% of the total contract if he does not comply with these requirements.

AGC opposed the bill.

SB111 was never scheduled for a hearing.

## Safety/OSHA

### **BILLS THAT DID NOT PASS:**

#### **SB427**

SB427 would have required employers to establish and implement a written safety program for heat illness mitigation for days that the temperature is 95 degrees Fahrenheit or greater; employee training on heat illness; and poor air quality mitigation when the air reaches an EPA Air Quality Index value of 201 or greater; and employee training on hazards of working without personal protection equipment in poor air quality. The bill also required these programs and training to be provided in a language and format understandable to each employee.

AGC opposed the bill, arguing that such requirements belong in OSHA regulations, not statute.

SB427 passed out of the Senate but was not processed out of the Assembly.

## State Budget

### **BILLS THAT PASSED:**

**AB1 of the 34<sup>th</sup> Special Session** – (Priority B)  
See AB521 below.

### **BILLS THAT DID NOT PASS:**

**AB521** – (B Priority)

AB521 authorized and provided funding for the State's Capital Improvement Projects. It included funding for more than \$1.2 billion in executive branch capital improvement projects and \$214 million in legislative branch capital projects. The CIP budget bill always renews a property tax renewal, thus requiring a 2/3 majority.

In the Senate the Democrats are one member shy of the needed super majority. Republicans in the Senate voted as a block against the bill over their disappointment that charter schools were left out of the education funding bills and lack of pay equity between public school employees and public charter school employees.

This failure to pass the CIP budget bill led to the first of two special sessions called the day after the regular session adjourned sine die. AB1 of the 34<sup>th</sup> Special Session, identical to AB521, was introduced and passed within hours, fully funding the State's Capital Improvement Budget.

**Taxes**

**BILLS THAT PASSED:**

**AB62** – (Priority B)

AB62 makes the changes to the existing exemption from real and personal property taxes for certain low-income or very low-income housing and related facilities: The exemption is expanded to include projects financed by additional federal programs specified in the bill or from the State’s Account for Affordable Housing; only applies in years where a project qualifies as a low-income or very low-income housing project or related facility; and the exemption only applies to the portion of the housing project that is federally financed.

AB62 was approved by the Governor on June 7, 2023, and becomes effective on July 1, 2023.

**AB519** – (Priority B)

AB519 will require the Elko board of county commissioners to levy a property tax for capital projects of school districts; authorizes the board of county commissioners of counties under 100k to levy a property tax for capital projects of school districts for which a grant is available from the Account to Assist Rural School Districts in Financing Capital Improvements; creates the Account to Assist Rural School Districts in Financing Capital Improvements and makes a \$50 million appropriation; makes a \$64.5 million appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

AB519 was approved by the Governor on June 13, 2023, and becomes effective on July 1, 2023.

**BILLS THAT DID NOT PASS:**

**SB96** – (Priority B)

SB96 would have revised the formula for calculating the partial abatement of property tax so that the annual cap on increases of the property taxes on single-family residences and residential rental property is 3 percent. Additionally, the annual cap on increases of property taxes on any other property cannot be less than 3 percent or more than 8 percent.

SB96 was never scheduled for a hearing.

**SB144** – (Priority B)

SB144 would have authorized a taxpayer to receive a credit against the Modified Business Tax or general tax on insurance premiums for donations of money to a career and technical program tax credit organization that makes grants to programs of career and technical education.

SB144 was heard in the policy committee but failed to be passed out of the money committee.

### [SB193](#) – (Priority B)

SB193 would have increased the Nevada gross revenue threshold at which the commerce tax is imposed from \$4,000,000 earned in a fiscal year to \$8,000,000.

SB193 was never scheduled for a hearing.

### [SB233](#) – (Priority B)

SB233 would have replaced the personal property tax assessed on heavy equipment held by rental companies with an excise tax. Because this bill implemented a new tax, it required a 2/3 majority in both houses to pass.

AGC was initially opposed to the bill but was successful in getting an amendment to exempt entities who rent heavy equipment exclusively to affiliated businesses.

SB233 passed out of the Senate but died on the Assembly floor by failing to pass with a 2/3 majority.

### [SB394](#) – (Priority B)

SB394 would have limited the amount the Governor's Office of Economic Development could approve as an incentive for a new business to come to Nevada to \$500,000.

AGC opposed the bill because the abatement limit was too low and could slow economic growth.

SB394 passed out of the Senate but was not processed out of the Assembly.

### [SB502](#) – (Priority B)

SB502, introduced by the Governor's Office, would have changed the floor of commerce tax from \$4 million to \$6 million and transferred \$250 million from State General Fund to the State Highway Fund to pay for a 12-month gas tax holiday.

While AGC had some concerns about the gas tax holiday, we remained neutral on the bill.

SB502 was never scheduled for a hearing.

## Transportation Funding

During the session, representatives from AGC met weekly with a small group of stakeholders to discuss sustainable and equitable highway funding that considers the changing technology of how and what we drive. While no bill was introduced to address the growing shortfall in the State Highway Fund, the dialogue is getting more robust, and more legislators and other stakeholders are showing an interest in addressing the problem. We are hopeful that in 2-4 years a real solution will be passed into law.

