

Amendment No. 781

Senate Amendment to Senate Bill No. 301 First Reprint	(BDR 28-967)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD an appropriation where one does not currently exist in S.B. 301 R1.

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 SCHEIBEL

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.

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

Legislative Counsel’s Digest:

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

Section 1.3 of this bill makes an appropriation to the Office of the Labor Commissioner in the Department of Business and Industry for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this bill.

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:

1 (a) Employed at the site of a public work ~~H~~ *or employed by delivering or*
2 *removing construction material or structures to or from the site of a public work;*
3 and

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

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

8 (a) Employed at the site of a public work ~~H~~ *or employed by delivering or*
9 *removing construction material or structures to or from the site of a public work;*
10 and

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

12 3. *For the purposes of this section, "construction material or structures"*
13 *means aggregate, asphalt and concrete.*

14 Sec. 1.3. 1. There is hereby appropriated from the State General Fund
15 to the Office of the Labor Commissioner in the Department of Business and
16 Industry for personnel, operating, travel and information services costs for
17 compliance and enforcement duties related to the provisions of this act the
18 following sums:

19 For the Fiscal Year 2023-2024 \$86,357

20 For the Fiscal Year 2024-2025 \$144,576

21 2. Any balance of the sums appropriated by subsection 1 remaining at
22 the end of the respective fiscal years must not be committed for expenditure
23 after June 30 of the respective fiscal years by the entity to which the
24 appropriation is made or any entity to which money from the appropriation is
25 granted or otherwise transferred in any manner, and any portion of the
26 appropriated money remaining must not be spent for any purpose after
27 September 20, 2024, and September 19, 2025, respectively, by either the entity
28 to which the money was appropriated or the entity to which the money was
29 subsequently granted or transferred, and must be reverted to the State
30 General Fund on or before September 20, 2024, and September 19, 2025,
31 respectively.

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

36 Sec. 3. 1. This section and section 2 of this act become effective upon
37 passage and approval.

38 2. Section 1.3 of this act becomes effective on July 1, 2023.

39 3. Section 1 of this act becomes effective:

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

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