

ASSEMBLY BILL NO. 36—COMMITTEE  
ON COMMERCE AND LABOR

(ON BEHALF OF THE LABOR COMMISSIONER)

PREFILED DECEMBER 20, 2012

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning apprenticeships for federal recognition of the Office of the Labor Commissioner as the State Apprenticeship Agency. (BDR 53-357)

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

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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 employment; making various changes concerning apprenticeships for conformity to federal regulations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The federal National Apprenticeship Act authorizes and directs the United States Secretary of Labor to: (1) formulate and promote the furtherance of labor standards to safeguard the welfare of apprentices; (2) encourage the inclusion of such standards in contracts of apprenticeship; (3) bring together employers and labor for the creation of programs of apprenticeship; and (4) cooperate with state agencies in the establishment and promotion of standards of apprenticeship. (29 U.S.C. §§ 50 et seq.) In 1977, the Secretary of Labor promulgated regulations implementing the National Apprenticeship Act which placed responsibility for accomplishing those goals in the United States Department of Labor, but authorized the Department to delegate authority to administer certain portions of the regulations to states under certain circumstances where a state's apprenticeship laws conform to the federal regulations and the state's entities satisfy the requirements for recognition by the Department. (29 C.F.R. Part 29 (1977))

In 2008, the Secretary of Labor updated the federal regulations concerning apprenticeship and required participating states to conform their apprenticeship laws, regulations and policies to those federal regulations in order to continue or obtain federal recognition. (29 C.F.R. Part 29) The requirements for conformity and recognition include, among other things, certain changes in: (1) the standards for apprenticeship programs; and (2) the roles and responsibilities of administrative



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entities of state government responsible for apprenticeship. (29 C.F.R. §§ 29.2, 29.5, 29.13)

Existing law conforms to the federal regulations promulgated in 1977 but does not conform to those regulations promulgated in 2008. This bill makes the various changes necessary to conform the provisions of chapter 610 of NRS to the updated federal regulations to ensure continued recognition of a Nevada agency as an agency authorized to register apprenticeship programs for certain federal purposes under the National Apprenticeship Act.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 610.010 is hereby amended to read as follows:  
610.010 As used in this chapter, unless the context otherwise requires:

1. ~~“Agreement” means a written and signed agreement of indenture as an apprentice.~~

~~2. “Apprentice” means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.~~

~~3. has the meaning ascribed to it in 29 C.F.R. § 29.2.~~

2. “Apprenticeable occupation” means an occupation in which a person may be apprenticed that is specified by industry and satisfies the conditions set forth in 29 C.F.R. § 29.4.

3. “Apprenticeship agreement” or “agreement” has the meaning ascribed to “apprenticeship agreement” in 29 C.F.R. § 29.2.

4. “Apprenticeship committee” or “committee” means an entity designated by a sponsor to administer an apprenticeship program.

5. “Apprenticeship program” or “program” has the meaning ascribed to “apprenticeship program” in 29 C.F.R. § 29.2.

6. “Cancellation” has the meaning ascribed to it in 29 C.F.R. § 29.2.

7. “Certificate” means a document issued by the State Director of Apprenticeship as evidence that:

(a) A person is eligible for probationary employment as an apprentice under an apprenticeship program that is registered and approved by the State Director of Apprenticeship;

(b) A sponsor’s apprenticeship program is registered and approved by the State Director of Apprenticeship;

(c) An apprentice has successfully met the requirements to receive an interim credential; or

(d) A person has successfully completed his or her apprenticeship.



8. *“Competency” has the meaning ascribed to it in 29 C.F.R. § 29.2.*

9. *“Competency-based approach” means a method of measuring the skills and knowledge acquired by an apprentice through his or her successful demonstration of such skills and knowledge, as verified by the sponsor, and completion of an on-the-job learning component.*

10. *“Disability” means, with respect to a person:*

(a) *A physical or mental impairment that substantially limits one or more of the major life activities of the person;*

(b) *A record of such an impairment; or*

(c) *Being regarded as having such an impairment.*

~~11. “Employer” has the meaning ascribed to it in 29 C.F.R. § 29.2.~~

12. *“Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.*

~~13. “Program” means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.~~

~~14. “Hybrid approach” means a method of measuring the skills and knowledge acquired by an apprentice by incorporating elements of the time-based approach and the competency-based approach by assessing a specified minimum number of hours of on-the-job learning completed by the apprentice and by his or her successful demonstration of competency as described in a work process schedule.~~

14. *“Interim credential” means a certificate issued by the State Director of Apprenticeship upon request of the appropriate sponsor, as certification of competency by an apprentice.*

15. *“Journeyworker” has the meaning ascribed to it in 29 C.F.R. § 29.2.*

16. *“Office of Apprenticeship” has the meaning ascribed to it in 29 C.F.R. § 29.2.*

