

SENATE BILL NO. 516—COMMITTEE ON  
COMMERCE, LABOR AND ENERGY

(OH BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2017

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Revises provisions governing workforce innovation and apprenticeships. (BDR 53-913)

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; creating the Office of Workforce Innovation within the Office of the Governor; establishing the duties of the Executive Director of the Office; transferring certain powers and duties regarding apprenticeships from the Labor Commissioner to the Office; revising the membership, procedures and duties of the State Apprenticeship Council; establishing the qualifications, requirements and duties of the State Apprenticeship Director; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, the apprenticeship program in Nevada is administered by  
2 the Labor Commissioner as the ex officio State Director of Apprenticeship with the  
3 advice and guidance of the State Apprenticeship Council. (NRS 610.110, 610.120)  
4 In 2016, the Governor of Nevada issued Executive Order 2016-08, which  
5 established the Office of Workforce Innovation within the Office of Governor.  
6 **Sections 18-21** of this bill codify the Office into Nevada Revised Statutes. **Section**  
7 **20** of this bill establishes the powers and duties of the Executive Director of the  
8 Office of Workforce Innovation. **Sections 2-13** of this bill transfer the  
9 administration of the apprenticeship program of this State from the Labor  
10 Commissioner to the Office of Workforce Innovation. In addition to placing the  
11 State Apprenticeship Council within the Office of Workforce Innovation, **sections**  
12 **3-6** of this bill change the membership, procedures and duties of the State  
13 Apprenticeship Council. **Section 6** also requires the State Apprenticeship Council



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to act as a regulatory body in administering the provisions governing the state apprenticeship program. **Sections 8 and 9** of this bill impose additional qualifications, requirements and duties on the office of the State Director of Apprenticeship.

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) 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 the roles and responsibilities of administrative entities of state government responsible for apprenticeship, including a provision which prohibits a state apprenticeship council from being recognized as a state's registration agency. (29 C.F.R. § 29.2) **Sections 1, 2, 7, 10-13, 15, 16, 22 and 24-26** of this bill require the State Apprenticeship Director and the Executive Director of the Office of Workforce Innovation to assume responsibilities which previously belonged to the State Apprenticeship Council, but which are duties assigned to a state registration agency under federal law.

**Sections 14, 20 and 23** of this bill move the responsibility for the oversight of the State's statewide longitudinal data system linking data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State from the P-20W Advisory Council to the Executive Director of the Office of Workforce Innovation.

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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. ***"Council" means the State Apprenticeship Council created by NRS 610.030.***

4. "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.

~~14-1~~ 5. *“Executive Director” means the Executive Director of the Office of Workforce Innovation.*

6. “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.

~~15-1~~ 7. *“Office of Workforce Innovation” means the Office of Workforce Innovation in the Office of the Governor created by section 18 of this act.*

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

~~16-1~~ 9. “Sexual orientation” means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

10. *“State Apprenticeship Director” means the person appointed pursuant to NRS 610.110.*

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

610.020 The purposes of this chapter are:

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

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

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

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

5. To establish standards for the training of apprentices in 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 assist in carrying out the purposes of this chapter.~~

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



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

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

~~10.~~ To accomplish related ends.

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

610.030 ~~1. A~~ *There is hereby created in the Office of Workforce Innovation a State Apprenticeship Council composed of ~~seven members is hereby created.~~*

~~2. The Labor Commissioner shall appoint. :~~

*1. The following voting members, appointed by the Governor:*

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

(b) ~~Three~~ *Four* 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.~~

*2. The following nonvoting members:*

(a) *The Executive Director of the Office of Economic Development or his or her designee.*

(b) *The Superintendent of Public Instruction or his or her designee.*

(c) *One representative of a community college located in a county whose population is 700,000 or more, appointed by the Chancellor of the Nevada System of Higher Education.*

(d) *One representative of a community college located in a county whose population is less than 700,000, appointed by the Chancellor of the Nevada System of Higher Education.*

