

ASSEMBLY BILL NO. 204—ASSEMBLYMEN  
KASAMA, O’NEILL AND HARDY

MARCH 8, 2021

JOINT SPONSOR: SENATOR HAMMOND

Referred to Committee on Revenue

SUMMARY—Makes changes to provisions governing economic development. (BDR 18-638)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 economic development; moving the Office of Workforce Innovation into the Office of Economic Development within the Office of the Governor; renaming the Office and revising provisions relating to its administration; authorizing certain businesses to apply to the Office of Economic Development for an allocation, grant or loan of money to defray the costs of an internal program of workforce development; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law: (1) creates the Office of Workforce Innovation in the Office of the Governor and provides that the Office of Workforce Innovation has responsibility for apprenticeship within the State; (2) requires the Governor to appoint an Executive Director of the Office of Workforce Innovation who serves at the pleasure of the Governor; (3) prescribes the duties of the Executive Director; and (4) requires certain public agencies to submit educational and workforce data for inclusion in the statewide longitudinal data system maintained by the Executive Director. (NRS 223.800-223.830) **Sections 3, 4 and 9** of this bill: (1) move the Office of Workforce Innovation into the Office of Economic Development within the Office of the Governor; (2) rename the Office of Workforce Innovation as the Division of Workforce Innovation; and (3) provide that the Division is led by an Administrator appointed by the Executive Director of the Office of Economic



Development who serves at the pleasure of the Executive Director. **Sections 2, 5, 6 and 28** of this bill reorganize existing provisions relating to the Office of Workforce Innovation into existing provisions relating to the Office of Economic Development and **sections 10 and 12-21** of this bill make conforming changes related to the reorganization of existing provisions. **Section 25** of this bill provides that in July 1, 2021, the person serving as the Executive Director of the Office of Workforce Innovation on that date becomes the Administrator of the Division of Workforce Innovation and serves at the pleasure of the Executive Director of the Office of Economic Development.

Existing law authorizes certain persons or businesses who wish to provide a program of workforce development in this State to apply to the Office of Economic Development for approval of the program and an allocation, loan or grant of money to defray the cost of the program. A program of workforce development must be provided only by an authorized provider. An "authorized provider" is defined to mean any institution within the Nevada System of Higher Education, a state or local agency, a school district, a charter school, a nonprofit organization, a labor organization or a private postsecondary educational institution that provides a program of workforce development approved by the Office. (NRS 231.1415, 231.1467, 231.147) **Section 7** of this bill authorizes a person who operates a business in this State to apply to the Office of Economic Development for: (1) approval of a program of workforce training provided directly by the business to the employees of the business without the use of an authorized provider; and (2) an allocation, loan or grant of money to defray the cost of the program. **Section 11** of this bill makes conforming changes to the existing definition of "program of workforce development" to reflect this new type of program.

**Section 22** of this bill makes an appropriation to the Workforce Innovations for a new Nevada Account to assist the State in competing for high-wage jobs, and **section 23** of this bill provides that the money appropriated pursuant to **section 22** that is unencumbered or unexpended at the end of a fiscal year does not revert to the State General Fund, must be carried forward to the next fiscal year and is authorized for use in the next fiscal year for the purpose specified in **section 22**.

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

**Section 1.** NRS 223.085 is hereby amended to read as follows:  
223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology, the Office of the Western Regional Education Compact ~~[, the Office of Workforce Innovation]~~ and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. Except as otherwise provided by specific statute, the Governor shall:



(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; or

(b) Designate the Administrator as the Chief Information Officer of the State.

➤ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

**Sec. 2.** Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

**Sec. 3. 1. *The Division of Workforce Innovation is hereby created in the Office of Economic Development.***

**2. *The Division of Workforce Innovation has responsibility and accountability for apprenticeship within this State.***

**Sec. 4. 1. *The Executive Director of the Office of Economic Development shall appoint the Administrator of the Division of Workforce Innovation.***

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

**Sec. 5. *The Administrator of the Division of Workforce Innovation shall:***

**1. *Provide support to the Office of the Governor, the Office of Economic Development, 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. *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 Administrator of the Division of Workforce Innovation may deem essential to further the objectives of the Division.***

**4. *At the direction of the Executive Director of the Office of Economic Development:***



(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 Executive Director of the Office of Economic Development 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 Division 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 Division 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.

