

SENATE BILL NO. 24—COMMITTEE ON
REVENUE AND ECONOMIC DEVELOPMENT

(ON BEHALF OF THE OFFICE OF ECONOMIC DEVELOPMENT
IN THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Revenue and
Economic Development

SUMMARY—Revises provisions relating to workforce
development. (BDR 18-289)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 workforce development; revising requirements governing the approval of a program of workforce development by the Office of Economic Development; revising provisions governing the administration of the Workforce Innovations for a New Nevada Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 Existing law requires the Office of Economic Development to develop and
- 2 implement one or more programs to provide customized workforce development
- 3 services to persons that create and expand businesses in Nevada and relocate
- 4 businesses to Nevada. (NRS 231.055)
- 5 Existing law authorizes a person who wishes to provide a program of
- 6 workforce recruitment, assessment and training to apply to the Office for approval
- 7 of the program. (NRS 231.1467) **Section 1** of this bill revises the information
- 8 which must be included in an application for approval to provide a program of
- 9 workforce recruitment, assessment and training. **Section 1** also: (1) requires a
- 10 program of workforce recruitment, assessment and training approved by the Office
- 11 to result in certain credentials or an identifiable occupational skill; (2) requires the
- 12 Office to ensure that any business for which the program will be provided meets
- 13 certain requirements; (3) revises the criteria which the Office must consider in
- 14 giving priority to certain programs of workforce recruitment, assessment and
- 15 training during the application process; and (4) revises provisions governing the use
- 16 of money distributed to a program of workforce recruitment, assessment and
- 17 training.



18 Existing law authorizes a person who operates a business, or who will operate a
19 business, in this State to apply to the Office for approval of a program of workforce
20 training. (NRS 231.147) **Section 3** of this bill specifies that such a program must be
21 a program for the training of incumbent employees of the business that will result
22 in certain credentials or identifiable occupational skills being obtained by the
23 incumbent employees. **Section 3** also revises the information which must be
24 included in an application for approval of such a program.

25 Existing law creates the Workforce Innovations for a New Nevada Account and
26 provides that any income and interest earned on money in the Account must be
27 credited to the Account. (NRS 231.151) **Section 4** of this bill provides that any
28 income and interest earned on money in the Account must be credited to the
29 Account only after deducting any applicable charges.

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

1 **Section 1.** NRS 231.1467 is hereby amended to read as
2 follows:

3 231.1467 1. A person who wishes to provide a program of
4 workforce recruitment, assessment and training may apply to the
5 Office for approval of the program. The application must be
6 submitted on a form prescribed by the Office.

7 2. Each application must include:

8 (a) The name, address , *electronic mail address* and telephone
9 number of the applicant;

10 (b) The name of each business for which the applicant will
11 provide the proposed program of workforce recruitment, assessment
12 and training;

13 (c) A statement of the objectives of the proposed program of
14 workforce recruitment, assessment and training;

15 (d) *A description of the primary economic sector to be served*
16 *by the proposed program of workforce recruitment, assessment*
17 *and training;*

18 (e) *Evidence of workforce shortages within the industry to be*
19 *served by the proposed program of workforce recruitment,*
20 *assessment and training;*

21 (f) *Evidence that there is an insufficient number of existing*
22 *programs to develop the workforce needed for the industry to be*
23 *served by the proposed program of workforce recruitment,*
24 *assessment and training;*

25 (g) *A statement of the number and types of jobs with the*
26 *business for which the applicant will provide the proposed*
27 *program of workforce recruitment, assessment and training, that*
28 *are available or will be available upon completion of the proposed*
29 *program;*



1 *(h) A statement demonstrating the past performance of the*
2 *applicant in providing programs of workforce development,*
3 *including, without limitation:*

4 *(1) The number and type of credentials and certifications*
5 *issued by programs of workforce development provided by the*
6 *applicant; and*

7 *(2) The number of businesses successfully served by the*
8 *programs of workforce development provided by the applicant;*

9 *(i) A proposed plan for the provision of the proposed program*
10 *of workforce recruitment, assessment and training on a statewide*
11 *basis;*

12 *(j) A list of facilities that will be used by the proposed program*
13 *of workforce recruitment, assessment and training;*

14 *(k) A projection of the number of primary jobs that will be*
15 *served by the proposed program of workforce recruitment,*
16 *assessment and training and the wages for those jobs;*

17 *(l) Evidence satisfactory to the Office that the proposed*
18 *program of workforce recruitment, assessment and training is*
19 *consistent with the unified state plan submitted by the Governor to*
20 *the Secretary of Labor pursuant to 29 U.S.C. § 3112;*

21 *(m) A workforce diversity action plan; ~~and~~*

22 ~~—(e)—~~ *(n) The estimated cost of the proposed program of*
23 *workforce recruitment, assessment and training ~~and~~;*

24 *(o) A statement by the business for which the applicant will*
25 *provide the proposed program of workforce recruitment,*
26 *assessment and training, which commits the business to report to*
27 *the Office required performance metrics to enable the Office to*
28 *comply with NRS 231.1513; and*