17. *“Registration” means:*

(a) *The acceptance and recording of an apprenticeship agreement by the State Director of Apprenticeship as evidence of an apprentice’s participation in a particular registered apprenticeship program.*

(b) *The acceptance and recording of an apprenticeship program by the State Director of Apprenticeship as evidence that the program meets the basic standards and requirements of the United States Department of Labor for approval of such a program for federal purposes, including, without limitation, the obtaining of any federal contract, grant, agreement or*



1 *arrangement concerning apprenticeships, and any federal*  
2 *assistance, financial or otherwise, including, without limitation, a*  
3 *benefit, privilege, contribution, allowance, exemption, preference*  
4 *or right pertaining to apprenticeships.*

5 18. *“Related instruction” means an organized and systematic*  
6 *form of instruction designed to provide an apprentice with the*  
7 *knowledge of the theoretical and technical subjects related to the*  
8 *apprentice’s occupation. Such instruction may be given in a*  
9 *classroom, through occupational or industrial courses, through*  
10 *correspondence courses of equivalent value, through electronic*  
11 *media, including, without limitation, content accessible via the*  
12 *Internet and interactive distance learning, or by other forms of*  
13 *self-study approved by the State Director of Apprenticeship.*

14 19. *“Sexual orientation” means having or being perceived as*  
15 *having an orientation for heterosexuality, homosexuality or*  
16 *bisexuality.*

17 20. *“Sponsor” has the meaning ascribed to it in 29 C.F.R. §*  
18 *29.2.*

19 21. *“State Apprenticeship Council” means the entity created*  
20 *by NRS 610.030.*

21 22. *“Time-based approach” means a method of measuring*  
22 *the skills and knowledge acquired by an apprentice through his or*  
23 *her completion of at least 2,000 hours of on-the-job learning as*  
24 *described in a work process schedule.*

25 23. *“Transfer” has the meaning ascribed to it in 29 C.F.R. §*  
26 *29.2.*

27 **Sec. 2.** NRS 610.020 is hereby amended to read as follows:

28 610.020 The purposes of this chapter are:

29 1. To open to people, without regard to race, color, creed, sex,  
30 sexual orientation, gender identity or expression, religion, disability  
31 or national origin, the opportunity to obtain training that will equip  
32 them for profitable employment and citizenship.

33 2. To establish, as a means to this end, an organized program  
34 for the voluntary training of persons under approved standards for  
35 apprenticeship, providing facilities for their training and guidance in  
36 the arts and crafts of industry and trade, with instruction in related  
37 and supplementary education.

38 3. To promote opportunities for employment for all persons,  
39 without regard to race, color, creed, sex, sexual orientation, gender  
40 identity or expression, religion, disability or national origin, under  
41 conditions providing adequate training and reasonable earnings.

42 4. To regulate the supply of skilled workers in relation to the  
43 demand for skilled workers.

44 5. To establish standards for the training of apprentices in  
45 approved programs.



6. To establish a State Apprenticeship Council ~~with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees~~ to *provide advice and guidance to the State Director of Apprenticeship and to* assist in carrying out the purposes of this chapter.

7. To provide for a State Director of Apprenticeship ~~with the authority to carry out the purposes of this chapter.~~

8. To provide for *state and local joint apprenticeship committees to assist in carrying out the purposes of this chapter.*

9. *To provide for* reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

~~9-1~~ 10. To establish procedures for regulating programs and deciding controversies concerning programs and agreements.

~~10-1~~ 11. To accomplish related ends.

**Sec. 3.** NRS 610.030 is hereby amended to read as follows:

610.030 1. A State Apprenticeship Council composed of seven members is hereby created ~~with the authority to carry out the purposes of this chapter.~~ *to provide advice and guidance to the State Director of Apprenticeship and to assist in carrying out the purposes of this chapter.*

2. The Labor Commissioner shall appoint:

(a) Three members who are representatives from employer associations and have knowledge concerning occupations in which a person may be apprenticed.

(b) Three members who are representatives from employee organizations and have knowledge concerning occupations in which a person may be apprenticed.

(c) One member who is a representative of the general public and who, before appointment, must first receive the unanimous approval of the members appointed under the provisions of paragraphs (a) and (b).

3. The state official who has been designated by the State Board for Career and Technical Education as being in charge of trade and industrial education is an ex officio member of the State Apprenticeship Council but may not vote.

