

Senate Bill No. 301—Senators Lange, Donate, Spearman; Daly, Flores, D. Harris, Neal, Nguyen, Ohrenschall, Pazina and Scheible

Joint Sponsor: Assemblywoman Gorelow

CHAPTER.....

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.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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:

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

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

↪ are deemed to be employed on public works.

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



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

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

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

Sec. 1.3. 1. There is hereby appropriated from the State General Fund to the Office of the Labor Commissioner in the Department of Business and Industry the sum of \$144,576 for personnel, operating, travel and information services costs for compliance and enforcement duties related to the provisions of this act.

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

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

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

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

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