Sec. 4. NRS 610.040 is hereby amended to read as follows:

610.040 1. ~~In making the initial appointments to the Council, the Labor Commissioner shall appoint:~~

~~(a) One member who is a representative from employer associations, one member who is a representative from employee organizations, and one member who is the representative from the general public for terms of 1 year.~~



~~(b) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 2 years.~~

~~(c) One member who is a representative from employer associations and one member who is a representative from employee organizations for terms of 3 years.~~

~~2. After the initial appointments provided for in subsection 1, each~~ Each voting member of the Council shall serve for a term of 3 years ~~1~~, so long as the member has the qualifications required by NRS 610.030. A member of the Council who no longer has the qualifications specified in NRS 610.030 under which the member was appointed shall continue to serve on the Council until the member's successor is appointed.

2. The voting members of the Council serve at the pleasure of the Governor.

3. The nonvoting members of the Council appointed pursuant to paragraphs (c) and (d) of subsection 2 of NRS 610.030 serve at the pleasure of the Chancellor of the Nevada System of Higher Education.

Sec. 5. NRS 610.070 is hereby amended to read as follows:

610.070 1. The Governor shall select from the membership of the council a Chair and Vice Chair, who shall hold office for 1 year.

2. The State Apprenticeship Director shall serve as the nonvoting Secretary of the Council.

3. The Council may prescribe such bylaws as it deems necessary for its operation.

4. The ~~State Apprenticeship~~ Council shall meet at least once ~~in each calendar quarter and may meet at other times at the call of~~ annually at a time and place specified by the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of ~~its~~ the members ~~1~~ of the Council. Special meetings of the Council, not to exceed six each year, may be held at the call of the Chair, the State Apprenticeship Director, the Executive Director or a majority of the members of the Council at such additional times as they deem necessary.

5. Five voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

Sec. 6. NRS 610.090 is hereby amended to read as follows:

610.090 The ~~State Apprenticeship~~ Council shall:

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. *Administer the provisions of this chapter as a regulatory body.*

5. *Consistent with its duties and obligations under this chapter, demonstrate linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part out of public money, as set forth in 29 C.F.R. § 29.13.*

6. *Adopt regulations pursuant to 29 C.F.R. Parts 29 and 30.*

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

Sec. 7. NRS 610.100 is hereby amended to read as follows:

610.100 The ~~{State Apprenticeship}~~ Council shall make a report of its activities and findings, through the ~~{Labor Commissioner,}~~ *Executive Director*, as provided in ~~{NRS 607.080,}~~ *section 20 of this act* to the Legislature and to the public.

Sec. 8. NRS 610.110 is hereby amended to read as follows:

610.110 1. The ~~{Labor Commissioner or the duly appointed representative of the Labor Commissioner}~~ *Governor* shall ~~{be ex officio}~~ *appoint a* State *Apprenticeship* Director . ~~{of Apprenticeship.}~~

2. *The State Apprenticeship Director:*

(a) *Shall report to the Executive Director.*

(b) *Is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.*

(c) *Must have responsible administrative experience in public or business administration or must possess broad management skills in areas related to the functions of this chapter.*

(d) *Must have the demonstrated ability to administer a major public agency in the field of workforce development, and must possess the following skills and attributes:*

(1) *A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to subject matters under his or her administrative direction.*

(2) *The administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields.*

(3) *An ability to organize and present oral and written communication to the Governor, the Legislature and other pertinent officials or persons.*

(4) *A background which demonstrates that he or she can impartially serve the interests of both employees and employers.*

(e) *Must not, at the time of appointment or at any time during his or her term of office, be an officer of any labor organization.*



Sec. 9. NRS 610.120 is hereby amended to read as follows:

610.120 1. The State *Apprenticeship* Director ~~of~~  
~~Apprenticeship~~ shall:

(a) Administer the provisions of this chapter with the advice and guidance of the ~~{State Apprenticeship Council.}~~ *Executive Director or his or her designee.*

(b) In cooperation with the ~~{State Apprenticeship}~~ *Executive Director or his or her designee, the* 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 *and transmit to the Council* 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 by the ~~{State Apprenticeship}~~ Council.