**Sec. 4.** NRS 610.090 is hereby amended to read as follows:

610.090 The State Apprenticeship Council shall ~~with the authority to carry out the purposes of this chapter.~~ *direction and with the approval of the State Director of Apprenticeship:*

1. Establish standards for programs and agreements that are not lower than those prescribed by this chapter.

2. Upon review and approval, extend written reciprocal recognition to multistate joint programs.

3. Adopt such regulations as may be necessary to carry out the intent and purposes of this chapter.



4. Perform such other functions as may be necessary for the fulfillment of the intent and purposes of this chapter.

**Sec. 5.** NRS 610.095 is hereby amended to read as follows:

610.095 The State *Director of* Apprenticeship ~~{Council}~~ shall:

1. Register and approve or reject proposed programs and standards for apprenticeship.

2. After providing notice and a hearing and for good cause shown, deny an application for approval of a program, suspend, terminate, cancel or place conditions upon any approved program, or place an approved program on probation for any violation of the provisions of this title as specified in regulations adopted by the State Apprenticeship Council.

**Sec. 6.** NRS 610.110 is hereby amended to read as follows:

610.110 *1. The Office of the Labor Commissioner shall serve as the agency of this State which may be designated the State Apprenticeship Agency by the Office of Apprenticeship pursuant to 29 C.F.R. Part 29.* The Labor Commissioner ~~{for the duly appointed representative of the Labor Commissioner}~~ shall be ex officio State Director of Apprenticeship.

*2. As used in this section, "State Apprenticeship Agency" has the meaning ascribed to it in 29 C.F.R. § 29.2.*

**Sec. 7.** NRS 610.120 is hereby amended to read as follows:

610.120 1. The State Director of Apprenticeship shall:

(a) Administer the provisions of this chapter with the advice and guidance of the State Apprenticeship Council.

(b) In cooperation with the State Apprenticeship Council and local or state joint apprenticeship committees, set up conditions and standards for proposed programs, that are not less stringent than those prescribed by this chapter.

(c) Approve any agreement which meets the standards established under this chapter and terminate or cancel any agreement in accordance with the provisions of the agreement, the program, this chapter and the standards ~~{approved}~~ *established* by the State Apprenticeship Council.

(d) Keep a record of agreements and their dispositions.

(e) Issue ~~{certificates}~~ *the appropriate certificate as proof* of completion of apprenticeship at the request of the local joint apprenticeship committee.

(f) *Conduct quality assurance assessments.*

(g) *Provide technical assistance.*

(h) Perform such other duties as are necessary to carry out the intent and purposes of this chapter.

2. The administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and



coordinators for that instruction are the responsibility of the local joint apprenticeship committees.

**3. As used in this section:**

(a) *"Quality assurance assessment" means a comprehensive review conducted by the State Director of Apprenticeship concerning all aspects of the performance of an apprenticeship program, including, without limitation, the determination of whether:*

(1) *Apprentices are receiving on-the-job training in all phases of the apprenticeable occupation;*

(2) *Scheduled wage increases are consistent with registered standards;*

(3) *Related instruction is provided through appropriate curriculum and delivery systems; and*

(4) *The State Director of Apprenticeship is receiving notification of all new registrations, cancellations and completions as required by this chapter.*

(b) *"Technical assistance" means guidance provided by the Office of the Labor Commissioner to the sponsor of a proposed or existing apprenticeship program for the development, revision, amendment or processing of standards of apprenticeship or apprenticeship agreements and the provision of advice to or consultation with such a sponsor to further compliance with the provisions of this chapter and any regulations adopted pursuant thereto.*

**Sec. 8.** NRS 610.140 is hereby amended to read as follows:

610.140 1. A local or state *joint* apprenticeship committee shall:

(a) In accordance with standards ~~set-up~~ *established* by the State Apprenticeship Council, work in an advisory capacity with employers and employees in matters regarding schedules of operations, application of wage rates, and working conditions for apprentices, which conditions must specify the number of apprentices which may be employed locally in the trade under programs and agreements entered into under this chapter.

(b) Adjust disputes concerning apprenticeships not otherwise provided for in bona fide collective bargaining agreements.

(c) Within 10 days after the termination of any agreement, submit to the State *Director of* Apprenticeship ~~Council~~ a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the State *Director of* Apprenticeship ~~Council~~ informed of all actions.





2. The decisions of local or state joint apprenticeship committees are, at all times, subject to appeal to the State Apprenticeship Council.

*3. For the purposes of this section, a local or state joint apprenticeship committee must be composed of an equal number of representatives of employers and of employees who are represented by bona fide collective bargaining agents.*

**Sec. 9.** NRS 610.144 is hereby amended to read as follows:

610.144 To be eligible for registration and approval by the State *Director of* Apprenticeship , ~~{Council,}~~ a proposed program must:

1. Be an organized, written plan embodying the terms and conditions of employment, training and supervision of one or more apprentices in an *apprenticeable* occupation ~~{in which a person may be apprenticed}~~ and be subscribed to by a sponsor who has undertaken to carry out the program.

