

Amendment No. 476

Assembly Amendment to Assembly Bill No. 36 (BDR 53-357)

Proposed by: Assembly Committee on Commerce and Labor

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

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

WBD/DY



Date: 4/22/2013

A.B. No. 36—Makes various changes concerning apprenticeships for federal recognition of the Office of the Labor Commissioner as the State Apprenticeship Agency. (BDR 53-357)



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}~~ Registration Agency ~~{}~~ for purposes relating to apprenticeship programs and apprentices. (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 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.

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

2. ~~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. ~~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.~~ has the meaning ascribed to "apprenticeship committee" in 29 C.F.R. § 29.2.

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~~ Agency 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~~ Agency;

(b) A sponsor's apprenticeship program is registered and approved by the State ~~Director~~ Agency;

(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. "Electronic media" has the meaning ascribed to it in 29 C.F.R. § 29.2.~~

12. "Employer" has the meaning ascribed to it in 29 C.F.R. § 29.2.

~~13. "Federal purposes" has the meaning ascribed to it in 29 C.F.R. § 29.2.~~

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

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

6 ~~6.1~~ ~~13.1~~ 15. “Hybrid approach” means a method of measuring the skills
7 and knowledge acquired by an apprentice by incorporating elements of the time-
8 based approach and the competency-based approach by assessing a specified
9 minimum number of hours of on-the-job learning completed by the apprentice
10 and by his or her successful demonstration of competency as described in a work
11 process schedule.

12 ~~14.1~~ 16. “Interim credential” means a certificate issued by the State
13 ~~Director of~~ Apprenticeship Agency upon request of the appropriate sponsor, as
14 certification of competency by an apprentice.

15 ~~15.1~~ 17. “Journeyworker” has the meaning ascribed to it in 29 C.F.R. §
16 29.2.

17 ~~16.1~~ 18. “Office of Apprenticeship” has the meaning ascribed to it in 29
18 C.F.R. § 29.2.

19 ~~17.1~~ 19. “Registration” means:

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

23 (b) The acceptance and recording of an apprenticeship program by the State
24 ~~Director of~~ Apprenticeship Agency as evidence that the program meets the
25 requirements of this chapter and the basic standards and requirements of the
26 United States Department of Labor for approval of such a program for federal
27 purposes. ~~including, without limitation, the obtaining of any federal contract,~~
28 ~~grant, agreement or arrangement concerning apprenticeships, and any federal~~
29 ~~assistance, financial or otherwise, including, without limitation, a benefit,~~
30 ~~privilege, contribution, allowance, exemption, preference or right pertaining to~~
31 ~~apprenticeships.~~

32 ~~18.1~~ 20. “Related instruction” means an organized and systematic form of
33 instruction designed to provide an apprentice with the knowledge of the
34 theoretical and technical subjects related to the apprentice’s occupation. Such
35 instruction may be given in a classroom, through occupational or industrial
36 courses, through correspondence courses of equivalent value, through electronic
37 media ~~including, without limitation, content accessible via the Internet and~~
38 ~~interactive distance learning,~~ or by other forms of self-study approved by the
39 State ~~Director of~~ Apprenticeship Agency.

40 ~~19.1~~ Agency in accordance with standards established by the State
41 Apprenticeship Council pursuant to NRS 610.090.

42 21. “Sexual orientation” means having or being perceived as having an
43 orientation for heterosexuality, homosexuality or bisexuality.

44 ~~20.1~~ 22. “Sponsor” has the meaning ascribed to it in 29 C.F.R. § 29.2.

45 ~~21.1~~ 23. “State Apprenticeship Agency” has the meaning ascribed to it in
46 29 C.F.R. § 29.2.

47 24. “State Apprenticeship Council” means the entity created by NRS
48 610.030.

49 ~~22.1~~ 25. “Time-based approach” means a method of measuring the skills
50 and knowledge acquired by an apprentice through his or her completion of at
51 least 2,000 hours of on-the-job learning as described in a work process schedule.

52 ~~23.1~~ 26. “Transfer” has the meaning ascribed to it in 29 C.F.R. § 29.2.

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

2 610.020 The purposes of this chapter are:

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

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

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

15 4. To regulate the supply of skilled workers in relation to the demand for
16 skilled workers.

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

18 6. To establish a State Apprenticeship Agency that has the responsibility and
19 accountability for apprenticeship within this State and the authority to carry out
20 the purposes of this chapter.

