

ASSEMBLY BILL NO. 1—COMMITTEE OF THE WHOLE

DECEMBER 16, 2015

Referred to Committee of the Whole

SUMMARY—Revises provisions relating to economic development. (BDR 18-9)

FISCAL NOTE: Effect on Local Government: No.
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 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.



* A B 1 R 1 *

Legislative Counsel's Digest:

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

8 **Section 7** of this bill requires the Office of Economic Development, under the
9 direction of the Executive Director of the Office and in consultation with the
10 Nevada System of Higher Education, the Department of Employment, Training and
11 Rehabilitation, the Department of Education and any other person the Executive
12 Director determines is appropriate, to develop and implement one or more
13 programs to provide customized workforce development services to persons that
14 create and expand businesses in Nevada and relocate businesses to Nevada. **Section**
15 **6** of this bill requires the Board of Economic Development to provide advice and
16 recommendations to the Executive Director concerning the development and
17 implementation of such programs.

18 **Section 4** of this bill authorizes a person who wishes to provide a program of
19 workforce recruitment, assessment and training to apply to the Office for approval
20 of the program. **Section 4** provides that any program of workforce recruitment,
21 assessment and training approved by the Office must: (1) include a workforce
22 diversity action plan approved by the Office; and (2) to the extent practicable, be
23 provided on a statewide basis to support the industrial and economic development
24 of all geographic areas of this State. **Section 4** also provides that an authorized
25 provider or the governing body of a local government within the jurisdiction of
26 which the authorized provider will provide the program may apply to the Office for
27 an allocation, grant or loan of money to defray some or all of the costs of the
28 program. **Section 4** requires the Office to give priority to programs that will
29 provide customized workforce development services to one or more businesses
30 that: (1) provide high-skill and high-wage jobs to residents of this State; (2) to
31 the greatest extent practicable, use materials that are produced or bought in this State;
32 (3) are consistent with the State Plan for Economic Development; and (4) are
33 consistent with the unified state plan submitted by the Governor to the Secretary of
34 Labor pursuant to section 102 of the Workforce Innovation and Opportunity Act,
35 29 U.S.C. § 3112. **Section 4** establishes the authorized uses of any money received
36 by an authorized provider from the Office. Additionally, **section 4** authorizes a
37 person who operates a business or will operate a business in this State to apply to
38 the Office to participate in a program of workforce recruitment, assessment and
39 training provided by an authorized provider. **Section 4** also requires each
40 authorized provider and each business that participates in a program of workforce
41 recruitment, assessment and training to have a workforce diversity action plan
42 approved by the Office. **Section 4.5** of this bill prescribes the contents of such a
43 plan.

44 Existing law authorizes a person who operates or will operate a business in this
45 State to apply to the Office of Economic Development for approval of a course of
46 training administered by a community college for employees of the business. (NRS
47 231.147) Under existing law, the Office is required to establish the amount of
48 matching money that the applicant must provide for the program, which must not
49 be less than 25 percent of the amount the Office approves for the program. (NRS
50 231.147) **Section 11** of this bill revises these provisions to authorize a business to
51 apply to the Office for approval of a program of workforce training provided by a
52 provider approved by the Office.

53 **Section 5** of this bill provides that a business that participates in a program of
54 workforce training or a program of recruitment, assessment and training authorized



55 by **section 4 or 11** of this bill, as applicable, may request that any proprietary
56 information, intellectual property or trade secret contained in the training materials
57 provided through the program be deemed confidential. **Section 5** provides that,
58 upon approval by the Executive Director of the Office of such a request, any
59 proprietary information, intellectual property or trade secret contained in the
60 training materials shall be deemed confidential, may be redacted and may not be
61 disclosed.

62 **Section 13** of this bill creates the Workforce Innovations for a New Nevada
63 Account and provides that money in the Account must be used to carry out the
64 programs of workforce development authorized by **sections 4 and 11** of this bill.
65 **Section 17** of this bill requires the State Treasurer to transfer \$1,000,000 to the
66 Account from the amount appropriated for Fiscal Year 2016-2017 for the support
67 of the Office of Science, Innovation and Technology. **Section 18** of this bill makes
68 an appropriation from the State General Fund to the Account in the amount of
69 \$1,500,000. To offset the appropriation made by **section 18**, **section 16** of this bill
70 revises provisions which authorize the Executive Director or the Board of
71 Economic Development to approve applications for transferable tax credits to
72 reduce amounts previously approved.

