

SENATE BILL NO. 340—SENATORS DONDERO LOOP, PARKS;  
BROOKS, CANCELA, CANNIZZARO, RATTI AND WOODHOUSE

MARCH 18, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public works.  
(BDR 28-808)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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 least the wage prevailing for the type of work that the mechanic or  
3 worker performs in the county in which the public work is located. (NRS 338.020)  
4 With certain exceptions, existing law deems to be employed on a public work a  
5 worker who is: (1) employed at the site of a public work; and (2) necessary in the  
6 execution of the contract for the public work. Existing law requires the Labor  
7 Commissioner to adopt regulations to define the circumstances under which a  
8 worker meets that criteria and therefore is deemed to be employed on a public  
9 work. (NRS 338.040; NAC 338.009, 338.017) **Section 1** of this bill provides  
10 specifically in statute that the circumstance in which a worker delivers or removes  
11 construction material within a radius of 100 miles to or from the site of a public  
12 work and is necessary in the execution of the contract for the public work is a  
13 circumstance in which he or she is deemed to be employed on a public work.  
14 **Section 2** of this bill provides that any regulations adopted by the Labor  
15 Commissioner that conflict with **section 1** are void.

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:



1 (a) Employed at the site of a public work; and  
2 (b) Necessary in the execution of the contract for the public  
3 work,  
4 ↪ are deemed to be employed on public works.

5 2. *A worker who:*

6 (a) *Delivers or removes construction material within a radius*  
7 *of 100 miles to or from the site of a public work; and*

8 (b) *Is necessary in the execution of the contract for the public*  
9 *work,*

10 ↪ *shall be deemed to be employed on the public work.*

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

13 (a) Employed at the site of a public work; and

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

16 **Sec. 2.** Any regulations adopted by the Labor Commissioner  
17 that conflict with NRS 338.040, as amended by section 1 of this act,  
18 are void. The Legislative Counsel shall remove those regulations  
19 from the Nevada Administrative Code as soon as practicable after  
20 July 1, 2019.

21 **Sec. 3.** This act becomes effective on July 1, 2019.