21 ~~7. To establish a State Apprenticeship Council [with the authority to carry~~
22 ~~out the purposes of this chapter and provide for local joint apprenticeship~~
23 ~~committees] [to provide advice and guidance] to assist the State [Director off~~
24 Apprenticeship [and to assist] Agency in carrying out the purposes of this chapter.

25 ~~[7.] 8.~~ To provide for a State Director of Apprenticeship ~~[.] with the authority~~
26 ~~to carry] assist in carrying out the purposes of this chapter.~~

27 ~~[8.] 9.~~ To provide for ~~[state and local joint] apprenticeship committees to~~
28 ~~assist in carrying out the purposes of this chapter.~~

29 ~~[9.] 10.~~ To provide for reports to the Legislature and to the public regarding
30 the status of the training of apprentices in the State.

31 ~~[9.] [10.] 11.~~ To establish procedures for regulating programs and deciding
32 controversies concerning programs and agreements.

33 ~~[10.] [11.] 12.~~ To accomplish related ends.

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

35 610.030 1. A State Apprenticeship Council composed of seven members is
36 hereby created ~~[.] to act in a regulatory capacity as directed by the State~~
37 Apprenticeship Agency, to provide advice and guidance to the State [Director off
38 Apprenticeship Agency and to assist in carrying out the purposes of this chapter.

39 2. The Labor Commissioner shall appoint:

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

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

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

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

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

51 610.090 The State Apprenticeship Council shall ~~[.] , under the direction [and~~
52 ~~with the approval] of the State [Director off] Apprenticeship [.] Agency;~~

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 H., including, without limitation:

(a) Standards and reasonable safeguards to ensure that a course taken by correspondence, electronic media or other forms of self-study is completed by the person who receives credit for completing the course; and

(b) Standards for the approval of courses of related instruction.

4. Provide advice and guidance to the State Apprenticeship Agency on the operation of the apprenticeship system.

5. 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~~ Review and approve or reject the registration of proposed programs and standards for apprenticeship H. on behalf of the State Apprenticeship Agency.

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. 5.5. NRS 610.100 is hereby amended to read as follows:

610.100 The State Apprenticeship ~~Council~~ Agency shall make a report of its activities and findings, through the Labor Commissioner, as provided in NRS 607.080, to the Legislature and to the public.

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, and the Registration Agency.

2. The Labor Commissioner ~~for the duly appointed representative of the Labor Commissioner~~ shall be ex officio State Director of Apprenticeship.

~~2.~~ 3. As used in this section, "State Apprenticeship Agency" "Registration 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 Agency shall:

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

(b) Register apprenticeship programs and apprentices whose registration is approved by the State Apprenticeship Council pursuant to NRS 610.095.

(c) 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)~~ (d) Approve any apprenticeship agreement which ~~meets~~ :

(1) Has been approved by the State Apprenticeship Council; and

(2) Meets the standards established under this chapter and terminate or cancel any such agreement in accordance with the provisions of the agreement, the program, this chapter and the standards ~~approved~~ established by the State Apprenticeship Council.

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

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

~~(d)~~ (g) Conduct quality assurance assessments.

~~(c)~~ (h) Provide technical assistance.

~~(b)~~ (i) Conduct reviews for compliance with the provisions of this chapter and 29 C.F.R. Parts 29 and 30.

(j) 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 off~~ Apprenticeship Agency 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 off~~ Apprenticeship Agency 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~~ An apprenticeship committee shall:

(a) In accordance with standards ~~set up~~ established by the State Apprenticeship Council ~~in~~ pursuant to NRS 610.090, 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 apprenticeship 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 apprenticeship agreement, submit to the State ~~Director off~~ Apprenticeship ~~Council~~ Agency a written notice which includes the name of the apprentice and the reason for the termination.

