

(Reprinted with amendments adopted on June 5, 2023)

THIRD 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.



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 ~~(1)~~ *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 ~~(1)~~ *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 the sum of \$144,576 for
22 personnel, operating, travel and information services costs for
23 compliance and enforcement duties related to the provisions of this
24 act.

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

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

40 **Sec. 3.** 1. This section becomes effective upon passage and
41 approval.

42 2. Section 1.3 of this act becomes effective on July 1, 2024.



1 3. Sections 1 and 2 of this act become effective on July 1,
2 2025.

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