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

(e) Issue certificates of completion of apprenticeship at the request of the local joint apprenticeship committee.

(f) *Promote apprenticeship programs through public engagement activities and other initiatives.*

(g) *Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical assistance and requirements for applicants of new apprenticeship programs.*

(h) *Establish and maintain an Internet website that provides information regarding apprenticeship programs to the public.*

(i) *Assist the Council in identifying opportunities for linkages and coordination with the State's economic development strategies and workforce investment system that is paid for wholly or in part with public money, in accordance with 29 C.F.R. § 29.13.*

(j) *Coordinate community-based outreach initiatives designed to promote apprenticeship opportunities among students, displaced workers and other persons who face barriers to entering the workforce.*

(k) *Prepare budgets and compile annual reports to the Legislature, Executive Director and Governor.*

(l) *Perform other administrative duties on behalf of the Council.*

(m) 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



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

3 *3. As used in this section, "technical assistance" means*  
4 *guidance provided by the Office of Workforce Innovation to the*  
5 *sponsor of a proposed or existing apprenticeship program for the*  
6 *development, revision, amendment or processing of standards of*  
7 *apprenticeship or apprenticeship agreements and the provision of*  
8 *advice to or consultation with such a sponsor to further*  
9 *compliance with the provisions of this chapter and any regulations*  
10 *adopted pursuant thereto.*

11 **Sec. 10.** NRS 610.140 is hereby amended to read as follows:

12 610.140 1. A local or state apprenticeship committee shall:

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

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

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

26 (d) Keep the ~~{State Apprenticeship}~~ Council informed of all  
27 actions.

28 2. The decisions of local or state joint apprenticeship  
29 committees are, at all times, subject to appeal to the ~~{State~~  
30 ~~Apprenticeship}~~ Council.

31 **Sec. 11.** NRS 610.144 is hereby amended to read as follows:

32 610.144 To be eligible for registration and approval by the  
33 State Apprenticeship ~~{Council}~~ *Director*, a proposed program must:

34 1. Be an organized, written plan embodying the terms and  
35 conditions of employment, training and supervision of one or more  
36 apprentices in an occupation in which a person may be apprenticed  
37 and be subscribed to by a sponsor who has undertaken to carry out  
38 the program.

39 2. Contain the pledge of equal opportunity prescribed in 29  
40 C.F.R. § ~~{30.3(b)}~~ *30.3(c)* and, when applicable:

41 (a) A plan of affirmative action in accordance with 29 C.F.R. §  
42 30.4;

43 (b) A method of selection authorized in 29 C.F.R. § ~~{30.5}~~;  
44 *30.10*;

45 (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 term of apprenticeship of not less than 2,000 hours of work experience, consistent with training requirements as established by practice in the trade;

(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 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;~~ *Director;*

(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 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;

(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 the apprentice and the local joint apprenticeship committee or sponsor of the program;

(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;

(p) An identification of the ~~{State Apprenticeship Council}~~ *Office of Workforce Innovation* 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 Apprenticeship Director* of persons who have successfully completed the program and of all cancellations, suspensions and terminations of agreements and the causes therefor;

(s) Provisions for the termination of an agreement during the probationary period by either party without cause;

(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 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 Apprenticeship}~~ Council and applicable laws.

**Sec. 12.** NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties 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 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 the number of hours to be spent by the apprentice in work and the number of hours to be spent 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 Apprenticeship ~~Council~~ *Director*; 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 Apprenticeship ~~Council~~ *Director* 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.

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 or approved by the State Apprenticeship ~~Council~~ *Director* not inconsistent with the provisions of this chapter.