(d) Keep the State ~~Director off~~ Apprenticeship ~~Council~~ Agency 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.~~

1 **Sec. 9.** NRS 610.144 is hereby amended to read as follows:
2 610.144 To be eligible for registration and approval by the State ~~Director of~~
3 Apprenticeship ~~the Council~~ Agency, a proposed program must:
4 1. Be an organized, written plan embodying the terms and conditions of
5 employment, training and supervision of one or more apprentices in an
6 apprenticeable occupation ~~in which a person may be apprenticed~~ and be
7 subscribed to by a sponsor who has undertaken to carry out the program.
8 2. Contain the pledge of equal opportunity prescribed in 29 C.F.R. § 30.3(b)
9 and, when applicable:
10 (a) A plan of affirmative action in accordance with 29 C.F.R. § 30.4;
11 (b) A method of selection authorized in 29 C.F.R. § 30.5;
12 (c) A nondiscriminatory pool for application as an apprentice; or
13 (d) Similar requirements expressed in a state plan for equal opportunity in
14 employment in apprenticeships adopted pursuant to 29 C.F.R. Part 30 and approved
15 by the United States Department of Labor.
16 3. Contain:
17 (a) Provisions concerning the employment and training of the apprentice in a
18 skilled trade. ~~the~~
19 (b) ~~the~~ The term of the apprenticeship. ~~of not less than 2,000 hours of work~~
20 ~~experience, consistent with training requirements as established by practice in the~~
21 ~~trade.~~ The term must be established using the time-based approach, competency-
22 based approach or hybrid approach. The determination of the appropriate
23 approach must be made by the sponsor, subject to approval by the State ~~Director~~
24 ~~of~~ Apprenticeship Agency of the determination as appropriate to the
25 apprenticeable occupation for which the program standards are registered. The
26 State ~~Director of~~ Apprenticeship Agency must not approve the use of the
27 competency-based approach or hybrid approach unless the program standards
28 address the manner in which the required on-the-job learning component will be
29 integrated into the program, describe competencies and identify an appropriate
30 means of measuring the skills and knowledge acquired by the apprentice.
31 (c) An outline of the processes in which the apprentice will receive supervised
32 experience and training on the job, and the allocation of the approximate time to be
33 spent in each major process. ~~the~~
34 (d) Provisions for organized, related and supplemental instruction in technical
35 subjects related to the ~~trade~~ occupation with a minimum of 144 hours for each
36 year of apprenticeship. ~~given in a classroom or through trade, industrial or~~
37 ~~correspondence courses of equivalent value or other forms of study approved by the~~
38 ~~State Apprenticeship Council.~~ Such instruction in technical subjects may be
39 accomplished through related instruction. Any person who provides instruction
40 must:
41 (1) Meet any requirements established by the State Board for Career and
42 Technical Education for a vocational-technical instructor, or be an expert in a
43 particular subject matter, such as a journeyworker, who is recognized within an
44 industry as having expertise in a specific occupation; and
45 (2) Be trained in teaching techniques and styles for learning by adults,
46 which may have been attained before or during a period of instruction provided
47 by the instructor.
48 (e) A progressively increasing, reasonable and profitable schedule of wages to
49 be paid to the apprentice consistent with the skills acquired, not less than that
50 allowed by federal or state law or regulations or by a collective bargaining
51 agreement. ~~the~~

(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~~ *at least* 16 years, *, except where a higher minimum age standard is otherwise fixed by law.* ~~††~~

(k) Provisions for the placement of an apprentice under a written *apprenticeship* 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* *Agency* *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* ~~††~~ *Agency.*

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

(q) Provisions for the registration of *apprenticeship* agreements and of modifications and amendments thereto. ~~††~~

(r) Provisions for notice to the ~~Labor Commissioner~~ *State* ~~Director of~~ *Apprenticeship* *Agency* of persons who have successfully completed the program

and of all cancellations, suspensions and terminations of apprenticeship agreements and the causes therefor. ~~††~~

(s) ~~†Provisions†~~ Authority for the termination of an apprenticeship agreement during the probationary period by either party without cause. ~~††~~ *Such a termination must not have an adverse impact on the completion rate of the sponsor of the program. As used in this paragraph, "completion rate" means the percentage of any group of apprentices registered to a specific program during a 1-year period, excluding the apprentices whose agreement has been terminated during the probationary period, who receive a certificate of completion of an apprenticeship within 1 year after the projected completion date.*

(t) A statement that the program will be conducted, operated and administered in conformity with the applicable provisions of 29 C.F.R. Part 30 or 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. ~~††~~

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

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

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

(x) *Provisions for the registration, cancellation and deregistration of the program and for the prompt submission of any modification of or amendment to the standards of the program to the State ~~†Director off†~~ Apprenticeship Agency for approval.*

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

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

1. The names and signatures of the contracting parties, including, without limitation, the apprentice and the sponsor or employer, and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name, ~~†and†~~ address, *telephone number and, if 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~~ Agency, 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~~ Agency 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, ~~or~~ 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 locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed, established or approved by the ~~State Director of Apprenticeship or established by the~~ State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 10.2. NRS 610.160 is hereby amended to read as follows:

610.160 1. No apprenticeship agreement under this chapter is effective until it is approved by the ~~local joint~~ apprenticeship committee and the State ~~Director of~~ Apprenticeship ~~Council~~ Council. A copy of the apprenticeship agreement must be forwarded within 10 days after approval by the ~~local joint~~ apprenticeship committee to the State ~~Director of~~ Apprenticeship ~~Council~~ Council.