(m) On or before January 1 of each year, collect and analyze data as needed to create a written report for the purposes of this paragraph, and submit the report to the Director of the Legislative Counsel Bureau. The report must include, without limitation:



(1) Statistical data based on an analysis of the number of persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body in relation to the total population of this State or any geographic area within this State;

(2) The demand within this State or any geographic area within this State for the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body; and

(3) Any other factors relating to the types of services provided by persons within this State who are engaged in an occupation or profession that is regulated by a regulatory body that adversely affect public health or safety.

➔ As used in this paragraph, “regulatory body” has the meaning ascribed to it in NRS 622.060.

(n) On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report that includes, without limitation, the most current data and reports produced by the statewide longitudinal data system.

**Sec. 6.** 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 5 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. 7.** 1. A person who operates a business in this State and who wishes to directly provide a program of workforce training to the employees of the business without the use of an authorized provider may apply to the Office of Economic Development for approval of the program of workforce training and an allocation, grant or loan of money to defray in whole or in part the cost of the program. The application must be submitted on a form prescribed by the Office.

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) A statement of the objectives of the proposed program of workforce training;

(c) The estimated cost for each person enrolled in the program of workforce training;



(d) *The estimated cost of the proposed program of workforce training; and*

(e) *A statement signed by the applicant certifying that, if the program of workforce training set forth in the application is approved and money is granted by the Office of Economic Development to the applicant, each employee who completes the program of workforce training:*

(1) *Will be employed in a full-time and permanent position in the business; and*

(2) *While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:*

(I) *This State; or*

(II) *The county in which the business is located, as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.*

3. *Upon request, the Office of Economic Development may assist an applicant in completing an application pursuant to the provisions of this section.*

4. *Except as otherwise provided in subsection 5, the Office of Economic Development shall approve or deny each application within 45 days after receipt of the application. When considering an application, the Office shall give priority to a business that:*

(a) *Provides high-skill and high-wage jobs to residents of this State;*

(b) *To the greatest extent practicable, uses materials for the business that are produced or bought in this State;*

(c) *Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and*

(d) *Is consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to 29 U.S.C. § 3112.*

5. *Before approving an application, the Office of Economic Development may require the applicant to provide an amount of matching money for the program of workforce training.*

6. *If the Office of Economic Development approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.*

7. *If the Office of Economic Development denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.*



1     **Sec. 8.** NRS 231.020 is hereby amended to read as follows:  
2     231.020 As used in NRS 231.020 to 231.139, inclusive, *and*  
3     *sections 3 to 6, inclusive, of this act*, unless the context otherwise  
4     requires, "motion pictures" includes feature films, movies made for  
5     broadcast or other electronic transmission, and programs made for  
6     broadcast or other electronic transmission in episodes.

7     **Sec. 9.** NRS 231.043 is hereby amended to read as follows:  
8     231.043 1. There is hereby created within the Office of the  
9     Governor the Office of Economic Development, consisting of:

10    (a) A Division of Economic Development; ~~and~~

11    (b) A Division of Motion Pictures ~~;~~ *and*

12    *(c) A Division of Workforce Innovation.*

13    2. The Governor shall propose a budget for the Office.

14    3. Employees of the Office are not in the classified or  
15    unclassified service of this State and serve at the pleasure of the  
16    Executive Director.

17    **Sec. 10.** NRS 231.141 is hereby amended to read as follows:

18    231.141 As used in NRS 231.141 to 231.152, inclusive, *and*  
19    *section 7 of this act*, unless the context otherwise requires, the  
20    words and terms defined in NRS 231.1415 and 231.146 have the  
21    meanings ascribed to them in those sections.

22    **Sec. 11.** NRS 231.146 is hereby amended to read as follows:

23    231.146 "Program of workforce development" includes:

24    1. A program of workforce training provided pursuant to  
25    NRS 231.147.

26    2. A program of workforce recruitment, assessment and  
27    training provided pursuant to NRS 231.1467.

28    *3. A program of workforce training provided pursuant to*  
29    *section 7 of this act.*

30    **Sec. 12.** NRS 400.027 is hereby amended to read as follows:

31    400.027 1. The P-20W Research Data System Advisory  
32    Committee is hereby created to assist in the coordination and  
33    management of the statewide longitudinal data system administered  
34    by the ~~Office~~ *Division* of Workforce Innovation *in the Office of*  
35    *Economic Development* pursuant to ~~NRS 223.820.~~ *section 5 of*  
36    *this act.* The Chancellor of the System, the Superintendent of Public  
37    Instruction and the Director of the Department of Employment,  
38    Training and Rehabilitation or their designees serve as ex officio  
39    members of the Committee.

