

NEVADA LEGISLATURE

Twenty-Ninth Special Session, 2015

ASSEMBLY DAILY JOURNAL

THE THIRD DAY

CARSON CITY (Friday), December 18, 2015

Assembly called to order at 2:58 p.m.

Mr. Speaker presiding.

Roll called.

All present and one vacant.

Prayer by the Chaplain, Richard Snyder.

Creator God, You are the source of liberty, of justice, and of peace. We give You thanks for this day. We ask that You would renew us and refresh us in Your spirit and guide us today in the path that You would have us walk.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Paul Anderson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Paul Anderson moved that the Assembly resolve itself into a Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Chair Armstrong presiding.

Quorum present.

Assembly Bill No. 1.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Assemblyman Kirner moved to amend and do pass Assembly Bill No. 1.

Assemblywoman Bustamante Adams seconded the motion.

Remarks by Assemblymen Kirner, Hansen, Shelton, Elliot Anderson, Fiore, and Paul Anderson.

(REMARKS WILL BE INCLUDED IN THE FINAL JOURNAL.)

Motion carried.

On motion of Assemblyman Paul Anderson, the Committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 3:31 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:34 p.m.

ASSEMBLY IN SESSION

At 4:54 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEREK ARMSTRONG, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

The following amendment was proposed by the Committee of the Whole:

Amendment No. 1.

AN ACT relating to economic development; requiring the Office of Economic Development to develop and implement one or more programs to provide customized workforce development services to new and existing businesses in this State; revising provisions governing programs of workforce development provided by providers approved by the Office; authorizing certain providers to apply to the Office for approval of programs of workforce recruitment, assessment and training; authorizing certain providers of programs of workforce recruitment, assessment and training and

certain local governmental entities to apply to the Office for an allocation, grant or loan of money to defray the costs of the program; authorizing certain businesses to apply to participate in such programs; creating the Workforce Innovations for a New Nevada Account in the State General Fund; specifying the uses of money in the Account; requiring the State Treasurer to transfer certain money to the Account; revising certain provisions relating to the approval by the Executive Director of the Office of applications for certain transferable tax credits; making an appropriation to the Account; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 3 of this bill declares that it is the public policy of this State in implementing the State Plan for Economic Development that :(1) the industrial and economic development of all geographic areas of this State be supported through the implementation of programs of workforce development that prioritize the recruitment, assessment and training of a highly skilled and diverse workforce ~~+~~ ; and (2) creating equal opportunities is critical to ensuring equity, social and economic mobility and sustainability.

Section 7 of this bill requires the Office of Economic Development, under the direction of the Executive Director of the Office and in consultation with the Nevada System of Higher Education, the Department of Employment, Training and Rehabilitation, the Department of Education and any other person the Executive Director determines is appropriate, to develop and implement one or more programs to provide customized workforce development services to persons that create and expand businesses in Nevada and relocate businesses to Nevada. **Section 6** of this bill requires the Board of Economic Development to provide advice and recommendations to the Executive Director concerning the development and implementation of such programs.

Section 4 of this bill authorizes a person who wishes to provide a program of workforce recruitment, assessment and training to apply to the Office for approval of the program. **Section 4** provides that any program of workforce recruitment, assessment and training approved by the Office must: (1) include a workforce diversity action plan approved by the Office; and (2) to the extent practicable, be provided on a statewide basis to support the industrial and economic development of all geographic areas of this State. **Section 4** also provides that an authorized provider or the governing body of a local government within the jurisdiction of which the authorized provider will provide the program may apply to the Office for an allocation, grant or loan of money to defray some or all of the costs of the program. **Section 4** requires the Office to give priority to programs that will provide customized workforce development services to one or more businesses that: (1) provide

high-skill and high-wage jobs to residents of this State; (2) to the greatest extent practicable, use materials that are produced or bought in this State; ~~and~~ (3) are consistent with the State Plan for Economic Development, ~~and~~ **and (4) are consistent with the unified state plan submitted by the Governor to the Secretary of Labor pursuant to section 102 of the Workforce Innovation and Opportunity Act, 29 U.S.C. § 3112. Section 4** establishes the authorized uses of any money received by an authorized provider from the Office. Additionally, **section 4** authorizes a person who operates a business or will operate a business in this State to apply to the Office to participate in a program of workforce recruitment, assessment and training provided by an authorized provider. **Section 4 also requires each authorized provider and each business that participates in a program of workforce recruitment, assessment and training to have a workforce diversity action plan approved by the Office. Section 4.5 of this bill prescribes the contents of such a plan.**