2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(b) and, when applicable:

(a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;

(b) A method of selection authorized in 29 C.F.R. § 30.5;

(c) A nondiscriminatory pool for application as an apprentice; or

(d) Similar requirements expressed in a state plan for equal opportunity in employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved by the *United States* Department of Labor.

3. Contain:

(a) Provisions concerning the employment and training of the apprentice in a skilled trade . ~~{;}~~

(b) ~~{A}~~ *The* term of *the* apprenticeship . ~~{of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;}~~ *The term must be established using the time-based approach, competency-based approach or hybrid approach. The determination of the appropriate approach must be made by the sponsor, subject to approval by the State Director of Apprenticeship of the determination as appropriate to the apprenticeable occupation for which the program standards are registered. The State Director of Apprenticeship must not approve the use of the competency-based approach or hybrid approach unless the program standards address the manner in which the required on-the-job learning component will be integrated into the program, describe competencies and identify an appropriate means of measuring the skills and knowledge acquired by the apprentice.*





(c) An outline of the processes in which the apprentice will receive supervised experience and training on the job, and the allocation of the approximate time to be spent in each major process

(d) Provisions for organized, related and supplemental instruction in technical subjects related to the ~~trade~~ **occupation** with a minimum of 144 hours for each year of apprenticeship . ~~given in a classroom or through trade, industrial or correspondence courses of equivalent value or other forms of study approved by the State Apprenticeship Council;~~ **Such instruction in technical subjects may be accomplished through related instruction. Any person who provides instruction must:**

**(1) Meet any requirements established by the State Board for Career and Technical Education for a vocational-technical instructor, or be an expert in a particular subject matter, such as a journeyworker, who is recognized within an industry as having expertise in a specific occupation; and**

**(2) Be trained in teaching techniques and styles for learning by adults, which may have been attained before or during a period of instruction provided by the instructor.**

(e) A progressively increasing, reasonable and profitable schedule of wages to be paid to the apprentice consistent with the skills acquired, not less than that allowed by federal or state law or regulations or by a collective bargaining agreement .

(f) Provisions for a periodic review and evaluation of the apprentice's progress in performance on the job and related instruction and the maintenance of appropriate records of such progress .

(g) A numeric ratio of apprentices to ~~journeymen~~ **journeyworkers** consistent with proper supervision, training, safety, continuity of employment and applicable provisions in collective bargaining agreements, in language that is specific and clear as to its application in terms of job sites, workforces, departments or plants .

(h) A probationary period that is reasonable in relation to the full term of apprenticeship, with full credit given for that period toward the completion of the full term of apprenticeship , **and which does not exceed 25 percent of the length of the program or 1 year, whichever is less.**

(i) Provisions for adequate and safe equipment and facilities for training and supervision and for the training of apprentices in safety on the job and in related instruction .

(j) The minimum qualifications required by a sponsor for persons entering the program, with an eligible starting age of not less than 16 years .



(k) Provisions for the placement of an apprentice under a written agreement as required by this chapter, incorporating directly or by reference the standards of the program. ~~§~~

(l) Provisions for the granting of advanced standing or credit to all applicants on an equal basis for previously acquired experience, training or skills, with commensurate wages for each advanced step granted. ~~§~~

(m) Provisions for the transfer of ~~the employer's training obligation when the employer is unable to fulfill his or her obligation under the agreement to another employer under the same or a similar program with the consent of~~ *an apprentice between apprenticeship programs and within an apprenticeship program. Any such transfer must be based on an agreement between the apprentice and the affected local joint apprenticeship committee or sponsor of the program ~~§~~ and comply with the following requirements:*

*(1) The transferring apprentice must be provided a transcript of related instruction and on-the-job learning by the committees or the sponsors of the programs from which and to which he or she is transferring;*

*(2) The transfer must be to the same occupation; and*

*(3) A new apprenticeship agreement must be executed when the transfer occurs between sponsors.*

(n) Provisions for the assurance of qualified training personnel and adequate supervision on the job. ~~§~~

(o) Provisions for the issuance of an appropriate certificate evidencing the successful completion of an apprenticeship. ~~§~~ *A certificate:*

*(1) Must be issued by the State Director of Apprenticeship and be signed by the State Director of Apprenticeship and the Chair of the State Apprenticeship Council; and*

*(2) If requested by the sponsor of the program, must be obtained from the Office of Apprenticeship with the reasonable assistance of the State Director of Apprenticeship.*

(p) An identification of the ~~State Apprenticeship Council~~ *Office of the Labor Commissioner* as the agency for registration of the program. ~~§~~

(q) Provisions for the registration of agreements and of modifications and amendments thereto. ~~§~~

(r) Provisions for notice to the ~~Labor Commissioner~~ *State Director of Apprenticeship* of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor. ~~§~~