### **BILLS THAT PASSED:**

#### **SB452** – (Priority A)

SB452 directs 100% of the State’s portion of the Governmental Services Tax (GST) to the State Highway Fund. Currently, 25% of the revenue goes to the State General Fund. The passage of this bill puts an additional \$25-30 million in the State Highway Fund every year.

AGC has been advocating for this for years and fully supported the bill.

SB452 was approved by the Governor on June 15, 2023, and becomes effective on July 1, 2023.

### **BILLS THAT DID NOT PASS:**

#### **AB359** – (Priority B)

AB359 would have allowed the Clark County Commission to extend Fuel Revenue Indexing without a vote of the residents of Clark County beginning in 2027.

AGC partnered with the southern Nevada chapter, the Nevada Contractors Association, in support of this bill.

AB359 passed out of both houses but was vetoed by the Governor on June 1.

#### **SB403**

SB403 would have appropriated \$250 million to the State Highway Fund to provide up to a \$100 credit against the GST when registering a vehicle in Nevada during the 2024 calendar year.

SB403 was never scheduled for a hearing.

**Miscellaneous**

**BILLS THAT PASSED:**

**AB112** – (Priority B)

AB112 creates the Wildlife Crossings Account and appropriates \$5 million from the State General Fund to be used for the design, construction, identification, restoration and protection of wildlife crossings and other related highway features to improve wildlife permeability in Nevada.

AGC supported AB112 as it appropriated money from the State General Fund to help pay for features currently incorporated in highway plans and paid for out of the State Highway Fund.

AB112 was approved by the Governor on June 9, 2023, and becomes effective on July 1, 2023.

**SB85** – (Priority A)

SB85 was requested by AGC. It changes the amount of money that the Director of Nevada’s Department of Transportation (NDOT) is required to retain for highway contracts to 5 percent of the contract price, but not more than \$50,000. The bill also removes the requirement for NDOT to perform a final inspection and reduce the amount retained based upon that inspection, and instead provides that the amount retained must be retained until satisfactory completion of the entire project and final acceptance by the Director. Lastly, the bill authorizes a subcontractor or supplier who performs work on a project for highway improvement or construction to contact the Director to resolve payment disputes if a contractor withholds more than 5 percent of a required payment.

SB85 was approved by the Governor on May 31, 2023 and became effective immediately, but does not apply to contracts awarded before that effective date.

**SB107** – (Priority A)

SB107 was requested by AGC to make work zones on Nevada highways safer for construction crews.

SB107 will allow for NDOT to loan an inoperable, decommissioned Nevada Highway Patrol (NHP) car, equipped with at least one flashing red warning light, to be placed on a job site with the red warning lights flashing.

These cars can only be used when NHP has denied a contractor’s request to have a manned vehicle on site.

SB107 was approved by the Governor on June 10, 2023, and becomes effective on October 1, 2023.

## [SB1 of the 35<sup>th</sup> Special Session](#)

SB1 establishes the public financing package of up to \$380 million to help fund a proposed baseball stadium in Las Vegas as the potential new home of the Oakland A's.

SB1 was the only bill considered in the 7-day 35<sup>th</sup> Special Session of the Nevada Legislature.

SB1 was approved by the Governor on June 16, 2023. Different sections of the bill become effective on different dates as negotiations evolve with Major League Baseball and the Clark County Stadium Authority.

## **BILLS THAT DID NOT PASS:**

### [AB514](#) – (Priority B)

AB514, an emergency measure introduced late in the Session by Speaker Yeager and Minority Leader O'Neill, would have named the Nevada Department of Transportation building in Carson City after former Director, Garth F. Dull.

AGC supported the bill, citing the relationships and respect many of our members had for Mr. Dull.

AB514 passed out of the Assembly unanimously but failed to be passed out of Senate Finance.

### [SB88](#) – (Priority B)

SB88 would have required Joint Interim Standing Committee on Natural Resources to conduct a study during the 2023–2024 Interim concerning state agencies that regulate natural resources. The study was to include an examination of the composition, mission, and scope of the agencies and was to include the Board of Wildlife Commissioners, the Commission on Mineral Resources, the State Department of Conservation and Natural Resources, and the State Environmental Commission. The Committee was to submit a report of its findings and any recommendations for legislation relating to the study to the 83rd Session of the Nevada Legislature.

SB88 passed out of both houses but was vetoed by the Governor on June 16, 2023. Due to the 82<sup>nd</sup> Legislative Session having concluded on June 5, SB88 may be brought back in 2025 for consideration of a veto override.

### [SB373](#) – (Priority B)

SB373 requires each state agency to provide 'vital documents' in the 12 most common languages spoken by people in Nevada with limited English proficiency, including auditory, visual, manual, and spoken languages.

AGC did not take a position on SB373 but monitored it closely as AB210 had originally proposed that contractors would be required to provide documentation in an employee's primary language, and we wanted to make sure the burden of providing any information in any additional language(s) did not fall on the employer.



SB373 passed out of the Senate Committee on Government Affairs but failed to pass out of Senate Finance.

# 2023 Veto Messages from Governor Lombardo