Existing law authorizes a person who operates or will operate a business in this State to apply to the Office of Economic Development for approval of a course of training administered by a community college for employees of the business. (NRS 231.147) Under existing law, the Office is required to establish the amount of matching money that the applicant must provide for the program, which must not be less than 25 percent of the amount the Office approves for the program. (NRS 231.147) **Section 11** of this bill revises these provisions to authorize a business to apply to the Office for approval of a program of workforce training provided by a provider approved by the Office.

Section 5 of this bill provides that a business that participates in a program of workforce training or a program of recruitment, assessment and training authorized by **section 4 or 11** of this bill, as applicable, may request that any **proprietary information, intellectual property or trade secret contained in the** training materials provided through the program ~~which relate to the business~~ be deemed confidential. **Section 5** provides that, upon approval by the Executive Director of the Office of such a request, ~~the~~ **any proprietary information, intellectual property or trade secret contained in the** training materials shall be deemed confidential, **may be redacted** and may not be disclosed.

Section 13 of this bill creates the Workforce Innovations for a New Nevada Account and provides that money in the Account must be used to carry out the programs of workforce development authorized by **sections 4 and 11** of this bill. **Section 17** of this bill requires the State Treasurer to transfer \$1,000,000 to the Account from the amount appropriated for Fiscal Year 2016-2017 for the support of the Office of Science, Innovation and Technology. **Section 18** of this bill makes an appropriation from the State

General Fund to the Account in the amount of \$1,500,000. To offset the appropriation made by **section 18, section 16** of this bill revises provisions which authorize the Executive Director or the Board of Economic Development to approve applications for transferable tax credits to reduce amounts previously approved.

Section 5.5 of this bill requires the Office of Economic Development to submit to the Legislature a biennial report concerning programs of workforce development which receive money from the Workforce Innovations for a New Nevada Account.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~5~~ **5.5**, inclusive, of this act.

Sec. 2. *“Authorized provider” means 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.*

Sec. 3. *It is hereby declared to be the public policy of this State in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053 that ~~the~~:*

1. *The industrial and economic development of all geographic areas of this State be supported through the implementation of programs of workforce development that prioritize the recruitment, assessment and training of a highly skilled and diverse workforce ~~;~~ and*

2. *Creating equal opportunities is critical to ensuring equity, social and economic mobility and sustainability.*

Sec. 4. 1. *A person who wishes to provide a program of workforce recruitment, assessment and training may apply to the Office for approval 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 applicant;

(b) ~~A description of the types of employers~~ The name of each business for which the applicant will provide the proposed program of workforce recruitment, assessment and training;

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

(d) A workforce diversity action plan; and

(e) The estimated cost of the proposed program of workforce recruitment, assessment and training.

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

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

(b) To the extent practicable, be provided on a statewide basis to support the industrial and economic development of all geographic areas of this State.

4. The Office shall:

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

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

(c) Provide notice of the approval or disapproval of each application to the applicant within 10 days after approving or disapproving the application.

5. An authorized provider that provides a program of workforce recruitment, assessment and training approved by the Office pursuant to this section or the governing body of a local government within the jurisdiction of which the authorized provider will provide the program may apply to the Office for 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.

~~§ 6.~~ 6. The Office shall approve or deny each application for an allocation, grant or loan of money submitted pursuant to subsection ~~4~~ 5 within 45 days after receipt of the application. When considering an application, the Office shall give priority to a program of workforce recruitment, assessment and training that will provide workforce development services to one or more businesses that:

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

(b) To the greatest extent practicable, use materials that are produced or bought in this State; ~~and~~

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

~~6.7~~; and

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

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

(a) To provide technical services to a business that participates in the program of workforce recruitment, assessment and training;

(b) To provide publicity for the program of workforce recruitment, assessment and training and for job recruiting and assessments conducted through the program;

(c) To provide instructional services;

(d) To provide analysis of on-site training;

(e) To pay any costs relating to the rental of instructional facilities, including, without limitation, utilities and costs relating to the storage and transportation of equipment and supplies;

(f) To pay administrative and personnel costs; and

(g) To pay any other costs necessary to effectively carry out the program of workforce recruitment, assessment and training.