40    2. The Committee may, by a vote of the majority of the  
41    Committee, nominate additional members for consideration by the  
42    Governor to be appointed to the Committee. The Governor may  
43    appoint a nominee to the Committee if the Governor determines that  
44    the addition of the nominee to the Committee is necessary or  
45    desirable.



3. Each appointed member of the Committee serves a term of 3 years and may be reappointed.

4. The Governor shall call the first meeting of the Committee. At its first meeting and annually thereafter, the members of the Committee shall elect a Chair and a Vice Chair from among the members of the Committee.

5. The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair.

6. The ~~{Office}~~ *Division* of Workforce Innovation *in the Office of Economic Development* shall provide any administrative support necessary for the Committee to carry out its duties.

**Sec. 13.** NRS 400.037 is hereby amended to read as follows:

400.037 1. The Committee shall:

(a) Support and advise the ~~{Executive Director}~~ *Administrator* of the ~~{Office}~~ *Division* of Workforce Innovation *in the Office of Economic Development* regarding the maintenance and oversight of the statewide longitudinal data system;

(b) Develop a plan for collaborative research using data from the statewide longitudinal data system; and

(c) Advise and assist the System, the Department of Education, the ~~{Office}~~ *Division* of Workforce Innovation *in the Office of Economic Development* and the Department of Employment, Training and Rehabilitation in:

(1) Applying for and obtaining grants of money for the operation of the statewide longitudinal data system or to carry out the work of the Committee;

(2) Budgeting for the operation of the statewide longitudinal data system or to carry out the work of the Committee;

(3) Proposing legislation relating to the statewide longitudinal data system or to carry out the work of the Committee; and

(4) Matters relating to any contract for any services necessary for the operation or utilization of the statewide longitudinal data system or to carry out the work of the Committee.

2. As used in this section, “statewide longitudinal data system” means the system administered by the ~~{Office}~~ *Division* of Workforce Innovation *in the Office of Economic Development* pursuant to ~~[NRS 223.820.]~~ *section 5 of this act.*

**Sec. 14.** NRS 400.045 is hereby amended to read as follows:

400.045 On or before June 30 of each even-numbered year, the Committee shall:

1. Prepare and post a written report of its activities and any recommendations on the Internet website maintained by the ~~{Office}~~ *Division* of Workforce Innovation ~~{}~~ *in the Office of Economic Development*; and



2. Submit a copy of the written report prepared pursuant to subsection 1 to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) Governor.

**Sec. 15.** NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. ***“Administrator” means the Administrator of the Division of Workforce Innovation.***

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

~~2. 3. “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. 4. “Council” means the State Apprenticeship Council created by NRS 610.030.~~

~~4. 5. “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.

~~5. “Executive Director” means the Executive Director of the Office of Workforce Innovation.~~

6. ***“Division of Workforce Innovation” means the Division of Workforce Innovation created by section 3 of this act in the Office of Economic Development.***

7. “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.

~~7. “Office of Workforce Innovation” means the Office of Workforce Innovation in the Office of the Governor created by NRS 223.800.~~

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

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

610.030 There is hereby created the State Apprenticeship Council composed of:



1        1. The following voting members, appointed by the Governor  
2 upon recommendation of the ~~{Executive Director}~~ *Administrator* of  
3 the ~~{Office}~~ *Division* of Workforce Innovation:

4        (a) Two members who represent management and have, or have had,  
5 had, a defined role in a jointly administered apprenticeship program,  
6 one of whom must be from northern Nevada and one of whom must  
7 be from southern Nevada.

8        (b) Two members who represent labor and have, or have had, a  
9 defined role in a jointly administered apprenticeship program, one  
10 of whom must be from northern Nevada and one of whom must be  
11 from southern Nevada.

12        (c) Two members, one who represents management and one  
13 who represents labor, who have, or have had, a defined role or job in  
14 a statewide, jointly administered apprenticeship program.

15        (d) One member who is a representative of the general public.

16        2. The following nonvoting members:

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

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

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

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

27        **Sec. 17.** NRS 610.070 is hereby amended to read as follows:

28        610.070 1. The ~~{Executive Director}~~ *Administrator* of the  
29 ~~{Office}~~ *Division* of Workforce Innovation shall select from the  
30 membership of the Council a Chair and Vice Chair, who shall hold  
31 office for 2 years. Notwithstanding the provisions of NRS 610.030,  
32 the Chair, or the Vice Chair in the absence of the Chair, is not  
33 entitled to a vote except to break a tie.

