

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:**

Existing law requires that mechanics and workers employed on certain public works be paid at least the wage prevailing for the type of work that the mechanic or worker performs in the county in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems to be employed on a public work a worker who is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. Existing law requires the Labor Commissioner to adopt regulations to define the circumstances under which a worker meets that criteria and therefore is deemed to be employed on a public work. (NRS 338.040; NAC 338.009, 338.017) **Section 1** of this bill provides specifically in statute that the circumstance in which a worker delivers or removes material, structures or equipment to or from the site of a public work is a circumstance in which a worker is deemed to be employed on a public work. **Section 2** of this bill provides that any regulations adopted by the Labor Commissioner that conflict with **section 1** are void.

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:



\* S B 3 4 0 \*

(a) Employed at 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. *A worker who delivers or removes material, structures or equipment to or from the site of a public work shall be deemed to be employed on the public work.*

3. The Labor Commissioner shall adopt regulations to define ,  
*for the purposes of subsection 1*, the circumstances under which a worker is:

(a) Employed at the site of a public work; and  
(b) Necessary in the execution of the contract for the public work.

**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 July 1, 2019.

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