73 **Section 5.5** of this bill requires the Office of Economic Development to submit
74 to the Legislature a biennial report concerning programs of workforce development
75 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:

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

4 **Sec. 2.** *“Authorized provider” means any institution within*
5 *the Nevada System of Higher Education, a state or local agency, a*
6 *school district, a charter school, a nonprofit organization, a labor*
7 *organization or a private postsecondary educational institution*
8 *that provides a program of workforce development approved by*
9 *the Office.*

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

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

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

21 **Sec. 4.** *1. A person who wishes to provide a program of*
22 *workforce recruitment, assessment and training may apply to the*



1 *Office for approval of the program. The application must be*
2 *submitted on a form prescribed by the Office.*

3 2. *Each application must include:*

4 (a) *The name, address and telephone number of the applicant;*

5 (b) *The name of each business for which the applicant will*
6 *provide the proposed program of workforce recruitment,*
7 *assessment and training;*

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

10 (d) *A workforce diversity action plan; and*

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

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

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

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

20 4. *The Office shall:*

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

24 (b) *Approve or disapprove each application for approval of a*
25 *program of workforce recruitment, assessment and training within*
26 *60 days after receiving a complete application; and*

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

30 5. *An authorized provider that provides a program of*
31 *workforce recruitment, assessment and training approved by the*
32 *Office pursuant to this section or the governing body of a local*
33 *government within the jurisdiction of which the authorized*
34 *provider will provide the program may apply to the Office for an*
35 *allocation, grant or loan of money to defray in whole or in part the*
36 *cost of the program. The application must be submitted on a form*
37 *prescribed by the Office.*

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



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

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

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

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

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

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

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

18 (c) To provide instructional services;

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

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

23 (f) To pay administrative and personnel costs; and

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

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

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

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

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

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



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

3 (f) *Any other information required by the Office.*

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

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

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

15 **Sec. 5.** *A business that participates in a program of*
16 *workforce development may request that any proprietary*
17 *information, intellectual property or trade secret which is*
18 *contained in any training materials provided through the program*
19 *be deemed confidential. Upon approval by the Executive Director*
20 *of such a request, the proprietary information, intellectual*
21 *property or trade secret identified by the business shall be deemed*
22 *confidential, may be redacted from the training materials and may*
23 *not be disclosed.*

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

30 1. *A summary of the expenditures from the Account;*

31 2. *A summary of the outcomes of the programs of workforce*
32 *development which receive money from the Account, including,*
33 *without limitation, the number of persons trained by each*
34 *program, the number of persons employed by businesses that*
35 *participate in each program and the average wages of the*
36 *employees who are hired through each program;*

37 3. *An evaluation of the workforce diversity action plan of*
38 *each authorized provider and each business that participates in a*
39 *program of workforce development; and*

40 4. *Any other information the Executive Director of the Office*
41 *determines is appropriate.*

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

43 231.037 The Board shall:

44 1. Review and evaluate all programs of economic development
45 in this State and make recommendations to the Legislature for



1 legislation to improve the effectiveness of those programs in
2 implementing the State Plan for Economic Development developed
3 by the Executive Director pursuant to subsection 2 of NRS 231.053.

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

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

12 4. Make recommendations to the Executive Director for the
13 designation for the southern region of this State, the northern region
14 of this State and the rural region of this State, one or more regional
15 development authorities for each region.

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

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

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

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

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

29 (e) Any other activities of the Office.

30 6. Review each proposal by the Executive Director to enter into
31 a contract pursuant to NRS 231.057 for more than \$100,000 or
32 allocate, grant or loan more than \$100,000 to any entity and, as the
33 Board determines to be in the best interests of the State, approve or
34 disapprove the proposed allocation, grant or loan. Notwithstanding
35 any other statutory provision to the contrary, the Executive Director
36 shall not enter into any contract pursuant to NRS 231.057 for more
37 than \$100,000 or make any allocation, grant or loan of more than
38 \$100,000 to any entity unless the allocation, grant or loan is
39 approved by the Board.