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

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

38        4. The Council shall meet at least once in each calendar quarter  
39 at a time and place specified by the call of the Chair, the State  
40 Apprenticeship Director, the ~~{Executive Director}~~ *Administrator* or  
41 a majority of the members of the Council. Special meetings of the  
42 Council may be held at the call of the Chair, the State  
43 Apprenticeship Director, the ~~{Executive Director}~~ *Administrator* or  
44 a majority of the members of the Council at such additional times as  
45 they deem necessary.



5. The Chair, or the Vice Chair in the absence of the Chair, and four voting members of the Council constitutes a quorum, and a quorum may exercise any power or authority conferred on the Council.

**Sec. 18.** NRS 610.110 is hereby amended to read as follows:

610.110 1. The Governor shall appoint a State Apprenticeship Director.

2. The State Apprenticeship Director:

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

(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, receive payment or compensation as the officer of any labor organization or have a pecuniary interest in any labor organization.

**Sec. 19.** NRS 610.120 is hereby amended to read as follows:

610.120 1. The State Apprenticeship Director shall:

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

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

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

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

(e) Ensure information and resources related to applications for new apprenticeship programs are made available to the public, including, without limitation, information related to technical



1 assistance and requirements for applicants of new apprenticeship  
2 programs.

3 (f) Establish and maintain an Internet website that provides  
4 information regarding apprenticeship programs to the public.

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

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

13 (i) Prepare budgets and compile annual reports to the  
14 Legislature, ~~Executive Director~~ Administrator and Governor.

15 (j) Perform other administrative duties on behalf of the Council.

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

18 2. The administration and supervision of related and  
19 supplemental instruction for apprentices, coordination of instruction  
20 with job experiences, and the selection and training of teachers and  
21 coordinators for that instruction are the responsibility of the local  
22 joint apprenticeship committees.

23 3. As used in this section, "technical assistance" means  
24 guidance provided by the ~~Office~~ Division of Workforce  
25 Innovation to the sponsor of a proposed or existing apprenticeship  
26 program for the development, revision, amendment or processing of  
27 standards of apprenticeship or apprenticeship agreements and the  
28 provision of advice to or consultation with such a sponsor to further  
29 compliance with the provisions of this chapter and any regulations  
30 adopted pursuant thereto.

31 **Sec. 20.** NRS 610.144 is hereby amended to read as follows:

32 610.144 To be eligible for registration and approval by the  
33 Council, 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(c) and, when applicable:

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

43 (b) A method of selection authorized in 29 C.F.R. § 30.10;

44 (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 Council;

(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 ~~Office~~ **Division** 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 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 Council and applicable laws.

**Sec. 21.** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115, 607.217 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an



1 employing unit is not entitled to information from the records of the  
2 Division for any other purpose.

3 3. The Administrator may, in accordance with a cooperative  
4 agreement among all participants in the statewide longitudinal data  
5 system developed pursuant to NRS 400.037 and administered  
6 pursuant to ~~NRS 223.820;~~ *section 5 of this act*, make the  
7 information obtained by the Division available to:

8 (a) The Board of Regents of the University of Nevada for the  
9 purpose of complying with the provisions of subsection 4 of NRS  
10 396.531; and

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

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

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

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

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

26 (d) The Department of Taxation;

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

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

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

39 5. Upon written request made by the State Controller or a  
40 public officer of a local government, the Administrator shall furnish  
41 from the records of the Division the name, address and place of  
42 employment of any person listed in the records of employment of  
43 the Division. The request may be made electronically and must set  
44 forth the social security number of the person about whom the  
45 request is made and contain a statement signed by the proper



1 authority of the State Controller or local government certifying that  
2 the request is made to allow the proper authority to enforce a law to  
3 recover a debt or obligation assigned to the State Controller for  
4 collection or owed to the local government, as applicable. Except as  
5 otherwise provided in NRS 239.0115, the information obtained by  
6 the State Controller or local government is confidential and may not  
7 be used or disclosed for any purpose other than the collection of a  
8 debt or obligation assigned to the State Controller for collection or  
9 owed to that local government. The Administrator may charge a  
10 reasonable fee for the cost of providing the requested information.

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

28 7. Upon request therefor, the Administrator shall furnish to any  
29 agency of the United States charged with the administration of  
30 public works or assistance through public employment, and may  
31 furnish to any state agency similarly charged, the name, address,  
32 ordinary occupation and employment status of each recipient of  
33 benefits and the recipient's rights to further benefits pursuant to this  
34 chapter.

35 8. To further a current criminal investigation, the chief  
36 executive officer of any law enforcement agency of this State may  
37 submit a written request to the Administrator that the Administrator  
38 furnish, from the records of the Division, the name, address and  
39 place of employment of any person listed in the records of  
40 employment of the Division. The request must set forth the social  
41 security number of the person about whom the request is made and  
42 contain a statement signed by the chief executive officer certifying  
43 that the request is made to further a criminal investigation currently  
44 being conducted by the agency. Upon receipt of such a request, the  
45 Administrator shall furnish the information requested. The



1 Administrator may charge a fee to cover the actual costs of any  
2 related administrative expenses.

3 9. In addition to the provisions of subsection 6, the  
4 Administrator shall provide lists containing the names and addresses  
5 of employers, and information regarding the wages paid by each  
6 employer to the Department of Taxation, upon request, for use in  
7 verifying returns for the taxes imposed pursuant to chapters 363A,  
8 363B and 363C of NRS. The Administrator may charge a fee to  
9 cover the actual costs of any related administrative expenses.

10 10. Upon the request of any district judge or jury commissioner  
11 of the judicial district in which the county is located, the  
12 Administrator shall, in accordance with other agreements entered  
13 into with other district courts and in compliance with 20 C.F.R. Part  
14 603, and any other applicable federal laws and regulations  
15 governing the Division, furnish the name, address and date of birth  
16 of persons who receive benefits in any county, for use in the  
17 selection of trial jurors pursuant to NRS 6.045. The court or jury  
18 commissioner who requests the list of such persons shall reimburse  
19 the Division for the reasonable cost of providing the requested  
20 information.

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

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

44 13. The Administrator, any employee or other person acting on  
45 behalf of the Administrator, or any employee or other person acting



on behalf of an agency or entity allowed to access information obtained from any employing unit or person in the administration of this chapter, or any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter, is guilty of a gross misdemeanor if he or she:

(a) Uses or permits the use of the list for any political purpose;

(b) Uses or permits the use of the list for any purpose other than one authorized by the Administrator or by law; or

(c) Fails to protect and prevent the unauthorized use or dissemination of information derived from the list.

14. 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. 22.** There is hereby appropriated from the State General Fund to the Workforce Innovations for a New Nevada Account created by NRS 231.151 the sum of \$2,000,000 for the costs of assisting the State in competing for high-wage jobs.

**Sec. 23.** Any remaining balance of the appropriation made by section 22 of this act that is unencumbered or unexpended at the end of a fiscal year does not revert to the State General Fund, must be carried forward to the next fiscal year and is hereby authorized for use in the next fiscal year for the purpose specified in section 22 of this act.

**Sec. 24.** 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. 25.** Notwithstanding any provision of this act, the person serving as the Executive Director of the Office of Workforce Innovation on July 1, 2021, becomes the Administrator of the Division of Workforce Innovation created by section 3 of this act on that date and serves at the pleasure of the Executive Director of the Office of Economic Development.

**Sec. 26.** 1. Any administrative regulations adopted 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 other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of



1 this act to another officer, agency or other entity are binding upon  
2 the officer, agency or other entity to which the responsibility for the  
3 administration of the provisions of the contract or other agreement  
4 have been transferred. Such contracts and other agreements may be  
5 enforced by the officer, agency or other entity to which the  
6 responsibility for the enforcement of the provisions of the contract  
7 or other agreement has been transferred.

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

14 **Sec. 27.** The Legislative Counsel shall:

15 1. In preparing the Nevada Revised Statutes, use the authority  
16 set forth in subsection 10 of NRS 220.120 to substitute  
17 appropriately the name of any agency or officer of the State whose  
18 name is changed by this act for the name which the agency or  
19 officer previously used; and

20 2. In preparing supplements to the Nevada Administrative  
21 Code, appropriately change any references to an officer, agency or  
22 other entity whose name is changed or whose responsibilities are  
23 transferred pursuant to the provisions of this act to refer to the  
24 appropriate officer, agency or other entity.

25 **Sec. 28.** NRS 223.800, 223.810, 223.820 and 223.830 are  
26 hereby repealed.

27 **Sec. 29.** This act becomes effective on July 1, 2021.

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## LEADLINES OF REPEALED SECTIONS

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**223.800** Creation; responsibility and accountability for apprenticeship.

**223.810** Executive Director: Appointment; classification.

**223.820** Executive Director: Duties.

**223.830** Agencies required to submit educational and workforce data for inclusion in statewide longitudinal data system maintained by Office.