~~7-7~~ 8. A person who operates a business or will operate a business in this State may apply to the Office to participate in a program of workforce recruitment, assessment and training provided by an authorized provider. The application must be submitted on a form prescribed by the Office and must include, without limitation:

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

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

(c) A description of the number and types of jobs that the business expects will be created as a result of its participation in the program of workforce recruitment, assessment and training and the wages the business expects to pay to persons employed in those jobs;

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

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

(f) Any other information required by the Office.

Sec. 4.5. A workforce diversity action plan submitted to the Office for approval pursuant to paragraph (a) of subsection 3 of section 4 of this act or paragraph (e) of subsection 8 of section 4 of this act, must include, without limitation:

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

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

Sec. 5. A business that participates in a program of workforce development may request that ~~any proprietary information, intellectual property or trade secret which is contained in any training materials provided through the program~~ ~~which relate to the business~~ be deemed confidential. Upon approval by the Executive Director of such a request, the ~~training materials~~ proprietary information, intellectual property or trade secret identified by the business shall be deemed confidential, may be redacted from the training materials and may not be disclosed.

Sec. 5.5. The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning programs of workforce development which receive money from the Workforce Innovations for a New Nevada Account created by NRS 231.151. The report must include:

1. A summary of the expenditures from the Account;
2. A summary of the outcomes of the programs of workforce development which receive money from the Account, including, without limitation, the number of persons trained by each program, the number of persons employed by businesses that participate in each program and the average wages of the employees who are hired through each program;
3. An evaluation of the workforce diversity action plan of each authorized provider and each business that participates in a program of workforce development; and
4. Any other information the Executive Director of the Office determines is appropriate.

Sec. 6. NRS 231.037 is hereby amended to read as follows:

231.037 The Board shall:

1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

2. Recommend to the Executive Director a State Plan for Economic Development and make recommendations to the Executive Director for carrying out the State Plan for Economic Development, including, without limitation, recommendations regarding the development and implementation of a recruiting and marketing effort to attract professionals and businesses to this State.

3. Recommend to the Executive Director the criteria for the designation of regional development authorities.

4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the

rural region of this State, one or more regional development authorities for each region.

5. Provide advice and recommendations to the Executive Director concerning:

(a) The procedures to be followed by any entity seeking to obtain any development resource, allocation, grant or loan from the Office;

(b) The criteria to be used by the Office in providing development resources and making allocations, grants and loans;

(c) The requirements for reports from the recipients of development resources, allocations, grants and loans from the Office concerning the use thereof; ~~and~~

(d) *The development and implementation of programs to provide customized workforce development services to existing and prospective businesses in this State; and*

(e) Any other activities of the Office.

6. Review each proposal by the Executive Director to enter into a contract pursuant to NRS 231.057 for more than \$100,000 or allocate, grant or loan more than \$100,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed allocation, grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not enter into any contract pursuant to NRS 231.057 for more than \$100,000 or make any allocation, grant or loan of more than \$100,000 to any entity unless the allocation, grant or loan is approved by the Board.

Sec. 7. NRS 231.055 is hereby amended to read as follows:

231.055 Under the direction of the Executive Director, the Office:

1. Shall provide administrative and technical support to the Board.

2. Shall support the efforts of the Board, the regional development authorities designated by the Executive Director pursuant to subsection 4 of NRS 231.053 and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.

3. Shall coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053, including, without limitation:

(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;

(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all necessary permits, ~~and~~ licenses *and registrations* for the creation or

expansion of businesses in Nevada or the relocation of businesses to Nevada; and

(c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for abatements, financial incentives, development resources, and grants and loans of money provided by the Office.

4. Shall, upon request, assist an electric utility with the marketing of vacant or decommissioned assets for sale and redevelopment pursuant to NRS 704.734.

5. *Shall, in consultation with the Nevada System of Higher Education, the Department of Employment, Training and Rehabilitation, the Department of Education and any other person or entity which the Executive Director determines is appropriate, develop and implement one or more programs to provide customized workforce development services to persons that create and expand businesses in Nevada and relocate businesses to Nevada.*

6. Shall prepare a list of authorized providers that are eligible to provide programs of workforce recruitment, assessment and training pursuant to section 4 of this act.