(s) ~~Provisions~~ *Authority* for the termination of an agreement during the probationary period by either party without cause. ~~§~~



1 *Such a termination must not have an adverse impact on the*  
2 *completion rate of the sponsor of the program. As used in this*  
3 *paragraph, "completion rate" means the percentage of any group*  
4 *of apprentices registered to a specific program during a 1-year*  
5 *period, excluding the apprentices whose agreement has been*  
6 *terminated during the probationary period, who receive a*  
7 *certificate of completion of an apprenticeship within 1 year after*  
8 *the projected completion date.*

9 (t) A statement that the program will be conducted, operated and  
10 administered in conformity with the applicable provisions of 29  
11 C.F.R. Part 30 or a state plan for equal opportunity in employment  
12 in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and  
13 approved by the Department of Labor. ~~††~~

14 (u) The name , ~~†and†~~ address , *telephone number and, if*  
15 *appropriate, electronic mail address* of the appropriate authority  
16 under the program to receive, process and make disposition of  
17 complaints. ~~†; and†~~

18 (v) Provisions for the recording and maintenance of all records  
19 concerning apprenticeships as may be required by the State *Director*  
20 *of Apprenticeship* ~~†Council†~~ and applicable laws.

21 (w) *If a program's standards require the competency-based*  
22 *approach or the hybrid approach for progression through an*  
23 *apprenticeship and the sponsor chooses to issue interim*  
24 *credentials, standards which clearly identify each interim*  
25 *credential, which demonstrate how each credential relates to the*  
26 *components of the apprenticeable occupation and which establish*  
27 *the process for assessing an apprentice's demonstration of*  
28 *competency associated with each particular interim credential. An*  
29 *interim credential may only be issued for recognized components*  
30 *of an apprenticeable occupation which relate the interim*  
31 *credential specifically to the knowledge, skills and abilities*  
32 *associated with those components of the apprenticeable*  
33 *occupation.*

34 (x) *Provisions for the registration, cancellation and*  
35 *deregistration of the program and for the prompt submission of*  
36 *any modification of or amendment to the standards of the program*  
37 *to the State Director of Apprenticeship for approval.*

38 **Sec. 10.** NRS 610.150 is hereby amended to read as follows:

39 610.150 Every *apprenticeship* agreement entered into under  
40 this chapter must contain:

41 1. The names and signatures of the contracting parties and the  
42 signature of a parent or legal guardian if the apprentice is a minor.

43 2. The date of birth of the apprentice.

44 3. The name , ~~†and†~~ address , *telephone number and, if*  
45 *appropriate, electronic mail address* of the sponsor of the program.



4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing :

*(a) If the apprenticeship program uses the:*

*(1) Time-based approach, the number of hours to be spent by the apprentice in work on the job;*

*(2) Competency-based approach, a description of the skill sets to be attained by completion of the program, including the program's on-the-job learning component; or*

*(3) Hybrid approach, the minimum number of hours to be spent by the apprentice in on-the-job learning and a description of the skill sets to be attained by completion of the program; and ~~the~~*

*(b) The number of hours to be spent by the apprentice in related ~~and supplemental~~ instruction, which instruction must not be less than 144 hours per year.*

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State *Director of* Apprenticeship ~~Council~~ and *without adverse impact on the sponsor; and*

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State *Director of* Apprenticeship ~~Council~~ of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, gender identity or expression, religion , ~~for~~ disability ~~or~~ *or national origin.*

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted



1 locally or resolved in accordance with the program or collective  
2 bargaining agreements.

3 12. Such additional terms and conditions as are prescribed or  
4 approved by the *State Director of Apprenticeship or established by*  
5 *the* State Apprenticeship Council not inconsistent with the  
6 provisions of this chapter.

7 **Sec. 11.** NRS 610.190 is hereby amended to read as follows:

8 610.190 Nothing in this chapter or in any agreement, standard  
9 or program approved under this chapter invalidates any :

10 *1. Apprenticeship* provision in any collective bargaining  
11 agreement between employers and employees setting up higher  
12 standards for apprenticeship ~~++~~ ; or

13 *2. Special provision for veterans, members of racial or ethnic*  
14 *minority groups or women in the standards, apprentice*  
15 *qualifications or operation of the program or in the agreement so*  
16 *long as the provision is not otherwise prohibited by federal or state*  
17 *law, executive order or authorized regulation.*

18 **Sec. 12.** NRS 612.607 is hereby amended to read as follows:

19 612.607 1. All payments collected pursuant to NRS 612.606  
20 must be deposited in the Unemployment Compensation  
21 Administration Fund. At the end of each fiscal year, the State  
22 Controller shall transfer to the Clearing Account in the  
23 Unemployment Compensation Fund the amount by which  
24 the unencumbered balance of the money deposited in the  
25 Unemployment Compensation Administration Fund pursuant to this  
26 subsection exceeds the amount of that money which the Legislature  
27 has authorized for expenditure during the first 90 days of the  
28 succeeding fiscal year.