**Sec. 13.** 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 agreement made under this chapter. The ~~State Apprenticeship~~ Council may hold necessary hearings, inquiries and other proceedings. The parties to each agreement and the sponsors and interested participants in the



1 program shall be given a fair and impartial hearing, after reasonable  
2 notice. A copy of the determination or decision of each hearing must  
3 be filed with the ~~{Labor Commissioner,}~~ *State Apprenticeship*  
4 *Director*, and if no appeal therefrom is filed with the ~~{Labor~~  
5 ~~Commissioner,}~~ *State Apprenticeship Director* within 10 days after  
6 the date thereof the determination or decision of the ~~{State~~  
7 ~~Apprenticeship}~~ Council becomes the order of the ~~{Labor~~  
8 ~~Commissioner,}~~ *State Apprenticeship Director*.

9 2. Any person aggrieved by any determination or action of the  
10 ~~{State Apprenticeship}~~ Council may appeal to the ~~{Labor~~  
11 ~~Commissioner,}~~ *State Apprenticeship Director*, whose decision,  
12 when supported by evidence, is conclusive if notice of appeal  
13 therefrom to the courts is not filed within 30 days after the date of  
14 the decision of the ~~{Labor Commissioner,}~~ *State Apprenticeship*  
15 *Director*.

16 3. A person shall not institute any action based upon:

17 (a) An agreement;

18 (b) Proposed or approved standards for apprenticeship; or

19 (c) A program governed by this chapter,

20 ➔ unless the person first exhausts all administrative remedies  
21 provided by this chapter.

22 **Sec. 14.** NRS 612.265 is hereby amended to read as follows:

23 612.265 1. Except as otherwise provided in this section and  
24 NRS 239.0115 and 612.642, information obtained from any  
25 employing unit or person pursuant to the administration of this  
26 chapter and any determination as to the benefit rights of any person  
27 is confidential and may not be disclosed or be open to public  
28 inspection in any manner which would reveal the person's or  
29 employing unit's identity.

30 2. Any claimant or a legal representative of a claimant is  
31 entitled to information from the records of the Division, to the  
32 extent necessary for the proper presentation of the claimant's claim  
33 in any proceeding pursuant to this chapter. A claimant or an  
34 employing unit is not entitled to information from the records of the  
35 Division for any other purpose.

36 3. The Administrator may, in accordance with a cooperative  
37 agreement among all participants in the statewide longitudinal data  
38 system ~~{developed}~~ *administered* pursuant to ~~{NRS 400.040,}~~  
39 *section 20 of this act*, make the information obtained by the  
40 Division available to:

41 (a) The Board of Regents of the University of Nevada for the  
42 purpose of complying with the provisions of subsection 4 of NRS  
43 396.531; and



(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation;

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS; and

(f) The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.

➔ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

5. Upon written request made by the State Controller or a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request may be made electronically and must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the State Controller or local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation assigned to the State Controller for collection or owed to the local government, as applicable. Except as otherwise provided in NRS 239.0115, the information obtained by the State Controller or local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation assigned to the State Controller for collection or owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.



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1       6. The Administrator may publish or otherwise provide  
2 information on the names of employers, their addresses, their type  
3 or class of business or industry, and the approximate number of  
4 employees employed by each such employer, if the information  
5 released will assist unemployed persons to obtain employment or  
6 will be generally useful in developing and diversifying the economic  
7 interests of this State. Upon request by a state agency which is able  
8 to demonstrate that its intended use of the information will benefit  
9 the residents of this State, the Administrator may, in addition to the  
10 information listed in this subsection, disclose the number of  
11 employees employed by each employer and the total wages paid by  
12 each employer. The Administrator may charge a fee to cover the  
13 actual costs of any administrative expenses relating to the disclosure  
14 of this information to a state agency. The Administrator may require  
15 the state agency to certify in writing that the agency will take all  
16 actions necessary to maintain the confidentiality of the information  
17 and prevent its unauthorized disclosure.