7. May:

(a) Participate in any federal programs for economic development that are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

(b) When practicable and authorized by federal law, act as the agency of this State to administer such federal programs.

Sec. 8. NRS 231.0685 is hereby amended to read as follows:

231.0685 The Office shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Office approved pursuant to NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753 or 360.754. The report must set forth, for each abatement from taxation that the Office approved during the fiscal years which are 3 fiscal years and 6 fiscal years immediately preceding the submission of the report:

1. The dollar amount of the abatement;
2. The location of the business for which the abatement was approved;
3. The value of infrastructure included as an incentive for the business;
4. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;
5. Whether the business for which the abatement was approved is a new business or an existing business;

6. The economic sector in which the business operates, the number of primary jobs related to the business, the average wage paid to employees of the business and the assessed values of personal property and real property of the business; ~~and~~

7. **Any information concerning whether the business for which the abatement was approved participates or has participated in a program of workforce development, as defined in NRS 231.146, implemented by the Executive Director; and**

8. Any other information that the Office determines to be useful.

Sec. 9. NRS 231.141 is hereby amended to read as follows:

231.141 As used in NRS 231.141 to 231.152, inclusive, **and sections 2 to ~~5.5~~ 5.5, inclusive, of this act**, unless the context otherwise requires, the words and terms defined in NRS ~~231.143 and~~ 231.146 **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 10. NRS 231.146 is hereby amended to read as follows:

231.146 “Program ~~” means a course~~ **of workforce development” includes:**

1. **A program of workforce training ~~administered by a community college for employees of a business.~~ provided pursuant to NRS 231.147.**

2. **A program of workforce recruitment, assessment and training provided pursuant to section 4 of this act.**

Sec. 11. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this State may apply to the Office for approval of a program ~~”~~ **of workforce training**. 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) The number and types of jobs for the business that are available or will be available upon completion of the program ~~”~~ **of workforce training;**

(c) A statement of the objectives of the proposed program ~~”~~ **of workforce training;**

(d) The estimated cost for each person enrolled in the 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 to ~~” a community college~~ **an authorized provider** for the program ~~”~~ **of workforce training**, 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 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 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; ~~and~~

(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 shall establish the amount of matching money that the applicant must provide for the program ~~of~~ ***of workforce training***. The amount established by the Office for that applicant must not be less than 25 percent of the amount the Office approves for the program ~~of~~ ***of workforce training***.

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

7. If the Office 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.

Sec. 12. NRS 231.149 is hereby amended to read as follows:

231.149 1. The Office may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~and~~ ***and sections 2 to ~~5.5~~ 5.5, inclusive, of this act.***

2. Any money the Office receives pursuant to subsection 1 must be deposited in the State Treasury ***for credit to the Workforce Innovations for a New Nevada Account*** pursuant to NRS 231.151.

3. A person who makes a gift, grant, donation or contribution to the Office to carry out the provisions of NRS 231.141 to 231.152, inclusive, and sections 2 to 5.5, inclusive, of this act must be:

(a) Informed that the receipt and use by the Office of the gift, grant, donation or contribution may be conditioned upon terms specified by the person; and

(b) Provided the opportunity to place conditions upon the receipt and use by the Office of the gift, grant, donation or contribution.

Sec. 13. NRS 231.151 is hereby amended to read as follows:

231.151 1. ***The Workforce Innovations for a New Nevada Account is hereby created in the State General Fund.*** Any money the Office receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~of~~, ***and sections 2 to ~~5~~ 5.5, inclusive, of this act:***

(a) Must be deposited in the ~~State Treasury and accounted for separately in the~~ State General Fund ~~of~~ ***for credit to the Account;*** and

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

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

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

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

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

4. The Office shall administer the Account. Any interest or income earned on the money in the Account must be credited to the Account. Any claims against the Account must be paid as other claims against the State are paid.

