

(Reprinted with amendments adopted on May 29, 2023)

SECOND 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; making an appropriation; 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.

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



\* S B 3 0 1 R 2 \*

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. 1.3.** 1. There is hereby appropriated from the State  
20 General Fund to the Office of the Labor Commissioner in the  
21 Department of Business and Industry for personnel, operating, travel  
22 and information services costs for compliance and enforcement  
23 duties related to the provisions of this act the following sums:

24	For the Fiscal Year 2023-2024 .....	\$86,357
25	For the Fiscal Year 2024-2025 .....	\$144,576

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

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



- 1     **Sec. 3.** 1. This section and section 2 of this act become  
2 effective upon passage and approval.  
3     2. Section 1.3 of this act becomes effective on July 1, 2023.  
4     3. Section 1 of this act becomes effective:  
5       (a) Upon passage and approval for the purpose of adopting any  
6 regulations and performing any other preparatory administrative  
7 tasks that are necessary to carry out the provisions of this act; and  
8       (b) On January 1, 2024, for all other purposes.