18       7. Upon request therefor, the Administrator shall furnish to any  
19 agency of the United States charged with the administration of  
20 public works or assistance through public employment, and may  
21 furnish to any state agency similarly charged, the name, address,  
22 ordinary occupation and employment status of each recipient of  
23 benefits and the recipient's rights to further benefits pursuant to this  
24 chapter.

25       8. To further a current criminal investigation, the chief  
26 executive officer of any law enforcement agency of this State may  
27 submit a written request to the Administrator that the Administrator  
28 furnish, from the records of the Division, the name, address and  
29 place of employment of any person listed in the records of  
30 employment of the Division. The request must set forth the social  
31 security number of the person about whom the request is made and  
32 contain a statement signed by the chief executive officer certifying  
33 that the request is made to further a criminal investigation currently  
34 being conducted by the agency. Upon receipt of such a request, the  
35 Administrator shall furnish the information requested. The  
36 Administrator may charge a fee to cover the actual costs of any  
37 related administrative expenses.

38       9. In addition to the provisions of subsection 6, the  
39 Administrator shall provide lists containing the names and addresses  
40 of employers, and information regarding the wages paid by each  
41 employer to the Department of Taxation, upon request, for use in  
42 verifying returns for the taxes imposed pursuant to chapters 363A,  
43 363B and 363C of NRS. The Administrator may charge a fee to  
44 cover the actual costs of any related administrative expenses.



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10. The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator, from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency.

11. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

12. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

13. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

**Sec. 15.** NRS 612.607 is hereby amended to read as follows:

612.607 1. All payments collected pursuant to NRS 612.606 must be deposited in the Unemployment Compensation Administration Fund. At the end of each fiscal year, the State Controller shall transfer to the Clearing Account in the Unemployment Compensation Fund the amount by which the unencumbered balance of the money deposited in the Unemployment Compensation Administration Fund pursuant to this





1 subsection exceeds the amount of that money which the Legislature  
2 has authorized for expenditure during the first 90 days of the  
3 succeeding fiscal year.

4 2. Except for money transferred from the Unemployment  
5 Compensation Administration Fund pursuant to subsection 1, the  
6 Administrator may only expend the money collected for the  
7 employment and training of unemployed persons and persons  
8 employed in this State to:

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

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

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

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

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

31 4. As used in this section:

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

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

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

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

38 **Sec. 16.** NRS 616A.215 is hereby amended to read as follows:

39 616A.215 1. Except as otherwise provided in subsection 3,  
40 any person who is an apprentice or trainee shall be deemed for the  
41 purposes of chapters 616A to 616D, inclusive, of NRS to be an  
42 employee of an apprenticeship committee registered with the State  
43 Apprenticeship ~~Council~~ *Director* at a wage of \$150 per month  
44 while the person is:

45 (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. 17.** Chapter 223 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 21, inclusive, of this act.

**Sec. 18. 1. The Office of Workforce Innovation is hereby created in the Office of the Governor.**

**2. The Office of Workforce Innovation consists of an Executive Director and the State Apprenticeship Council created pursuant to NRS 610.030.**

**Sec. 19. 1. The Governor shall appoint the Executive Director of the Office of Workforce Innovation.**



2. *The Executive Director is not in the classified or unclassified service of the State and serves at the pleasure of the Governor.*

**Sec. 20.** *The Executive Director of the Office of Workforce Innovation shall:*

1. *Provide support to the Office of the Governor, the Governor's Workforce Development Board created by NRS 232.935 and the industry sector councils established by the Governor's Workforce Development Board on matters relating to workforce development.*

2. *Work in coordination with the Office of Economic Development to establish criteria and goals for workforce development and diversification in this State.*

3. *Collect and systematize and present in biennial reports to the Governor and the Legislature such statistical details relating to workforce development in the State as the Executive Director of the Office may deem essential to further the objectives of the Office of Workforce Innovation.*