Sec. 14. NRS 231.152 is hereby amended to read as follows:

231.152 The Office may adopt such regulations as are necessary to carry out the provisions of NRS ~~231.147~~ ***231.141 to 231.152, inclusive, and sections 2 to ~~5~~ 5.5, inclusive, of this act.***

Sec. 15. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653,

119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.047, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,

645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 5 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 16. Section 2 of chapter 433, Statutes of Nevada 2015, at page 2479, is hereby amended to read as follows:

Sec. 2. 1. A person who intends to locate or expand a business in this State may apply to the Office for a certificate of eligibility for transferable tax credits which may be applied to:

- (a) Any tax imposed by chapter 363A or 363B of NRS;
- (b) The gaming license fee imposed by the provisions of NRS 463.370;
- (c) Any tax imposed by chapter 680B of NRS; or
- (d) Any combination of the fees and taxes described in paragraphs (a), (b) and (c).

2. After considering any advice and recommendations of the Board, the Executive Director shall establish:

(a) Procedures for applying to the Office for a certificate of eligibility for transferable tax credits which must:

(1) Include, without limitation, a requirement that the applicant set forth in the application:

- (I) The proposed use of the transferable tax credits;
- (II) The plans, projects and programs for which the transferable tax credits will be used;
- (III) The expected benefits of the issuance of the transferable tax credits; and
- (IV) A statement of the short-term and long-term impacts of the issuance of the transferable tax credits; and

(2) Allow the applicant to revise the application upon the recommendation of the Executive Director.

(b) The criteria which a person to whom a certificate of eligibility for transferable tax credits has been issued must satisfy to be issued a certificate of transferable tax credits.

3. After receipt of an application pursuant to this section, the Executive Director shall review and evaluate the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053.

4. If the applicant is requesting transferable tax credits in an amount of \$100,000 or less, the Executive Director may approve the application, subject to the provisions of subsection 6, if the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development.

5. If the applicant is requesting transferable tax credits in an amount greater than \$100,000, the Executive Director shall submit the application and the Executive Director's review and evaluation of the application pursuant to subsection 3 to the Board, and the Board may approve the application, subject to the provisions of subsection 6, if the Board determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development.

6. The Executive Director or the Board shall not approve any application for transferable tax credits for:

(a) A period of more than 5 fiscal years; ~~for~~

(b) ***Fiscal Year 2015-2016; or***

(c) Any fiscal year if the approval of the application would cause the total amount of transferable tax credits issued pursuant to this section to exceed:

(1) ~~For Fiscal Year 2015-2016, \$500,000.~~

~~(2) For Fiscal Year 2016-2017, \$2,000,000.~~

~~(3) \$500,000 \$1,000,000.~~

(2) For ***Fiscal Year 2017-2018, \$2,000,000.***

(3) For ***Fiscal Year 2018-2019, \$2,500,000 \$2,000,000.***

(4) For ***Fiscal Year 2019-2020, \$3,000,000.***

(5) For a fiscal year beginning on or after July 1, ~~{2017,}~~ ***2020,*** \$5,000,000.

7. If the Executive Director or the Board approves an application and issues a certificate of eligibility for transferable tax credits, the Office shall immediately forward a copy of the certificate of eligibility which identifies the estimated amount of the tax credits available pursuant to this section to:

(a) The applicant;

(b) The Department of Taxation; and

(c) The State Gaming Control Board.

8. Within 14 days after the Office determines that a person to whom a certificate of eligibility for transferable tax credits has been issued satisfies the criteria established by the Executive Director pursuant to subsection 2, the Office shall notify the person that transferable tax credits will be issued. Within 30 days after the receipt of the notice, the person shall make an irrevocable declaration of the amount of transferable tax credits that will be applied to each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1, thereby accounting for all of the credits which will be issued. Upon receipt of the declaration, the Office shall issue to the person a certificate of transferable tax credits in the amount approved by the Executive Director or the Board, as

applicable, for the fees or taxes included in the declaration. The Office shall notify the Department of Taxation and the State Gaming Control Board of all transferable tax credits issued, segregated by each fee or tax set forth in paragraphs (a), (b) and (c) of subsection 1, and the amount of any transferable tax credits transferred.

Sec. 17. The State Treasurer shall, as soon as practicable after the effective date of this act, transfer from the amount appropriated for Fiscal Year 2016-2017 for the support of the Office of Science, Innovation and Technology to the Workforce Innovations for a New Nevada Account created by NRS 231.151, as amended by section 13 of this act, the sum of \$1,000,000.