29 2. Except for money transferred from the Unemployment  
30 Compensation Administration Fund pursuant to subsection 1, the  
31 Administrator may only expend the money collected for the  
32 employment and training of unemployed persons and persons  
33 employed in this State to:

34 (a) Establish and administer an employment training program  
35 which must foster job creation, minimize unemployment costs of  
36 employers and meet the needs of employers for skilled workers by  
37 providing training to unemployed persons.

38 (b) Establish or provide support for job training programs in the  
39 public and private sectors for training, retraining or improving the  
40 skills of persons employed in this State.

41 (c) Establish a program to provide grants of money to a  
42 nonprofit private entity to be used to make loans of money to  
43 veterans and senior citizens to start small businesses. The  
44 Administrator shall adopt regulations establishing criteria and



standards relating to the eligibility for and use of any grants made pursuant to this paragraph.

(d) Pay the costs of the collection of payments required pursuant to NRS 612.606.

3. The money used for the program for the employment and training of unemployed persons and persons employed in this State must supplement and not displace money available through existing employment training programs conducted by any employer or public agency and must not replace, parallel, supplant, compete with or duplicate in any way existing apprenticeship programs approved by the State *Director of Apprenticeship*. ~~{Council}~~

4. As used in this section:

(a) "Senior citizen" has the meaning ascribed to it in NRS 439.650.

(b) "Small business" means a business conducted for profit which:

(1) Employs 50 or fewer full-time employees; and

(2) Has gross annual sales of less than \$5,000,000.

**Sec. 13.** NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection 3, any person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an apprenticeship committee registered with the State *Director of Apprenticeship* ~~{Council}~~ at a wage of \$150 per month while the person is:

(a) Attending a class for vocational training; or

(b) Receiving bona fide instruction as an apprentice or trainee, under the direction of the apprenticeship committee. Such an apprentice or trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

2. A person who is an apprentice or trainee shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of an employer who is participating in a program of training and instruction as an apprentice or trainee approved pursuant to chapter 610 of NRS while:

(a) The apprentice or trainee is performing work for that employer; and

(b) The employer is paying the apprentice or trainee a wage for the work performed.

➔ The apprentice or trainee shall be deemed to be an employee at a wage equal to his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420 and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.



3. If an apprentice or trainee who is employed by an employer participating in a program of training and instruction is injured while the apprentice or trainee, as applicable, is deemed to be an employee of the apprenticeship committee pursuant to subsection 1 and the apprentice or trainee is unable to work for an employer participating in the program solely because of that injury, the apprentice or trainee shall be deemed to be an employee of the apprenticeship committee at a wage of \$150 per month or at his or her average monthly wage as determined pursuant to the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever is greater.

4. As used in this section, "trainee" means a person who is under the direction of an apprenticeship committee specified in subsection 1 and, for that purpose, is described by that apprenticeship committee as a "journeyworker trainee."

**Sec. 14.** NRS 361.106 is hereby amended to read as follows:

361.106 1. Except as otherwise provided in subsection 2, the real and personal property of an apprenticeship program is exempt from taxation if the property is:

(a) Held in a trust created pursuant to 29 U.S.C. § 186; or

(b) Owned by a local or state apprenticeship committee and the apprenticeship program is:

(1) Operated by an organization which is qualified pursuant to 26 U.S.C. § 501(c)(3) or (5); and

(2) Registered and approved by the State *Director of* Apprenticeship ~~Council~~ pursuant to chapter 610 of NRS.

2. If any property exempt from taxation pursuant to subsection 1 is used for a purpose other than that of the apprenticeship program required in subsection 1, and a rent or other valuable consideration is received for its use, the property must be taxed, unless the rent or other valuable consideration is paid or given by an organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

**Sec. 15.** NRS 624.260 is hereby amended to read as follows:

624.260 1. The Board shall require an applicant or licensee to show such a degree of experience, financial responsibility and such general knowledge of the building, safety, health and lien laws of the State of Nevada and the administrative principles of the contracting business as the Board deems necessary for the safety and protection of the public.

2. An applicant or licensee may qualify in regard to his or her experience and knowledge in the following ways:

(a) If a natural person, the applicant or licensee may qualify by personal appearance or by the appearance of his or her responsible managing employee.





(b) If a copartnership, a corporation or any other combination or organization, it may qualify by the appearance of the responsible managing officer or member of the personnel of the applicant firm.

➔ If an applicant or licensee intends to qualify pursuant to this subsection by the appearance of another person, the applicant or licensee shall submit to the Board such information as the Board determines is necessary to demonstrate the duties and responsibilities of the other person so appearing with respect to the supervision and control of the operations of the applicant or licensee relating to construction.

