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SECOND REPRINT

A.B. 305

ASSEMBLY BILL NO. 305—ASSEMBLYWOMEN MONROE-MORENO;  
CONSINDINE 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, with certain exceptions, 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:**

1 Existing law requires a contractor or subcontractor engaged in: (1) vertical  
2 construction who employs a worker on a public work to use one or more  
3 apprentices for at least 10 percent of the total hours of labor worked for each  
4 apprenticed craft or type of work to be performed on the public work for which  
5 more than three workers are employed; and (2) horizontal construction who  
6 employs a worker on a public work to use one or more apprentices for at least 3  
7 percent of the total hours of labor worked for each apprenticed craft or type of work  
8 to be performed on the public work for which more than three workers are  
9 employed. (NRS 338.01165) **Section 1** of this bill requires that, to the extent  
10 practicable: (1) at least 2 percent of the hours of labor for vertical construction that  
11 is required to be performed by apprentices must be performed by women; and (2) at  
12 least 1 percent of the hours of labor for horizontal construction that is required to be  
13 performed by apprentices must be performed by women. **Section 1** also requires the  
14 State Apprenticeship Council to review, at least once every 2 years, the policies of  
15 an apprenticeship program that does not provide enough apprentices who are  
16 women to enable a contractor or subcontractor to meet the percentage of hours of  
17 labor required to be performed by women. **Section 2** of this bill provides that such  
18 requirements do not apply to a contract for a public work for which bids have been  
19 submitted before January 1, 2024.



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

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

3     338.01165 1. Notwithstanding any other provision of this  
4 chapter and except as otherwise provided in this section, a  
5 contractor or subcontractor engaged in vertical construction who  
6 employs a worker on a public work pursuant to NRS 338.040 shall  
7 use one or more apprentices for at least 10 percent of the total hours  
8 of labor worked for each apprenticed craft or type of work to be  
9 performed on the public work for which more than three workers are  
10 employed. *To the extent practicable, at least 2 percent of the hours  
11 of labor that is required to be performed by apprentices must be  
12 performed by women. For purposes of this subsection, “to the  
13 extent practicable” means to the extent the requirement to have at  
14 least 2 percent of the hours of labor to be performed by  
15 apprentices who are women is feasible or capable of being done or  
16 carried out with reasonable effort, taking into account the number  
17 and availability of apprentices who are women in the applicable  
18 apprenticed craft or type of work.*

19     2. Notwithstanding any other provision of this chapter and  
20 except as otherwise provided in this section, a contractor or  
21 subcontractor engaged in horizontal construction who employs a  
22 worker on a public work pursuant to NRS 338.040 shall use one or  
23 more apprentices for at least 3 percent of the total hours of labor  
24 worked for each apprenticed craft or type of work to be performed  
25 on the public work for which more than three workers are  
26 employed. *To the extent practicable, at least 1 percent of the hours  
27 of labor that is required to be performed by apprentices must be  
28 performed by women. For purposes of this subsection, “to the  
29 extent practicable” means to the extent the requirement to have at  
30 least 3 percent of the hours of labor to be performed by  
31 apprentices who are women is feasible or capable of being done or  
32 carried out with reasonable effort, taking into account the number  
33 and availability of apprentices who are women in the applicable  
34 apprenticed craft or type of work.*

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

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



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

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

7 5. A contractor or subcontractor engaged on a public work is  
8 not required to use an apprentice, *regardless of gender*, in a craft or  
9 type of work performed in a jurisdiction recognized by the State  
10 Apprenticeship Council as not having apprentices in that craft or  
11 type of work.

12 6. A public body may, upon the request of a contractor or  
13 subcontractor, submit a request to the Labor Commissioner to  
14 modify or waive the percentage of hours of labor provided by one or  
15 more apprentices required pursuant to subsection 1 or 2 for good  
16 cause. A public body must submit such a request, before an  
17 advertisement for bids has been placed, the opening of bids or the  
18 award of a contract for a public work or after the public body has  
19 commenced work on the public work. Such a request must include  
20 any supporting documentation, including, without limitation, proof  
21 of denial of or failure to approve a request for apprentices pursuant  
22 to subparagraph (3) of paragraph (d) of subsection ~~40~~ 11.

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

30 8. A public body, contractor or subcontractor may request a  
31 hearing on the determination of the Labor Commissioner within 10  
32 days after receipt of the determination of the Labor Commissioner.  
33 The hearing must be conducted in accordance with regulations  
34 adopted by the Labor Commissioner. If the Labor Commissioner  
35 does not receive a request for a hearing pursuant to this subsection,  
36 the determination of the Labor Commissioner is a final decision for  
37 the purposes of judicial review pursuant to chapter 233B of NRS.

38 9. A contractor or subcontractor engaged on a public work  
39 shall enter into an apprenticeship agreement for all apprentices  
40 required to be used in the construction of a public work. If the Labor  
41 Commissioner granted a modification or waiver pursuant to  
42 subsection 7 because the Labor Commissioner finds that a request  
43 for apprentices was denied or the request was not approved within 5  
44 business days as described in subparagraph (3) of paragraph (d) of  
45 subsection ~~40~~ 11 and apprentices are later provided, then the



1 contractor or subcontractor shall enter into an apprenticeship  
2 agreement for all apprentices later provided.

3 10. *If a contractor or subcontractor does not meet the*  
4 *requirements set forth in subsection 1 or 2, as applicable, to have a*  
5 *percentage of the hours of labor performed by apprentices who are*  
6 *women, there is a rebuttable presumption that there were not*  
7 *enough apprentices who are women available to comply with such*  
8 *requirements. If an apprenticeship program is unable to rebut the*  
9 *presumption, the State Apprenticeship Council shall, at least once*  
10 *every two years, require the apprenticeship program to appear*  
11 *before the State Apprenticeship Council to review the policies of*  
12 *the program to recruit women. The State Apprenticeship Council*  
13 *may, without limitation, recommend improvements for recruiting*  
14 *women to the apprenticeship program.*

15 11. As used in this section:

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

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

21 (c) "Apprenticeship program" means an apprenticeship program  
22 recognized by the State Apprenticeship Council.

23 (d) "Good cause" means:

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

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

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

33 ↪ The term does not include the refusal of a contractor or  
34 subcontractor to enter into an apprenticeship agreement pursuant to  
35 subsection 9.

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

38 (f) "State Apprenticeship Council" means the State  
39 Apprenticeship Council created by NRS 610.030.

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

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