Sec. 18. There is hereby appropriated from the State General Fund to the Workforce Innovations for a New Nevada Account created by NRS 231.151, as amended by section 13 of this act, the sum of \$1,500,000.

Sec. 19. The Office of Economic Development is hereby authorized to expend any money transferred to the Workforce Innovations for a New Nevada Account created by NRS 231.151, as amended by section 13 of this act, pursuant to section 17 of this act or appropriated to the Account by section 18 of this act for the purposes set forth in NRS 231.151, as amended by section 13 of this act.

Sec. 20. 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. 21. NRS 231.143 is hereby repealed.

Sec. 22. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

231.143 “Community college” defined. “Community college” means a community college of the Nevada System of Higher Education.

Assemblyman Kirner moved the adoption of the amendment.

Remarks by Assemblyman Kirner.

ASSEMBLYMAN KIRNER:

Amendment 1 to Assembly Bill 1 adds a charter school to the list of entities that may be considered an authorized provider. It adds a public policy finding relating to the creation of equal opportunities. It requires GOED [Governor’s Office of Economic Development] to post on its website a list of criteria for evaluating applications and sets time limits for acting on applications and giving notice of action. It adds consistency with the unified state plan required by federal law for workforce development to the list of criteria for determining priority for grants and loans and for approval of workforce training programs offered by businesses. It further sets out components of a workforce diversity action plan. It clarifies that confidentiality for training materials is limited to proprietary information, intellectual property, or trade secrets. It adds a biennial reporting requirement to the Legislature on expenditures from the WINN [Workforce Innovations for a New Nevada] Account, program outcomes, and evaluations of workforce diversity action plans. It further requires GOED to prepare a list of

authorized providers. It mandates that persons making a gift or grant to the WINN Account be offered the opportunity to place conditions on use of the money and changes the reversion date on uncommitted funds in the WINN Account to the end of an odd-numbered fiscal year. It adjusts the annual caps on transferable tax credits in the Catalyst Account by adding \$500,000 in FY [Fiscal Year] 2017 and taking away \$500,000 in FY 2019.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:01 p.m.

ASSEMBLY IN SESSION

At 5:16 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblymen Hickey, Diaz, Stewart, Hansen, Shelton, Neal, Fiore, Titus, Thompson, Dickman, and Nelson.

ASSEMBLYMAN HICKEY:

I rise in support of Assembly Bill 1. This bill declares the Legislature's support of industrial and economic development of all areas of Nevada through the implementation of workforce development that places a priority on the recruitment and training of a highly-skilled and diverse workforce and the creation of equal opportunities. The bill expands the existing provisions for workforce development by requiring the Governor's Office of Economic Development [GOED] to develop a customized workforce development program for persons creating, expanding, or relocating their businesses in Nevada. Customized workforce programs and services must be developed in consultation with the Nevada System of Higher Education [NSHE]; Nevada's Department of Education; the Department of Employment, Training and Rehabilitation [DETR]; and any other entity or person if deemed appropriate by GOED.

The bill allows GOED to approve programs of workforce recruitment, assessment, and training; specifies the application requirements and processes for approval; and requires the posting of the criteria for evaluating applications on its website. Workforce development programs must include a workforce diversity action plan, and to the extent practicable, be provided on a statewide basis. Businesses may apply to GOED to participate in workforce development programs and may request that certain training materials be deemed confidential.

Under the provisions of the bill, GOED may also approve authorized providers of workforce development programs. "Authorized providers" are defined to include any institution within NSHE, a state or local agency, a charter school, a school district, a nonprofit organization, a labor organization, or a private postsecondary educational institution.

The bill also allows an authorized provider to apply to GOED for a grant or loan to defray all or a portion of the cost of an approved program. Priority shall be given to workforce development programs that provide high-skill and high-wage jobs to Nevada residents, use materials produced or purchased in Nevada, are consistent with the State Plan for Economic

Development, and are consistent with the unified state plan submitted under the federal Workforce Innovation and Opportunity Act of 2015. Allowable uses of a grant or loan include the cost of technical services to a participating business, instructional services, rental of facilities, administration and personnel, publicity, or any other cost necessary to carry out the program effectively.