29 *(p) Any other information requested by the Executive Director.*

30 3. Any program of workforce recruitment, assessment and
31 training approved by the Office pursuant to this section must:

32 (a) Include a workforce diversity action plan approved by the
33 Office; ~~and~~

34 (b) To the extent practicable, be provided on a statewide basis to
35 support the industrial and economic development of all geographic
36 areas of this State ~~and~~; *and*

37 *(c) Result in a postsecondary or industry-recognized*
38 *credential, or an identifiable occupational skill that meets the*
39 *applicable industry standard.*

40 4. The Office shall:

41 (a) Maintain on the Internet website of the Office a list of the
42 criteria for evaluating applications for approval of a program of
43 workforce recruitment, assessment and training;

44 (b) *Ensure, through coordination with relevant state agencies*
45 *and by reviewing any notices required pursuant to the federal*



1 *Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§*
2 *2101 et. seq., and the regulations adopted pursuant thereto, that*
3 *each business for which an applicant that submitted an*
4 *application pursuant to this section will provide a program of*
5 *workforce recruitment, assessment and training:*

6 *(1) Is in compliance with the laws of this State pertaining to*
7 *the conduct of businesses and employers;*

8 *(2) Is not excluded from receiving contracts from the*
9 *Federal Government as a result of being debarred; and*

10 *(3) Has not conducted layoffs in the 12 months immediately*
11 *preceding the date of the application for the job categories related*
12 *to the proposed program of workforce recruitment, assessment*
13 *and training;*

14 *(c) Approve or disapprove each application for approval of a*
15 *program of workforce recruitment, assessment and training within*
16 *60 days after receiving a complete application; and*

17 ~~[(e)]~~ *(d) Provide notice of the approval or disapproval of each*
18 *application to the applicant within 10 days after approving or*
19 *disapproving the application.*

20 5. An authorized provider that provides a program of
21 workforce recruitment, assessment and training approved by the
22 Office pursuant to this section or the governing body of a local
23 government within the jurisdiction of which the authorized provider
24 will provide the program may apply to the Office for an allocation,
25 grant or loan of money to defray in whole or in part the cost of the
26 program. The application must be submitted on a form prescribed by
27 the Office.

28 6. The Office shall approve or deny each application for an
29 allocation, grant or loan of money submitted pursuant to subsection
30 5 within 45 days after receipt of the application. When considering
31 an application, the Office shall give priority to a program of
32 workforce recruitment, assessment and training that will provide
33 workforce development services to one or more businesses that:

34 *(a) Provide high-skill and high-wage jobs to residents of this*
35 *State ~~[(a)]~~, as defined by the Board of Economic Development;*

36 *(b) Provide postsecondary or industry-recognized credentials*
37 *or identifiable skills meeting the applicable industry standard,*
38 *which are not otherwise offered or not otherwise offered at scale*
39 *in this State;*

40 *(c) Impart a course of study for not more than 12 months that*
41 *delivers skills that are needed in the workforce;*

42 *(d) To the greatest extent practicable, use materials that are*
43 *produced or bought in this State;*



1 ~~[(e)]~~ (e) Are consistent with the State Plan for Economic
2 Development developed by the Executive Director pursuant to
3 subsection 2 of NRS 231.053; and

4 ~~[(d)]~~ (f) Are consistent with the unified state plan submitted by
5 the Governor to the Secretary of Labor pursuant to 29 U.S.C. §
6 3112.

7 7. An authorized provider may use money distributed pursuant
8 to this section:

9 (a) To provide ~~technical services to a business that participates~~
10 ~~in the program of workforce recruitment, assessment and training;~~
11 *curriculum development and instructional services;*

12 (b) *To pay for equipment or technology necessary to conduct*
13 *the training;*

14 (c) *To pay training fees or tuition for the program of*
15 *workforce recruitment, assessment and training, which are not*
16 *otherwise covered by the program budget or other workforce*
17 *development funding;*

18 (d) To ~~provide publicity for~~ *promote* the program of workforce
19 recruitment, assessment and training and for job recruiting and
20 assessments conducted through the program;

21 ~~[(e)]~~ ~~To provide instructional services;~~

22 ~~[(d)]~~ (e) To provide analysis of on-site training;

23 ~~[(e)]~~ (f) To pay any costs relating to the rental of instructional
24 facilities, including, without limitation, utilities and costs relating to
25 the storage and transportation of equipment and supplies;

26 ~~[(f)]~~ (g) To pay administrative and personnel costs; and

27 ~~[(g)]~~ (h) To pay any other costs necessary to effectively carry
28 out the program of workforce recruitment, assessment and training.

