

(Reprinted with amendments adopted on April 19, 2023)

FIRST REPRINT

S.B. 301

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; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

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



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

1 **Section 1.** NRS 338.040 is hereby amended to read as follows:
2 338.040 1. Except as otherwise provided by specific statute,
3 workers who are:

4 (a) Employed at the site of a public work ~~☒~~ *or employed by*
5 *delivering or removing construction material or structures to or*
6 *from the site of a public work;* and

7 (b) Necessary in the execution of the contract for the public
8 work,

9 ☞ are deemed to be employed on public works.

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

12 (a) Employed at the site of a public work ~~☒~~ *or employed by*
13 *delivering or removing construction material or structures to or*
14 *from the site of a public work;* and

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

17 **3. *For the purposes of this section, “construction material or***
18 ***structures” means aggregate, asphalt and concrete.***

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

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

26 2. Section 1 of this act becomes effective:

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

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

