

Amendment No. 464

| | |
|---|--------------|
| Senate Amendment to Senate Bill No. 301 | (BDR 28-967) |
| Proposed by: Senate Committee on Government Affairs | |
| Amends: Summary: No Title: No 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.



SENATE BILL NO. 301—SENATORS LANGE, DONATE, SPEARMAN; DALY, FLORES, D. HARRIS, NEAL, NGUYEN, OHRENSCHALL, PAZINA AND SCHEIBLE

MARCH 16, 2023

JOINT SPONSOR: ASSEMBLYWOMAN GORELOW

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public works. (BDR 28-967)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

~

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

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires that mechanics and workers employed on certain public works be
2 paid, at minimum, the prevailing wage for the type of work that the mechanic or worker
3 performs in the region in which the public work is located. (NRS 338.020) With certain
4 exceptions, existing law deems a worker to be employed on a public work if the worker is: (1)
5 employed at the site of a public work; and (2) necessary in the execution of the contract for
6 the public work. (NRS 338.040) **Section 1** of this bill provides that ~~“employed at the site of a~~
7 ~~public work” also includes the delivery or removal of~~ **a worker who is: (1) employed by**
8 **delivering or removing** construction material or structures to or from the site of a public
9 work ~~;~~ **and (2) necessary in the execution of the contract for the public work is also**
10 **deemed to be employed on the public work for purposes of the payment of prevailing**
11 **wages. Section 1 further defines “construction material or structures” to mean**
12 **aggregate, asphalt and concrete.**

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

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~;~~ **including, without limitation, or employed by delivering or removing construction material or structures to or from the site of a public work;** and

(b) Necessary in the execution of the contract for the public work, are deemed to be employed on public works.

1 2. The Labor Commissioner shall adopt regulations to define the
2 circumstances under which a worker is:

3 (a) Employed at the site of a public work ~~[; including, without limitation,]~~ or
4 employed by delivering or removing construction material or structures to or
5 from the site of a public work; and

6 (b) Necessary in the execution of the contract for the public work.

7 3. For the purposes of this section, "construction material or structures"
8 means aggregate, asphalt and concrete.

9 **Sec. 2.** Any regulations adopted by the Labor Commissioner that conflict
10 with NRS 338.040, as amended by section 1 of this act, are void. The Legislative
11 Counsel shall remove those regulations from the Nevada Administrative Code as
12 soon as practicable after the date on which this section becomes effective.

13 **Sec. 3.** 1. This section and section 2 of this act become effective upon
14 passage and approval.

15 2. Section 1 of this act becomes effective:

16 (a) Upon passage and approval for the purpose of adopting any regulations and
17 performing any other preparatory administrative tasks that are necessary to carry
18 out the provisions of this act; and

19 (b) On January 1, 2024, for all other purposes.