29 8. *Equipment purchased with money distributed as a grant*
30 *pursuant to this section is the property of the Office. At the end of*
31 *the grant period, the Office may recapture the equipment for*
32 *redistribution to other programs of workforce recruitment,*
33 *assessment and training provided by an authorized provider.*

34 9. A ~~person who operates a business or will operate a~~
35 business in this State may apply to the Office to participate in ~~a~~ *an*
36 *approved* program of workforce recruitment, assessment and
37 training provided by an authorized provider. The application must
38 be submitted on a form prescribed by the Office and must include,
39 without limitation:

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

41 (b) Proof satisfactory to the Office that the business is consistent
42 with the State Plan for Economic Development developed by the
43 Executive Director pursuant to subsection 2 of NRS 231.053;

44 (c) A description of the number and types of jobs that the
45 business expects will be created as a result of its participation in the



1 program of workforce recruitment, assessment and training and the
2 wages the business expects to pay to persons employed in those
3 jobs;

4 (d) The types of services which will be provided to the business
5 through the program of workforce recruitment, assessment and
6 training;

7 (e) A workforce diversity action plan approved by the Office;
8 and

9 (f) Any other information required by the Office.

10 **Sec. 2.** NRS 231.1468 is hereby amended to read as follows:

11 231.1468 A workforce diversity action plan submitted to the
12 Office for approval pursuant to paragraph (a) of subsection 3 of
13 NRS 231.1467 or paragraph (e) of subsection ~~8~~ 9 of NRS
14 231.1467 must include, without limitation:

15 1. A statement expressing a commitment to workforce
16 diversity, an explanation of the actions that will be taken and
17 strategies that will be implemented to promote workforce diversity
18 and the goals and performance measures which will be used to
19 measure the success of the plan in achieving those goals; and

20 2. A statement expressing a commitment to comply with all
21 applicable federal and state laws.

22 **Sec. 3.** NRS 231.147 is hereby amended to read as follows:

23 231.147 1. A person who operates a business or will operate
24 a business in this State may apply to the Office for approval of a
25 program of workforce training ~~8~~ *for incumbent employees that
26 will result in a postsecondary or industry-recognized credential, or
27 an identifiable occupational skill that meets the applicable
28 industry standard.* The application must be submitted on a form
29 prescribed by the Office.

30 2. Each application must include:

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

32 (b) The number and types of jobs for the business that are
33 available or will be available upon completion of the program of
34 workforce training;

35 (c) A statement of the objectives of the proposed program of
36 workforce training;

37 (d) *An initial plan for wage increases for employees who
38 successfully complete the program of workforce training;*

39 (e) The estimated cost for each person enrolled in the program
40 of workforce training; and

41 ~~(e)~~ (f) A statement signed by the applicant certifying that, if
42 the program of workforce training set forth in the application is
43 approved and money is granted by the Office to an authorized
44 provider for the program of workforce training, each employee who
45 completes the program of workforce training;



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

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

6 (I) This State; or

7 (II) The county in which the business is located,

8 ↪ as determined by the Employment Security Division of the
9 Department of Employment, Training and Rehabilitation on July 1
10 of each fiscal year.

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

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

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

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

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

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

26 5. Before approving an application, the Office shall establish
27 the amount of matching money that the applicant must provide for
28 the program of workforce training. The amount established by the
29 Office for that applicant must not be less than 25 percent of the
30 amount the Office approves for the program of workforce training.

31 6. If the Office approves an application, it shall notify the
32 applicant, in writing, within 10 days after the application is
33 approved.

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

37 **Sec. 4.** NRS 231.151 is hereby amended to read as follows:

38 231.151 1. The Workforce Innovations for a New Nevada
39 Account is hereby created in the State General Fund. Any money
40 the Office receives pursuant to NRS 231.149 or that is appropriated
41 to carry out the provisions of NRS 231.141 to 231.152, inclusive:

42 (a) Must be deposited in the State General Fund for credit to the
43 Account; and

44 (b) May only be used to carry out those provisions.



1 2. Except as otherwise provided in subsection 3, the balance
2 remaining in the Account that has not been committed for
3 expenditure on or before June 30 of an odd-numbered fiscal year
4 reverts to the State General Fund.

5 3. In calculating the uncommitted remaining balance in the
6 Account at the end of an odd-numbered fiscal year, any money in
7 the Account that is attributable to a gift, grant, donation or
8 contribution:

9 (a) To the extent not inconsistent with a term of the gift, grant,
10 donation or contribution, shall be deemed to have been committed
11 for expenditure before any money that is attributable to a legislative
12 appropriation; and

13 (b) Must be excluded from the calculation of the uncommitted
14 remaining balance in the Account at the end of each odd-numbered
15 fiscal year if necessary to comply with a term of the gift, grant,
16 donation or contribution.

17 4. *After deducting any applicable charges, any interest or*
18 *income earned on money in the Account, including, without*
19 *limitation, unexpended appropriations made to the Account from*
20 *the State General Fund, must be credited to the Account.*

21 5. The Office shall administer the Account. ~~Any interest or~~
22 ~~income earned on the money in the Account must be credited to the~~
23 ~~Account.] Any claims against the Account must be paid as other~~
24 claims against the State are paid.

25 **Sec. 5.** This act becomes effective on July 1, 2021.