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

41 231.055 Under the direction of the Executive Director, the
42 Office:

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



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

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

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

15 (b) Working with local, state and federal authorities to
16 streamline the process for obtaining abatements, financial
17 incentives, grants, loans and all necessary permits, ~~and~~ licenses
18 **and registrations** for the creation or expansion of businesses in
19 Nevada or the relocation of businesses to Nevada; and

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

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

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

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

38 7. May:

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

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



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

2 231.0685 The Office shall, on or before January 15 of each
3 odd-numbered year, prepare and submit to the Director of the
4 Legislative Counsel Bureau for transmission to the Legislature a
5 report concerning the abatements from taxation that the Office
6 approved pursuant to NRS 274.310, 274.320, 274.330, 360.750,
7 360.752, 360.753 or 360.754. The report must set forth, for each
8 abatement from taxation that the Office approved during the fiscal
9 years which are 3 fiscal years and 6 fiscal years immediately
10 preceding the submission of the report:

11 1. The dollar amount of the abatement;

12 2. The location of the business for which the abatement was
13 approved;

14 3. The value of infrastructure included as an incentive for the
15 business;

16 4. If applicable, the number of employees that the business for
17 which the abatement was approved employs or will employ;

18 5. Whether the business for which the abatement was approved
19 is a new business or an existing business;

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

24 7. *Any information concerning whether the business for*
25 *which the abatement was approved participates or has participated*
26 *in a program of workforce development, as defined in NRS*
27 *231.146, implemented by the Executive Director; and*

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

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

31 231.141 As used in NRS 231.141 to 231.152, inclusive, *and*
32 *sections 2 to 5.5, inclusive, of this act*, unless the context otherwise
33 requires, the words and terms defined in NRS ~~231.143 and~~
34 *231.146 and section 2 of this act* have the meanings ascribed to
35 them in those sections.

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

37 231.146 “Program ~~” means a course~~ *of workforce*
38 *development” includes:*

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

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



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

2 231.147 1. A person who operates a business or will operate
3 a business in this State may apply to the Office for approval of a
4 program ~~of~~ **of workforce training**. The application must be
5 submitted on a form prescribed by the Office.

6 2. Each application must include:

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

8 (b) The number and types of jobs for the business that are
9 available or will be available upon completion of the program ~~of~~ **of**
10 **workforce training**;

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

13 (d) The estimated cost for each person enrolled in the program
14 ~~of~~ **of workforce training**; and

15 (e) A statement signed by the applicant certifying that, if the
16 program **of workforce training** set forth in the application is
17 approved and money is granted by the Office to ~~the community~~
18 ~~college~~ **an authorized provider** for the program ~~of~~ **of**
19 **workforce training**, each employee who completes the program ~~of~~ **of**
20 **workforce training**:

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

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

26 (I) This State; or

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

28 ↪ as determined by the Employment Security Division of the
29 Department of Employment, Training and Rehabilitation on July 1
30 of each fiscal year.

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

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

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

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

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

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



1 5. Before approving an application, the Office shall establish
2 the amount of matching money that the applicant must provide
3 for the program ~~†~~ *of workforce training*. The amount established
4 by the Office for that applicant must not be less than 25 percent of
5 the amount the Office approves for the program ~~†~~ *of workforce*
6 *training*.

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

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

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

14 231.149 1. The Office may apply for or accept any gifts,
15 grants, donations or contributions from any source to carry out the
16 provisions of NRS 231.141 to 231.152, inclusive ~~†~~, *and sections 2*
17 *to 5.5, inclusive, of this act*.

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

21 3. *A person who makes a gift, grant, donation or contribution*
22 *to the Office to carry out the provisions of NRS 231.141 to*
23 *231.152, inclusive, and sections 2 to 5.5, inclusive, of this act must*
24 *be:*

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

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

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

32 231.151 1. *The Workforce Innovations for a New Nevada*
33 *Account is hereby created in the State General Fund.* Any money
34 the Office receives pursuant to NRS 231.149 or that is appropriated
35 to carry out the provisions of NRS 231.141 to 231.152, inclusive ~~†~~
36 *, and sections 2 to 5.5, inclusive, of this act:*

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

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

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



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

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

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

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

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

18 231.152 The Office may adopt such regulations as are
19 necessary to carry out the provisions of NRS ~~231.147~~ *231.141 to*
20 *231.152, inclusive, and sections 2 to 5.5, inclusive, of this act.*