4. *At the direction of the Governor:*

(a) *Identify, recommend and implement policies related to workforce development.*

(b) *Define career pathways and identify priority career pathways for secondary and postsecondary education.*

(c) *Discontinue career pathways offered by the State which fail to meet minimum standards of quality, rigor and cross-education alignment, or that do not demonstrate a connection to priority industry needs.*

(d) *In consultation with the Governor's Workforce Development Board, identify industry-recognized credentials, workforce development programs and education.*

(e) *Maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.*

(f) *Collect accurate educational data in the statewide longitudinal data system for the purpose of analyzing student performance through employment to assist in improving the educational system and workforce training program in this State.*

(g) *Apply for and administer grants, including, without limitation, those that may be available from funding reserved for statewide workforce investment activities.*

(h) *Review the status and structure of local workforce investment areas in the State, in coordination with the Governor and the Governor's Workforce Development Board.*



(i) Report periodically to the Governor's Workforce Development Board concerning the administration of the policies and programs of the Office of Workforce Innovation.

(j) On or before March 31 of each year, submit to the Governor a complete report of the activities, discussions, findings and recommendations of the Office of Workforce Innovation.

(k) Oversee the State Apprenticeship Council and the State Apprenticeship Director pursuant to NRS 610.110 to 610.185, inclusive, and perform such other functions as may be necessary for the fulfillment of the intent and purposes of chapter 610 of NRS.

(l) Suggest improvements regarding the allocation of federal and state money to align workforce training and related education programs in the State, including, but not limited to, career and technical education.

**Sec. 21.** The following public agencies shall submit educational and workforce data for inclusion in the statewide longitudinal data system maintained pursuant to paragraph (e) of subsection 4 of section 20 of this act:

1. The Department of Employment, Training and Rehabilitation.

2. The Department of Education.

3. The Nevada System of Higher Education.

4. The Department of Motor Vehicles.

5. Any other public agency which is directed by the Governor to submit such data.

**Sec. 22.** 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 Apprenticeship ~~Council~~ Director 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. 23.** NRS 400.040 is hereby amended to read as follows:  
400.040 1. The Council shall address:

(a) Methods to increase the number of students who enroll in programs at the System to become teachers, including, without limitation, financial aid programs for students enrolled in those programs.

(b) Methods to ensure the successful transition of children from early childhood education programs to elementary school, including, without limitation, methods to increase parental involvement.

(c) Methods to ensure the successful transition of pupils from:

(1) Elementary school to middle school;

(2) Middle school to high school; and

(3) High school to postsecondary education or the workforce, or both,

➔ including, without limitation, methods to increase parental involvement.

(d) Methods to ensure that the course work, standards and assessments required of pupils in secondary schools is aligned with the workload expected of students at the postsecondary level.

(e) Methods to ensure collaboration among the business community, members of the academic community and political leaders to set forth a process for developing strategies for the growth and diversification of the economy of this State.

(f) Policies relating to workforce development, employment needs of private employers and workforce shortages in occupations critical to the education, health and safety of the residents of this State.

~~(g) [The development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State.~~

~~—(h) A plan for collaborative research using data from the statewide longitudinal data system developed pursuant to paragraph (g), including, without limitation, research that assesses:~~

~~—(1) The efficiency and effectiveness of the use of state resources to improve the readiness of pupils in this State for postsecondary education and the workforce;~~

~~—(2) The effectiveness of the preparation of teachers and administrators in this State; and~~

~~—(3) The return on investment of educational and workforce development programs paid for by this State.~~

~~—(i)] Other matters within the scope of the Council as determined necessary or appropriate by the Council.~~

2. The Council may:



(a) Establish committees to assist the Council in carrying out its duties.

(b) Apply for any available grants and may accept any gifts, grants and donations from any source to assist the Council in carrying out its duties.

**Sec. 24.** 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. If, pursuant to subsection 2, an applicant or licensee intends to qualify by the appearance of another person, the Board may inquire into and consider any previous business experience of, and



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1 any prior and pending lawsuits, liens and judgments against, the  
2 other person.

