

**Amendment No. 949**

Assembly Amendment to Senate Bill No. 301 Second Reprint (BDR 28-967)

**Proposed by:** Assemblywoman Torres

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

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.

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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 ~~{;}~~ *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 ~~↳~~ 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 ~~{;}~~ *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 to  
15 the Office of the Labor Commissioner in the Department of Business and Industry  
16 the sum of \$144,576 for personnel, operating, travel and information services costs  
17 for compliance and enforcement duties related to the provisions of this act. ~~{the~~  
18 ~~following sums:~~

19	<del>For the Fiscal Year 2023-2024</del> .....	<del>\$86,357</del>
20	<del>For the Fiscal Year 2024-2025</del> .....	<del>\$144,576</del>

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

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

35 **Sec. 3.** 1. This section ~~{and section 2 of this act become}~~ becomes effective  
36 upon passage and approval.

37 2. Section 1.3 of this act becomes effective on July 1, ~~{2023,}~~ 2024.

38 3. ~~{Section}~~ Sections 1 and 2 of this act ~~{becomes}~~ become effective ~~{,~~

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

42 ~~— (b) On January 1, 2024, for all other purposes.}~~ on July 1, 2025.