The bill also creates the Workforce Innovations for a New Nevada [WINN] Account in the State General Fund. Funding for the Account is provided by an appropriation of \$1.5 million and a transfer of \$1 million from the appropriation for the Office of Science, Innovation and Technology in Fiscal Year 2017. Assembly Bill 1 requires GOED to submit a biennial report to the Legislature no later than January 15 of each odd-numbered year, when we are in session, summarizing the expenditures from the WINN Account and program outcomes and evaluating the workforce diversity action plans.

Finally, the measure eliminates GOED's authority to approve transferable tax credits from the Catalyst Account to new and expanding businesses in Nevada in FY 2016 and reduces the transferable tax credits that may be approved in FY 2017 from \$2 million to \$1 million. Thereafter, the existing \$5 million annual cap is reduced to \$2 million in Fiscal Years 2018 and 2019 and to \$3 million in FY 2020.

The bill is effective upon passage and approval. I urge your support of Assembly Bill 1.

ASSEMBLYWOMAN DIAZ:

I rise in support of Assembly Bill 1. Assembly Bill 1 is an exciting opportunity for the entire state. It provides the opportunity to train individuals and to bring industry that is new to our state. With the new industry come new jobs. As lawmakers, we are ensuring that we have the workforce for this new industry coming into our state.

It is a very exciting time for me as a teacher to know that we can start telling our students Look into these career opportunities. We are setting up a pathway by which you can achieve a job with good pay, a job that will make you a productive citizen of our state.

I see this as an amazing opportunity for our state to move forward. From this past recession, we learned that in order for our constituencies to prosper, we need to diversify our economy and make sure that we are bringing in different kinds of jobs. I think this is moving the state in the right direction. I think it is ensuring high-quality jobs for all Nevadans, and I am super excited about this opportunity for our future.

ASSEMBLYMAN STEWART:

About 70 years ago when I was a young lad, we lived in a small railroad settlement just north of Apex. When we would drive into Las Vegas to get our groceries in our '39 Ford, we would drive by this area, which at that time was still called Apex. Apex was actually another railroad settlement. I looked at that area and it was desolate desert, nothing there. As the years went by, it was finally a gypsum plant, but for many, many years, that is all that was there. If you drive by it today, it is basically the same as it was about 70 years ago. It does my old heart good to see now that this land will become productive. It will produce thousands of jobs. This is the beginning of a great industrial park that will benefit North Las Vegas, all of Clark County, and the great state of Nevada. I enthusiastically support Assembly Bill 1.

ASSEMBLYMAN HANSEN:

I rise in opposition to Assembly Bill 1. I have already stated my reasons. Compared to the other bills we are going to hear, this is really a tiny, tiny bill, so I do not have a lot of heartburn about it. However, I do believe that we are creating an unnecessary new agency, another bureaucracy. As you heard from the people who testified from the Nevada System of Higher Education, from the community colleges, and from DETR, we already have a whole series of programs in place to train highly-skilled and new workers that are coming into the state. We are going to spend millions of dollars on another brand new program.

Also, as we will see especially with Senate Bill 1 when it gets over to our house, assuming it does, we are giving immense powers to the Executive Director of GOED. While I am very fond of Mr. Hill personally, he is not going to be there forever. I think as we look at these programs and the amount of power that we are giving to a brand new agency—GOED, as I said earlier, was created in 2011—we are creating a brand new additional bureaucracy that actually has almost dictatorial authority in some respects as to how these monies will be distributed and spent. We already have a workforce-training program in place that by the testimony we heard only reaches 50 percent capacity now. So, all of this is not really necessary.

While I do believe that of all the bills we are going to hear, this is not really one that is a hill to die on, so to speak, I do think it is setting a dangerous precedent. I do believe when the citizens of our state had three separate opportunities to vote on these types of programs, they overwhelmingly turned them down—not the workforce thing, but the idea that we are going to use government funds to fund private training programs and private businesses that are coming to Nevada. When you look at the bigger picture in this, we are, once again, essentially ignoring the will of the voters who said we better be very careful about these kinds of things. Also, I would point out to you that the Nevada Constitution definitely prohibits government money being used, even as credit, for private enterprise.

With that, Mr. Speaker, I would urge my colleagues to vote no on Assembly Bill 1.