2. Every apprenticeship agreement must be signed by the employer, by an association of employers or by an organization of employees acting as agent for an employer, and by the apprentice. If the apprentice is a minor, the apprenticeship agreement must also be signed by:

(a) Both parents, if the minor is living with both parents;

(b) The custodial parent, if the minor is living with only one parent; or

(c) The minor's legal guardian.

3. If a minor enters into an apprenticeship agreement under this chapter for a period of training extending into his or her majority, the apprenticeship agreement is likewise binding for the period covered during his or her majority.

Sec. 10.4. NRS 610.170 is hereby amended to read as follows:

610.170 For the purpose of providing greater diversity of training or continuity of employment, any apprenticeship agreement made under this chapter may, at the discretion of the ~~local joint~~ apprenticeship committee, be signed by an association of employers or an organization of employees instead of by an individual employer. In that case the apprenticeship agreement must provide expressly that the association of employers or organization of employees does not assume the obligation of an employer, but agrees to use its best endeavors to procure employment and training for the apprentice with one or more employers who will accept full responsibility, as provided in this chapter, for all the terms and conditions of employment and training set forth in the apprenticeship agreement between the apprentice and the association of employers or organization of employees during the period of employment.

Sec. 10.6. NRS 610.180 is hereby amended to read as follows:

610.180 1. Upon the complaint of any interested person or upon its own initiative, the State Apprenticeship Council may investigate to determine if there has been a violation of the terms or conditions of an approved program or an apprenticeship agreement made under this chapter. The State Apprenticeship Council may hold necessary hearings, inquiries and other proceedings. The parties to each apprenticeship agreement and the sponsors and interested participants in the program shall be given a fair and impartial hearing, after reasonable notice. A copy of the determination or decision of each hearing must be filed with the ~~Labor Commissioner,~~ State Director of Apprenticeship, and if no appeal therefrom is filed with the ~~Labor Commissioner,~~ State Director of Apprenticeship within 10 days after the date thereof the determination or decision of the State Apprenticeship Council becomes the order of the State Director of Apprenticeship. ~~Labor Commissioner.~~

2. Any person aggrieved by any determination or action of the State Apprenticeship Council may appeal to the ~~Labor Commissioner, whose decision, when supported by evidence,~~ State Director of Apprenticeship.

3. Except as otherwise provided in this subsection, the State Director of Apprenticeship's review of the determination or decision must be confined to the whole record. In cases concerning alleged irregularities in procedure before the State Apprenticeship Council that are not shown in the whole record, the State Director of Apprenticeship may receive evidence concerning the alleged irregularities.

4. The final decision of the State Apprenticeship Council shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the State Director of Apprenticeship. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 5.

5. The State Director of Apprenticeship shall not substitute his or her judgment for that of the State Apprenticeship Council as to the weight of evidence on a question of fact. The State Director of Apprenticeship may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the appellant have been prejudiced because the decision of the State Apprenticeship Council is:

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the State Apprenticeship Council;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

1 6. The decision of the State Director of Apprenticeship is conclusive if
2 notice of appeal therefrom to the courts is not filed within 30 days after the date of
3 the decision of the ~~Labor Commissioner.~~

4 ~~3.1 State Director of Apprenticeship.~~

5 7. A person shall not institute any action based upon:

- 6 (a) An apprenticeship agreement;
7 (b) Proposed or approved standards for apprenticeship; or
8 (c) A program governed by this chapter,

9 ~~unless the person first exhausts all administrative remedies provided by this~~
10 ~~chapter.~~

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

12 610.190 Nothing in this chapter or in any apprenticeship agreement, standard
13 or program approved under this chapter invalidates any :

14 ~~1. Apprenticeship provision~~ Provision in any collective bargaining
15 agreement between employers and employees setting up higher standards for
16 apprenticeship ~~or~~ ; or

17 2. Special provision for veterans, members of racial or ethnic minority
18 groups or women in the standards, apprentice qualifications or operation of the
19 program or in the apprenticeship agreement so long as the provision is not
20 otherwise prohibited by federal or state law, executive order or authorized
21 regulation.