3. The natural person qualifying on behalf of another natural person or firm under paragraphs (a) and (b) of subsection 2 must prove that he or she is a bona fide member or employee of that person or firm and when his or her principal or employer is actively engaged as a contractor shall exercise authority in connection with the principal or employer's contracting business in the following manner:

(a) To make technical and administrative decisions;

(b) To hire, superintend, promote, transfer, lay off, discipline or discharge other employees and to direct them, either by himself or herself or through others, or effectively to recommend such action on behalf of the principal or employer; and

(c) To devote himself or herself solely to the principal or employer's business and not to take any other employment which would conflict with his or her duties under this subsection.

4. A natural person may not qualify on behalf of another for more than one active license unless:

(a) One person owns at least 25 percent of each licensee for which the person qualifies; or

(b) One licensee owns at least 25 percent of the other licensee.

5. Except as otherwise provided in subsection 6, in addition to the other requirements set forth in this section, each applicant for licensure as a contractor must have had, within the 10 years immediately preceding the filing of the application for licensure, at least 4 years of experience as a ~~journeyman,~~ *journeyworker*, foreman, supervising employee or contractor in the specific classification in which the applicant is applying for licensure. Training received in a program offered at an accredited college or university or an equivalent program accepted by the Board may be used to satisfy not more than 3 years of experience required pursuant to this subsection.

6. If the applicant who is applying for licensure has previously qualified for a contractor's license in the same classification in which the applicant is applying for licensure, the experience



1 required pursuant to subsection 5 need not be accrued within the 10  
2 years immediately preceding the application.

3 7. As used in this section, ~~“journeyman” means a person who:~~  
4 ~~— (a) Is fully qualified to perform, without supervision, work in~~  
5 ~~the classification in which the person is applying for licensure; or~~  
6 ~~— (b) Has successfully completed:~~  
7 ~~— (1) A program of apprenticeship for the classification in~~  
8 ~~which the person is applying for licensure that has been approved by~~  
9 ~~the State Apprenticeship Council; or~~  
10 ~~— (2) An equivalent program accepted by the Board.]~~  
11 *“journeyworker” has the meaning ascribed to it in NRS 610.010.*

12 **Sec. 16.** NRS 701B.921 is hereby amended to read as follows:

13 701B.921 1. The Department of Employment, Training and  
14 Rehabilitation and the Housing Division of the Department of  
15 Business and Industry shall establish contractual relationships with  
16 one or more nonprofit collaboratives to carry out the State’s mission  
17 of creating new jobs in the fields of energy efficiency and renewable  
18 energy by combining job training with weatherization, energy  
19 retrofit applications or the development of renewable energy plants.

20 2. To qualify as a nonprofit collaborative for the purposes of  
21 this section, a nonprofit entity:

22 (a) Must enter into a written agreement relating to job training  
23 and career development activities with:

24 (1) A labor management agency or other affiliated agency  
25 which has established an apprenticeship program that is registered  
26 and approved by the State *Director of* Apprenticeship ~~{Council}~~  
27 pursuant to chapter 610 of NRS; and

28 (2) A community college or another institution of higher  
29 education; and

30 (b) Must conduct or have the ability to conduct training  
31 programs in at least one of the three geographic regions of this State,  
32 including southern Nevada, northern Nevada and rural Nevada.

33 ➤ Such a nonprofit entity may also enter into a written agreement  
34 relating to job training and career development activities with a  
35 trade association which has an accredited job skills training  
36 program.

37 3. Within the limits of money available to the Department for  
38 this purpose, the Department shall contract with one or more  
39 qualified nonprofit collaboratives to:

40 (a) Carry out programs for job training in fields relating to  
41 energy efficiency and the use of renewable energy.

42 (b) In concert with a labor management agency or other  
43 affiliated agency which has established an apprenticeship program  
44 that is registered and approved by the State *Director of*



1 Apprenticeship ~~Council~~ pursuant to chapter 610 of NRS, develop  
2 apprenticeship programs to train laborers in skills related to:

3 (1) The implementation of energy efficiency measures.  
4 (2) The use of renewable energy.  
5 (3) Performing audits of the energy efficiency of buildings,  
6 facilities, residences and structures.

7 (4) The weatherization of buildings, facilities, residences and  
8 structures.

9 (5) The retrofitting of buildings, facilities, residences and  
10 structures.

11 (6) The construction and operation of centralized renewable  
12 energy plants.

13 (7) The manufacturing of components relating to work  
14 performed pursuant to subparagraphs (1) to (6), inclusive.

15 4. The job training described in subsection 3 must be  
16 sufficiently detailed to allow workers, as applicable, to perform:

17 (a) The services set forth in NRS 702.270.

