



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** April 4, 2019

Staff Contact: Nancy Paulson, City Manager (npaulson@carson.org)

Agenda Title: For Possible Action: Discussion and possible action on Senate Bill (SB) 340 of the 80th (2019) Session of the Nevada Legislature, a bill relating to public works. (Nancy Paulson, npaulson@carson.org)

Staff Summary: During this session of the Nevada Legislature, City staff will bring to meetings of the Board of Supervisors legislative bills as requested by the Board for review or those that staff believes will impact Carson City. SB 340 revises provisions governing the circumstances under which a worker is deemed to be employed on a public work.

Agenda Action: Formal Action / Motion **Time Requested:** 5 Minutes

Proposed Motion

I move to (support, oppose, remain neutral on) SB 340.

Board's Strategic Goal

Efficient Government

Previous Action

N/A

Background/Issues & Analysis

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.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244.146; Carson City Charter, Art. 2, Sec. 2.090; NRS 338.040.

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Increase in the cost of public work projects.

Is it currently budgeted?

Explanation of Fiscal Impact:

Alternatives

Take a position to support, oppose or remain neutral; not take a position; Mayor remand back to staff with instructions based on discussion on the record.

Attachments:

[SB340.pdf](#)

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

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.

~

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 material, structures or equipment to or from the site of a public work is a
12 circumstance in which a worker is deemed to be employed on a public work.
13 **Section 2** of this bill provides that any regulations adopted by the Labor
14 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 delivers or removes material, structures or*
6 *equipment to or from the site of a public work shall be deemed to*
7 *be employed on the public work.*

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

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

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

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