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

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

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

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

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

41 (c) Establish a program to provide grants of money to a nonprofit private entity
42 to be used to make loans of money to veterans and senior citizens to start small
43 businesses. The Administrator shall adopt regulations establishing criteria and
44 standards relating to the eligibility for and use of any grants made pursuant to this
45 paragraph.

46 (d) Pay the costs of the collection of payments required pursuant to NRS
47 612.606.

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

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. 12.5. NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection ~~2~~, 4, 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 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. Except as otherwise provided in subsection 4, any person who is a trainee in a program funded by a training trust authorized pursuant to 29 U.S.C. § 186 shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the trust at a wage of \$150 per month while the person is attending a class for vocational training. Such a trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

4. 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.

~~4.5.~~ 5. 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. 13. NRS 616A.215 is hereby amended to read as follows:

616A.215 1. Except as otherwise provided in subsection 4, 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~~ Agency 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,

1 ↪ under the direction of the apprenticeship committee. Such an apprentice or
2 trainee is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS.

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

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

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

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

14 3. Except as otherwise provided in subsection 4, any person who is a trainee
15 in a program funded by a training trust authorized pursuant to 29 U.S.C. § 186 shall
16 be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an
17 employee of the trust at a wage of \$150 per month while the person is attending a
18 class for vocational training. Such a trainee is entitled to the benefits of chapters
19 616A to 616D, inclusive, of NRS.

20 4. If an apprentice or trainee who is employed by an employer participating in
21 a program of training and instruction is injured while the apprentice or trainee, as
22 applicable, is deemed to be an employee of the apprenticeship committee pursuant
23 to subsection 1 and the apprentice or trainee is unable to work for an employer
24 participating in the program solely because of that injury, the apprentice or trainee
25 shall be deemed to be an employee of the apprenticeship committee at a wage of
26 \$150 per month or at his or her average monthly wage as determined pursuant to
27 the regulations adopted by the Administrator pursuant to NRS 616C.420, whichever
28 is greater.

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

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

33 361.106 1. Except as otherwise provided in subsection 2, the real and
34 personal property of an apprenticeship program is exempt from taxation if the
35 property is:

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

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

39 (1) Operated by an organization which is qualified pursuant to 26 U.S.C. §
40 501(c)(3) or (5); and

41 (2) Registered and approved by the State ~~[Director-off]~~ Apprenticeship
42 ~~[Council]~~ **Agency** pursuant to chapter 610 of NRS.

43 2. If any property exempt from taxation pursuant to subsection 1 is used for a
44 purpose other than that of the apprenticeship program required in subsection 1, and
45 a rent or other valuable consideration is received for its use, the property must be
46 taxed, unless the rent or other valuable consideration is paid or given by an
47 organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. §
48 501(c)(3).

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

50 ~~624.260 1. The Board shall require an applicant or licensee to show such a~~
51 ~~degree of experience, financial responsibility and such general knowledge of the~~
52 ~~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 required pursuant to subsection 5 need not be accrued within the 10 years immediately preceding the application.

7. As used in this section, ["journeyman" means a person who:

(a) Is fully qualified to perform, without supervision, work in the classification in which the person is applying for licensure; or

(b) Has successfully completed:

(1) A program of apprenticeship for the classification in which the person is applying for licensure that has been approved by the State Apprenticeship Council; or

(2) An equivalent program accepted by the Board.] *"journeyworker" has the meaning ascribed to it in NRS 610.010.* (Deleted by amendment.)

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

2 701B.921 1. The Department of Employment, Training and Rehabilitation
3 and the Housing Division of the Department of Business and Industry shall
4 establish contractual relationships with one or more nonprofit collaboratives to
5 carry out the State's mission of creating new jobs in the fields of energy efficiency
6 and renewable energy by combining job training with weatherization, energy
7 retrofit applications or the development of renewable energy plants.