18 (b) The services set forth in NRS 618.910 to 618.936, inclusive.

19 (c) Such other vocational or professional services, or both, as the  
20 Department deems appropriate.

21 5. Funding provided for the job training described in  
22 subsection 3:

23 (a) Must, to the extent money is available for the purpose,  
24 include the cost of tuition and supplies.

25 (b) May include a cost-of-living stipend which may or may not  
26 be in addition to any available unemployment compensation.

27 6. Within the limits of money available to the Division for the  
28 purpose, the Division shall contract with one or more governmental  
29 entities, community action agencies or nonprofit organizations,  
30 including, without limitation, qualified nonprofit collaboratives, to:

31 (a) Identify, in different regions of the State, neighborhoods that  
32 will qualify for funding for residential weatherization projects  
33 pursuant to federal programs focusing on residential weatherization;  
34 and

35 (b) Issue requests for proposals for contractors and award  
36 contracts for projects to promote energy efficiency through  
37 weatherization. Any such requests for proposals and contracts must  
38 include, without limitation:

39 (1) Provisions stipulating that all employees of the outside  
40 contractors who work on the project must be paid prevailing wages;

41 (2) Provisions requiring that each outside contractor:

42 (I) Employ on each such project a number of persons  
43 trained as described in paragraph (b) of subsection 3 that is equal to  
44 or greater than 50 percent of the total workforce the contractor  
45 employs on the project; or



(II) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor, that the contractor cannot reasonably comply with the provisions of sub-subparagraph (I) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 or trained through any apprenticeship program that is registered and approved by the State *Director of* Apprenticeship ~~Council~~ pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor employs on the project;

(3) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(4) A component that requires each contractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

7. The Department and the Division:

(a) Shall apply for and accept any grant, appropriation, allocation or other money available pursuant to:

(1) The Green Jobs Act of 2007, 29 U.S.C. § 2916(e); and

(2) The American Recovery and Reinvestment Act of 2009, Public Law 111-5; and

(b) May apply for and accept any other available gift, grant, appropriation or donation from any public or private source,

↳ to assist the Department and the Division in carrying out the provisions of this section.

8. The Department and the Division shall each report to the Interim Finance Committee at each meeting held by the Interim Finance Committee with respect to the activities in which they have engaged pursuant to this section.

9. As used in this section, "community action agencies" means private corporations or public agencies established pursuant to the Economic Opportunity Act of 1964, Public Law 88-452, which are authorized to administer money received from federal, state, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

**Sec. 17.** NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings,



1 facilities and structures pursuant to the provisions of this section and  
2 NRS 701B.921. The projects must be prioritized and selected on the  
3 basis of the following criteria:

4 (a) The length of time necessary to commence the project.

5 (b) The number of workers estimated to be employed on the  
6 project.

7 (c) The effectiveness of the project in reducing energy  
8 consumption.

9 (d) The estimated cost of the project.

10 (e) Whether the project is able to be powered by or to otherwise  
11 use sources of renewable energy.

12 (f) Whether the project has qualified for participation in one or  
13 more of the following programs:

14 (1) The Solar Energy Systems Incentive Program created by  
15 NRS 701B.240;

16 (2) The Renewable Energy School Pilot Program created by  
17 NRS 701B.350;

18 (3) The Wind Energy Systems Demonstration Program  
19 created by NRS 701B.580;

20 (4) The Waterpower Energy Systems Demonstration  
21 Program created by NRS 701B.820; or

22 (5) An energy efficiency or energy conservation program  
23 offered by a public utility, as defined in NRS 704.020, pursuant to a  
24 plan approved by the Public Utilities Commission of Nevada  
25 pursuant to NRS 704.741.

26 2. The board of trustees of each school district shall, within 90  
27 days after June 9, 2009, determine the specific projects to  
28 weatherize and retrofit public buildings, facilities and structures,  
29 including, without limitation, traffic-control systems, and to  
30 otherwise use sources of renewable energy to serve those buildings,  
31 facilities and structures pursuant to the provisions of this section and  
32 NRS 701B.921. The projects must be prioritized and selected on the  
33 basis of the following criteria:

34 (a) The length of time necessary to commence the project.

35 (b) The number of workers estimated to be employed on the  
36 project.

37 (c) The effectiveness of the project in reducing energy  
38 consumption.

39 (d) The estimated cost of the project.

40 (e) Whether the project is able to be powered by or to otherwise  
41 use sources of renewable energy.

42 (f) Whether the project has qualified for participation in one or  
43 more of the following programs:

44 (1) The Solar Energy Systems Incentive Program created by  
45 NRS 701B.240;



(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580;

(4) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:



(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State *Director of* Apprenticeship ~~Council~~ pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

**Sec. 18.** This act becomes effective upon passage and approval.