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

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

7 (b) One licensee owns at least 25 percent of the other licensee;  
8 or

9 (c) One licensee is a corporation for public benefit as defined in  
10 NRS 82.021.

11 6. Except as otherwise provided in subsection 7, in addition to  
12 the other requirements set forth in this section, each applicant for  
13 licensure as a contractor must have had, within the 10 years  
14 immediately preceding the filing of the application for licensure, at  
15 least 4 years of experience as a journeyman, foreman, supervising  
16 employee or contractor in the specific classification in which the  
17 applicant is applying for licensure. Training received in a program  
18 offered at an accredited college or university or an equivalent  
19 program accepted by the Board may be used to satisfy not more than  
20 3 years of experience required pursuant to this subsection.

21 7. If the applicant who is applying for licensure has previously  
22 qualified for a contractor's license in the same classification in  
23 which the applicant is applying for licensure, the experience  
24 required pursuant to subsection 6 need not be accrued within the 10  
25 years immediately preceding the application.

26 8. As used in this section, "journeyman" means a person who:

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

29 (b) Has successfully completed:

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

33 (2) An equivalent program accepted by the Board.

34 **Sec. 25.** NRS 701B.921 is hereby amended to read as follows:

35 701B.921 1. The Department of Employment, Training and  
36 Rehabilitation and the Housing Division of the Department of  
37 Business and Industry shall establish contractual relationships with  
38 one or more nonprofit collaboratives to carry out the State's mission  
39 of creating new jobs in the fields of energy efficiency and renewable  
40 energy by combining job training with weatherization, energy  
41 retrofit applications or the development of renewable energy plants.

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

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





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

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

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

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

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

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

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

(1) The implementation of energy efficiency measures.

(2) The use of renewable energy.

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

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

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

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

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

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

(a) The services set forth in NRS 702.270.

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

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

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

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



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

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

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

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

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

(2) Provisions requiring that each outside contractor:

(I) Employ on each such project a number of persons trained as described in paragraph (b) of subsection 3 that is equal to or greater than 50 percent of the total workforce the contractor 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 Apprenticeship ~~Council~~ *Director* 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



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(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. 26.** 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, 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



1 plan approved by the Public Utilities Commission of Nevada  
2 pursuant to NRS 704.741.

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

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

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

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

16 (d) The estimated cost of the project.

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

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

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

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

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

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

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

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

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

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

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



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- 1 (d) The estimated cost of the project.
- 2 (e) Whether the project is able to be powered by or to otherwise
- 3 use sources of renewable energy.
- 4 (f) Whether the project has qualified for participation in one or
- 5 more of the following programs:
- 6 (1) The Solar Energy Systems Incentive Program created by
- 7 NRS 701B.240;
- 8 (2) The Renewable Energy School Pilot Program created by
- 9 NRS 701B.350;
- 10 (3) The Wind Energy Systems Demonstration Program
- 11 created by NRS 701B.580;
- 12 (4) The Waterpower Energy Systems Demonstration
- 13 Program created by NRS 701B.820; or
- 14 (5) An energy efficiency or energy conservation program
- 15 offered by a public utility, as defined in NRS 704.020, pursuant to a
- 16 plan approved by the Public Utilities Commission of Nevada
- 17 pursuant to NRS 704.741.
- 18 4. As soon as practicable after an entity described in
- 19 subsections 1, 2 and 3 selects a project, the entity shall proceed to
- 20 enter into a contract with one or more contractors to perform the
- 21 work on the project. The request for proposals and all contracts for
- 22 each project must include, without limitation:
- 23 (a) Provisions stipulating that all employees of the contractors
- 24 and subcontractors who work on the project must be paid prevailing
- 25 wages pursuant to the requirements of chapter 338 of NRS;
- 26 (b) Provisions requiring that each contractor and subcontractor
- 27 employed on each such project:
- 28 (1) Employ a number of persons trained as described in
- 29 paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or
- 30 greater than 50 percent of the total workforce the contractor or
- 31 subcontractor employs on the project; or
- 32 (2) If the Director of the Department determines in writing,
- 33 pursuant to a request submitted by the contractor or subcontractor,
- 34 that the contractor or subcontractor cannot reasonably comply with
- 35 the provisions of subparagraph (1) because there are not available a
- 36 sufficient number of such trained persons, employ a number of
- 37 persons trained as described in paragraph (b) of subsection 3 of NRS
- 38 701B.921 or trained through any apprenticeship program that is
- 39 registered and approved by the State Apprenticeship ~~Council~~
- 40 **Director** pursuant to chapter 610 of NRS that is equal to or greater
- 41 than 50 percent of the total workforce the contractor or
- 42 subcontractor employs on the project;
- 43 (c) A component pursuant to which persons trained as described
- 44 in paragraph (b) of subsection 3 of NRS 701B.921 must be