ASSEMBLYWOMAN SHELTON:

I also rise in opposition to Assembly Bill 1. We have a constitutional obligation and the authority to spend the funds necessary for basic public education. Last session, we extended that all the way down to preschool. Now we are going the other way and we are extending that to full adulthood, only this time, we are overstepping our authorized boundaries and forcing the taxpayers to foot the bill to train workers for specifically chosen private businesses.

If I have a tree service, I have to train my employees to cut trees. But if I have billions and investors sitting in the ready to make huge profits, all I have to do is find a state government with no boundaries to make their citizens train my employees. This is not within the legal boundaries of our position as lawmakers, so I will be a no.

ASSEMBLYWOMAN NEAL:

I rise in support of Assembly Bill 1. There is nothing greater than actually winning. Sometimes we set short-term goals to win; sometimes we set long-term goals. This bill actually sets a benchmark. It creates a pathway, not only for K-12 education, but for our college students as well. What greater thing could we do than to set students up to win in their training, win in a business, and win in their ability to be promoted? We can set up the foundation that allows them to attain skills; we can support students and all of our citizens. We will make sure that that foundation is well funded and that it is well coordinated. All of Nevada wins when this bill becomes law.

I think we need to remember that at the end of the day, if Assembly Bill 1 comes out, we have created a bridge. We have created a strong foundation and pathway for our citizens to move forward, claim a dream, and to be trained to access that dream and to work in this state.

ASSEMBLYWOMAN FIORE:

I rise in support of Assembly Bill 1. The reason why I rise in support of this bill is because it is amazing. This is one of four bills, I understand. I want to give you a simple analogy. This bill is just like a second marriage with kids; there is a lot of luggage, but it is part one of four.

This bill literally proves our conservative point that low taxes and no taxes bring business to our state. If the majority of this body votes yes on this and supports this bill, that is what it is saying. As a conservative Republican, I want to make sure that that point stands out. This just proves our point. To grow business here in Nevada, the no-tax and the low-tax model works.

ASSEMBLYWOMAN TITUS:

I rise in opposition of Assembly Bill 1. There have been comments that Nevada wins. Actually, the Nevada taxpayer loses on A.B. 1. We are once again asking the Nevada taxpayer to subsidize big business, and it is just wrong. Nothing in A.B. 1 mandates that the folks that we are educating are Nevadans, and I have huge concern over that because we are asking the taxpayers to pay for this. I would urge you not to support this.

ASSEMBLYMAN THOMPSON:

I rise in support of Assembly Bill 1. I just want to say that this is a great opportunity for a great partnership. A lot of times we hear of training, and that is all that people have. This is customized training. This means that people will go through training and have a great opportunity to get a job with livable wages. Another thing that is great about this bill is that none of us who are sitting here represents a homogenous group of citizens. We all have diverse communities. We all have people with different needs and wants. This is a great time for a public-private partnership that we know will be a great return on our investment. I urge our body to do the right thing and vote for Assembly Bill 1.

ASSEMBLYWOMAN DICKMAN:

While there are certainly some aspects of this bill that I do not agree with—and I think the Assemblyman from District 32 makes some compelling points—I see the need for workforce development. Hopefully, a number of our Nevada businesses will be able to take advantage of this to train the workers for the jobs of the future. Therefore, I will be supporting this bill.

ASSEMBLYMAN NELSON:

I rise in favor of Assembly Bill 1. For decades, I have attended economic development meetings throughout the state, particularly in Reno and Las Vegas, and the gist of every one of those has been that we need to bring clean, high-tech industry to Nevada. The thing I have heard over and over is that the reason certain companies do not come to Nevada has nothing to do with taxes; it has to do with our education system and our workforce. This bill is a big step toward matching up the needed skills with the educational processes and coordinating it all in one office.

I agree with some of the comments that we have to be careful about concentrating too much power in any one office. We need to keep an eye on that; I think the Legislature can do that. I think this bill is a good start, and I urge my colleagues to vote for it.

Roll call on Assembly Bill No. 1:

YEAS—37.

NAYS—Hansen, Jones, Shelton, Titus—4.

VACANT—1.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:32 p.m.

ASSEMBLY IN SESSION

At 6:13 p.m.

Mr. Speaker presiding.

Assemblyman Paul Anderson moved that the Assembly adjourn until Saturday, December 19, 2015, at 8 a.m.

Motion carried.

Assembly adjourned at 6:15 p.m.

Approved:

JOHN HAMBRICK
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly