Amendment No. 438

Senate Amendment to Senate Bill No. 340	(BDR 28-808)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: No   Title: No   Preamble: No   Joint Sponsorship: No   Digest: Yes

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted ☐ Lost ☐	_____	Adopted ☐ Lost ☐	_____
Concurred In ☐ Not ☐	_____	Concurred In ☐ Not ☐	_____
Receded ☐ Not ☐	_____	Receded ☐ Not ☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

IK/EGO   Date: 4/15/2019

S.B. No. 340—Revises provisions relating to public works. (BDR 28-808)

*A S B 3 4 0   4 3 8 *

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

MARCH 18, 2019
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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 works be
2 paid at least the wage prevailing for the type of work that the mechanic or worker performs in
3 the county in which the public work is located. (NRS 338.020) With certain exceptions,
4 existing law deems to be employed on a public work a worker who is: (1) employed at the site
5 of a public work; and (2) necessary in the execution of the contract for the public work.
6 Existing law requires the Labor Commissioner to adopt regulations to define the
7 circumstances under which a worker meets that criteria and therefore is deemed to be
8 employed on a public work. (NRS 338.040; NAC 338.009, 338.017) **Section 1** of this bill
9 provides specifically in statute that the circumstance in which a worker delivers or removes
10 **construction** material [, structures or equipment] **within a radius of 100 miles** to or from the
11 site of a public work **and is necessary in the execution of the contract for the public work**
12 is a circumstance in which [a worker] **he or she** is deemed to be employed on a public work.
13 **Section 2** of this bill provides that any regulations adopted by the Labor Commissioner that
14 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, workers who
3 are:
4   (a) Employed at the site of a public work; and
5   (b) Necessary in the execution of the contract for the public work,
6 ➡ are deemed to be employed on public works.
7   2.   *A worker who [delivers]* *:*
8   *(a) Delivers or removes* *construction material* *[, structures or equipment]*
9 *within a radius of 100 miles to or from the site of a public work* *; and*
10   *(b) Is necessary in the execution of the contract for the public work,*

1　　↳ *shall be deemed to be employed on the public work.*
2　　　　**3.**　The Labor Commissioner shall adopt regulations to define ~~[, for the~~
3　　~~purposes of subsection 1,]~~ the circumstances under which a worker is:
4　　　　(a)　Employed at the site of a public work; and
5　　　　(b)　Necessary in the execution of the contract for the public work.
6　　　　**Sec. 2.**　Any regulations adopted by the Labor Commissioner that conflict
7　　with NRS 338.040, as amended by section 1 of this act, are void. The Legislative
8　　Counsel shall remove those regulations from the Nevada Administrative Code as
9　　soon as practicable after July 1, 2019.
10　　　　**Sec. 3.**　This act becomes effective on July 1, 2019.