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1 classified and paid prevailing wages depending upon the  
2 classification of the skill in which they are trained; and

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

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

13 **Sec. 27.** 1. The terms of the members of the State  
14 Apprenticeship Council created by NRS 610.030 who are incumbent  
15 on June 30, 2017, expire on that date.

16 2. On or before July 1, 2017, the Governor shall appoint the  
17 voting members of the State Apprenticeship Council created by  
18 NRS 610.030, as amended by section 3 of this act, to terms  
19 commencing on July 1, 2017, as follows:

20 (a) Three members to terms that expire on July 1, 2018;

21 (b) Three members to terms that expire on July 1, 2019; and

22 (c) Three members to terms that expire on July 1, 2020.

23 3. On or before July 1, 2017, the Chancellor of the Nevada  
24 System of Higher Education shall appoint the nonvoting members  
25 of the State Apprenticeship Council created by NRS 610.030, as  
26 amended by section 3 of this act, described in paragraphs (c) and (d)  
27 of subsection 2 of NRS 610.030, as amended by section 3 of this  
28 act.

29 **Sec. 28.** 1. Any administrative regulations adopted by an  
30 officer, agency or other entity whose name has been changed or  
31 whose responsibilities have been transferred pursuant to the  
32 provisions of this act to another officer, agency or other entity  
33 remain in force until amended by the officer, agency or other entity  
34 to which the responsibility for the adoption of the regulations has  
35 been transferred.

36 2. Any contracts or other agreements entered into by an officer,  
37 agency or other entity whose name has been changed or whose  
38 responsibilities have been transferred pursuant to the provisions of  
39 this act to another officer, agency or other entity are binding upon  
40 the officer, agency or other entity to which the responsibility for the  
41 administration of the provisions of the contract or other agreement  
42 have been transferred. Such contracts and other agreements may be  
43 enforced by the officer, agency or other entity to which the  
44 responsibility for the enforcement of the provisions of the contract  
45 or other agreement has been transferred.



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3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

**Sec. 29.** The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

**Sec. 30.** The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

**Sec. 31.** NRS 610.060, 610.080 and 610.095 are hereby repealed.

**Sec. 32.** This act becomes effective on July 1, 2017.

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## TEXT OF REPEALED SECTIONS

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### **610.060 Officers.**

1. The member who is a representative of the general public shall act as Chair of the State Apprenticeship Council but shall not vote on matters before the Council except in the case of a tie.

2. The Labor Commissioner or the appointed representative of the Labor Commissioner is the ex officio Secretary of the State Apprenticeship Council, but may not vote.

### **610.080 Compensation of members and employees.**

1. Each member of the State Apprenticeship Council is entitled to receive a salary of not more than \$80 per day, as fixed by the Council, while attending meetings of the Council.

2. While engaged in the business of the Council, each member and employee of the Council is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

**610.095 Additional duties.** The State 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,



\* S B 5 1 6 \*



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.