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

22 239.010 1. Except as otherwise provided in this section and
23 NRS 1.4683, 1.4687, 1A.110, 41.071, 49.095, 62D.420, 62D.440,
24 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
25 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246,
26 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355,
27 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730,
28 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
29 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370,
30 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161,
31 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817,
32 130.312, 130.712, 136.050, 159.044, 172.075, 172.245, 176.015,
33 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
34 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,
35 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651,
36 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040,
37 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350,
38 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270,
39 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105,
40 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210,
41 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030,
42 241.039, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140,
43 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350,
44 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,
45 289.080, 289.387, 289.830, 293.5002, 293.503, 293.558, 293B.135,



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4 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,
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7 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447,
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13 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
14 445A.665, 445B.570, 449.209, 449.245, 449.720, 450.140, 453.164,
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19 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160,
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32 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947,
33 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,
34 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170,
35 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
36 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
37 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
38 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
39 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.3536,
40 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,
41 704B.320, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
42 *section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes
43 of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada
44 2013 and unless otherwise declared by law to be confidential, all
45 public books and public records of a governmental entity must be



1 open at all times during office hours to inspection by any person,
2 and may be fully copied or an abstract or memorandum may be
3 prepared from those public books and public records. Any such
4 copies, abstracts or memoranda may be used to supply the general
5 public with copies, abstracts or memoranda of the records or may be
6 used in any other way to the advantage of the governmental entity or
7 of the general public. This section does not supersede or in any
8 manner affect the federal laws governing copyrights or enlarge,
9 diminish or affect in any other manner the rights of a person in any
10 written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

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

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

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



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

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

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

7 (I) The proposed use of the transferable tax credits;

8 (II) The plans, projects and programs for which the
9 transferable tax credits will be used;

10 (III) The expected benefits of the issuance of the
11 transferable tax credits; and

12 (IV) A statement of the short-term and long-term
13 impacts of the issuance of the transferable tax credits; and

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

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

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

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

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

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

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

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



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

- 4 (1) ~~For Fiscal Year 2015-2016, \$500,000.~~
5 ~~(2) For Fiscal Year 2016-2017, \$2,000,000.~~
6 ~~(3) \$1,000,000.~~
7 (2) For *Fiscal Year 2017-2018, \$2,000,000.*
8 (3) *For Fiscal Year 2018-2019, \$2,000,000.*
9 (4) *For Fiscal Year 2019-2020, \$3,000,000.*
10 (5) *For a fiscal year beginning on or after July 1,*
11 ~~2017,~~ *2020, \$5,000,000.*

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

- 18 (a) The applicant;
19 (b) The Department of Taxation; and
20 (c) The State Gaming Control Board.

21 8. Within 14 days after the Office determines that a
22 person to whom a certificate of eligibility for transferable tax
23 credits has been issued satisfies the criteria established by the
24 Executive Director pursuant to subsection 2, the Office shall
25 notify the person that transferable tax credits will be issued.
26 Within 30 days after the receipt of the notice, the person shall
27 make an irrevocable declaration of the amount of transferable
28 tax credits that will be applied to each fee or tax set forth in
29 paragraphs (a), (b) and (c) of subsection 1, thereby
30 accounting for all of the credits which will be issued. Upon
31 receipt of the declaration, the Office shall issue to the person
32 a certificate of transferable tax credits in the amount approved
33 by the Executive Director or the Board, as applicable, for the
34 fees or taxes included in the declaration. The Office shall
35 notify the Department of Taxation and the State Gaming
36 Control Board of all transferable tax credits issued,
37 segregated by each fee or tax set forth in paragraphs (a), (b)
38 and (c) of subsection 1, and the amount of any transferable
39 tax credits transferred.

40 **Sec. 17.** The State Treasurer shall, as soon as practicable after
41 the effective date of this act, transfer from the amount appropriated
42 for Fiscal Year 2016-2017 for the support of the Office of Science,
43 Innovation and Technology to the Workforce Innovations for a New
44 Nevada Account created by NRS 231.151, as amended by section
45 13 of this act, the sum of \$1,000,000.



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

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

12 **Sec. 20.** The provisions of subsection 1 of NRS 218D.380 do
13 not apply to any provision of this act which adds or revises a
14 requirement to submit a report to the Legislature.

15 **Sec. 21.** NRS 231.143 is hereby repealed.

16 **Sec. 22.** This act becomes effective upon passage and
17 approval.

TEXT OF REPEALED SECTION

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



