

Amendment No. 332

Assembly Amendment to Assembly Bill No. 305	(BDR 28-112)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

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

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





ASSEMBLY BILL NO. 305—ASSEMBLYWOMEN MONROE-MORENO ; ~~[AND]~~ CONSIDINE  
AND THOMAS

MARCH 15, 2023

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public works. (BDR 28-112)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 public works; requiring a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that ***, to the extent practicable: (1) at least ~~[5]~~ 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women ; and (2) at least 1 percent of the hours of labor for horizontal construction [who are veterans or in a minority group.] that is required to be performed by apprentices must be performed by women.*** **Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

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

**Section 1.** NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ~~[And]~~ ***To the extent***

1 practicable, at least ~~5~~ 2 percent of the hours of labor that is required to be  
2 performed by apprentices must be performed by women ~~who are veterans or in~~  
3 ~~a minority group.~~

4 2. Notwithstanding any other provision of this chapter and except as  
5 otherwise provided in this section, a contractor or subcontractor engaged in  
6 horizontal construction who employs a worker on a public work pursuant to NRS  
7 338.040 shall use one or more apprentices for at least 3 percent of the total hours of  
8 labor worked for each apprenticed craft or type of work to be performed on the  
9 public work for which more than three workers are employed. ~~44~~ To the extent  
10 practicable, at least ~~5~~ 1 percent of the hours of labor that is required to be  
11 performed by apprentices must be performed by women ~~who are veterans or in~~  
12 ~~a minority group.~~

13 3. On or after January 1, 2021, the Labor Commissioner, in collaboration with  
14 the State Apprenticeship Council, may adopt regulations to increase the percentage  
15 of total hours of labor required to be performed by an apprentice pursuant to  
16 subsection 1 or 2 by not more than 2 percentage points.

17 4. An apprentice who graduates from an apprenticeship program while  
18 employed on a public work shall:

19 (a) Be deemed an apprentice on the public work for the purposes of  
20 subsections 1 and 2.

21 (b) Be deemed a journeyman for all other purposes, including, without  
22 limitation, the payment of wages or the payment of wages and benefits to a  
23 journeyman covered by a collective bargaining agreement.

24 5. A contractor or subcontractor engaged on a public work is not required to  
25 use an apprentice in a craft or type of work performed in a jurisdiction recognized  
26 by the State Apprenticeship Council as not having apprentices in that craft or type  
27 of work.

28 6. A public body may, upon the request of a contractor or subcontractor,  
29 submit a request to the Labor Commissioner to modify or waive the percentage of  
30 hours of labor provided by one or more apprentices required pursuant to subsection  
31 1 or 2 for good cause. A public body must submit such a request, before an  
32 advertisement for bids has been placed, the opening of bids or the award of a  
33 contract for a public work or after the public body has commenced work on the  
34 public work. Such a request must include any supporting documentation, including,  
35 without limitation, proof of denial of or failure to approve a request for apprentices  
36 pursuant to subparagraph (3) of paragraph (d) of subsection 10.

37 7. The Labor Commissioner shall issue a determination of whether to grant a  
38 modification or waiver requested pursuant to subsection 6 within 15 days after the  
39 receipt of such request. The Labor Commissioner may grant such a request if he or  
40 she makes a finding that there is good cause to modify or waive the percentage of  
41 hours of labor provided by one or more apprentices required pursuant to subsection  
42 1 or 2.

43 8. A public body, contractor or subcontractor may request a hearing on the  
44 determination of the Labor Commissioner within 10 days after receipt of the  
45 determination of the Labor Commissioner. The hearing must be conducted in  
46 accordance with regulations adopted by the Labor Commissioner. If the Labor  
47 Commissioner does not receive a request for a hearing pursuant to this subsection,  
48 the determination of the Labor Commissioner is a final decision for the purposes of  
49 judicial review pursuant to chapter 233B of NRS.

50 9. A contractor or subcontractor engaged on a public work shall enter into an  
51 apprenticeship agreement for all apprentices required to be used in the construction  
52 of a public work. If the Labor Commissioner granted a modification or waiver  
53 pursuant to subsection 7 because the Labor Commissioner finds that a request for

1 apprentices was denied or the request was not approved within 5 business days as  
2 described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are  
3 later provided, then the contractor or subcontractor shall enter into an  
4 apprenticeship agreement for all apprentices later provided.

5 10. As used in this section:

6 (a) "Apprentice" means a person enrolled in an apprenticeship program  
7 recognized by the State Apprenticeship Council.

8 (b) "Apprenticed craft or type of work" means a craft or type of work for  
9 which there is an existing apprenticeship program recognized by the State  
10 Apprenticeship Council.

11 (c) "Apprenticeship program" means an apprenticeship program recognized by  
12 the State Apprenticeship Council.

13 (d) "Good cause" means:

14 (1) There are no apprentices available from an apprenticeship program  
15 within the jurisdiction where the public work is to be completed as recognized by  
16 the State Apprenticeship Council;

17 (2) The contractor or subcontractor is required to perform uniquely  
18 complex or hazardous tasks on the public work that require the skill and expertise  
19 of a greater percentage of journeymen; or

20 (3) The contractor or subcontractor has requested apprentices from an  
21 apprenticeship program and the request has been denied or the request has not been  
22 approved within 5 business days.

23 ➤ The term does not include the refusal of a contractor or subcontractor to enter  
24 into an apprenticeship agreement pursuant to subsection 9.

25 (e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

26 (f) ~~"Minority group" means:~~

27 ~~(1) A racial or ethnic minority group; or~~

28 ~~(2) A group of persons who identify as LGBTQ. As used in this~~  
29 ~~subparagraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer,~~  
30 ~~intersex or any other nonheterosexual or noncisgender orientation or gender~~  
31 ~~identity or expression.~~

32 ~~(g) "State Apprenticeship Council" means the State Apprenticeship Council~~  
33 ~~created by NRS 610.030.~~

34 ~~[(h) "Veteran" has the meaning ascribed to it in NRS 417.005.]~~

35 **Sec. 2.** The amendatory provisions of this act do not apply to a contract for a  
36 public work for which bids have been submitted before January 1, 2024.

37 **Sec. 3.** This act becomes effective on January 1, 2024.