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

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

12 (1) A labor management agency or other affiliated agency which has
13 established an apprenticeship program that is registered and approved by the State
14 ~~(Director off~~ Apprenticeship ~~(Council~~ Agency pursuant to chapter 610 of NRS;
15 and

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

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

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

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

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

28 (b) In concert with a labor management agency or other affiliated agency
29 which has established an apprenticeship program that is registered and approved by
30 the State ~~(Director off~~ Apprenticeship ~~(Council~~ Agency pursuant to chapter 610 of
31 NRS, develop apprenticeship programs to train laborers in skills related to:

32 (1) The implementation of energy efficiency measures.

33 (2) The use of renewable energy.

34 (3) Performing audits of the energy efficiency of buildings, facilities,
35 residences and structures.

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

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

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

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

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

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

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

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

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

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

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

52 6. Within the limits of money available to the Division for the purpose, the
53 Division shall contract with one or more governmental entities, community action

1 agencies or nonprofit organizations, including, without limitation, qualified
2 nonprofit collaboratives, to:

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

6 (b) Issue requests for proposals for contractors and award contracts for projects
7 to promote energy efficiency through weatherization. Any such requests for
8 proposals and contracts must include, without limitation:

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

11 (2) Provisions requiring that each outside contractor:

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

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

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

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

30 7. The Department and the Division:

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

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

34 (2) The American Recovery and Reinvestment Act of 2009, Public Law
35 111-5; and

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

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

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

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

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

49 701B.924 1. The State Public Works Board shall, within 90 days after June
50 9, 2009, determine the specific projects to weatherize and retrofit public buildings,
51 facilities and structures, including, without limitation, traffic-control systems, and
52 to otherwise use sources of renewable energy to serve those buildings, facilities and

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

- 3 (a) The length of time necessary to commence the project.
- 4 (b) The number of workers estimated to be employed on the project.
- 5 (c) The effectiveness of the project in reducing energy consumption.
- 6 (d) The estimated cost of the project.
- 7 (e) Whether the project is able to be powered by or to otherwise use sources of
8 renewable energy.
- 9 (f) Whether the project has qualified for participation in one or more of the
10 following programs:

11 (1) The Solar Energy Systems Incentive Program created by NRS
12 701B.240;

13 (2) The Renewable Energy School Pilot Program created by NRS
14 701B.350;

15 (3) The Wind Energy Systems Demonstration Program created by NRS
16 701B.580;

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

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

22 2. The board of trustees of each school district shall, within 90 days after June
23 9, 2009, determine the specific projects to weatherize and retrofit public buildings,
24 facilities and structures, including, without limitation, traffic-control systems, and
25 to otherwise use sources of renewable energy to serve those buildings, facilities and
26 structures pursuant to the provisions of this section and NRS 701B.921. The
27 projects must be prioritized and selected on the basis of the following criteria:

- 28 (a) The length of time necessary to commence the project.
- 29 (b) The number of workers estimated to be employed on the project.
- 30 (c) The effectiveness of the project in reducing energy consumption.
- 31 (d) The estimated cost of the project.
- 32 (e) Whether the project is able to be powered by or to otherwise use sources of
33 renewable energy.

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

36 (1) The Solar Energy Systems Incentive Program created by NRS
37 701B.240;

38 (2) The Renewable Energy School Pilot Program created by NRS
39 701B.350;

40 (3) The Wind Energy Systems Demonstration Program created by NRS
41 701B.580;

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

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

47 3. The Board of Regents of the University of Nevada shall, within 90 days
48 after June 9, 2009, determine the specific projects to weatherize and retrofit public
49 buildings, facilities and structures, including, without limitation, traffic-control
50 systems, and to otherwise use sources of renewable energy to serve those buildings,
51 facilities and structures pursuant to the provisions of this section and NRS
52 701B.921. The projects must be prioritized and selected on the basis of the
53 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)~~ Agency 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. 1. This ~~act becomes~~ section and section 12.5 of this act become effective upon passage and approval.

1 2. Sections 1 to 12, inclusive, and 13 to 17, inclusive, of this act become
2 effective:

3 (a) Upon passage and approval for the purposes of adopting regulations
4 and performing any other preliminary administrative tasks that are necessary
5 to carry out the provisions of this act; and

6 (b) On the date the United States Department of Labor recognizes the
7 Office of the Labor Commissioner, which is the State Apprenticeship Agency,
8 as the Registration Agency for federal purposes in this State pursuant to 29
9 C.F.R. § 29.13.

10 3. Section 17 of this act expires by limitation on December 31, 2021.