

ASSEMBLY BILL NO. 351—ASSEMBLYMEN DICKMAN, MOORE,  
DOOLING; EDWARDS, ELLISON, GARDNER, HANSEN, JONES,  
KIRNER, MUNFORD, OSCARSON, SHELTON, TITUS AND  
WHEELER

MARCH 17, 2015

JOINT SPONSORS: SENATORS HARDY; AND SETTELMAYER

Referred to Committee on Education

SUMMARY—Revises provisions relating to projects to benefit  
charter schools. (BDR 34-1012)

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 charter schools; revising the requirements for a  
project that is financed through bonds to benefit a charter  
school; removing the requirement that such a project pay  
a prevailing wage; and providing other matters properly  
relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Director of the Department of Business and  
Industry to issue bonds and other obligations to finance the acquisition,  
construction, improvement, restoration or rehabilitation of property, buildings and  
facilities for charter schools if certain criteria are met. Existing law requires a  
charter school for whose benefit a project is being financed to have received, within  
the immediately preceding 3 consecutive school years, one of the two highest  
ratings of performance pursuant to the statewide system of accountability for public  
schools. (NRS 386.630, 386.632, 386.634) **Section 1** of this bill instead requires a  
charter school for whose benefit a project is being financed to have received, within  
the immediately preceding 2 consecutive school years, one of the three highest  
ratings of performance pursuant to the statewide system of accountability for public  
schools.

Existing law requires any contract for new construction, repair or  
reconstruction for a project financed by the Department for the acquisition,  
construction, improvement, restoration or rehabilitation of property, buildings and  
facilities for charter schools to comply with the requirement that the hourly and  
daily rate of wages must not be less than the prevailing rate of wages in the county



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18 in which the project is located. (NRS 338.013-338.090, 386.647) **Section 2** of this  
19 bill removes this requirement.

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

1     **Section 1.** NRS 386.632 is hereby amended to read as follows:  
2     386.632 Except as otherwise provided in NRS 386.639, the  
3 Director of the Department of Business and Industry shall not  
4 finance a project unless, before financing the project, the Director  
5 finds and the State Board of Finance approves the findings of the  
6 Director that:

7     1. The project consists of any land, building or other  
8 improvement, and all real and personal properties necessary in  
9 connection therewith, which is suitable for new construction,  
10 improvement, restoration or rehabilitation of charter school  
11 facilities;

12    2. The charter school for whose benefit the project is being  
13 financed is not in default under the written charter or charter  
14 contract, as applicable, granted by its sponsor, as determined by the  
15 sponsor;

16    3. The charter school for whose benefit the project is being  
17 financed has received, within the immediately preceding ~~13~~ 2  
18 consecutive school years, one of the ~~two~~ three highest ratings of  
19 performance pursuant to the statewide system of accountability for  
20 public schools, or has received equivalent ratings in another state, as  
21 determined by the Department of Education;

22    4. There are sufficient safeguards to ensure that all money  
23 provided by the Director of the Department of Business and  
24 Industry will be expended solely for the purposes of the project;

25    5. There are sufficient safeguards to ensure that the Director of  
26 the Department of Business and Industry will have the ability to  
27 monitor compliance with the provisions of NRS 386.612 to 386.649,  
28 inclusive, on an ongoing basis with respect to the project;

29    6. Through the advice of counsel or other reliable source, the  
30 project has received all approvals by the local, state and federal  
31 governments which may be necessary to proceed with construction,  
32 improvement, rehabilitation or redevelopment of the project; and

33    7. There has been a request by a charter school, lessee,  
34 purchaser or other obligor to have the Director of the Department of  
35 Business and Industry issue bonds to finance the project.

36     **Sec. 2.** NRS 386.647 is hereby amended to read as follows:

37     386.647 1. NRS 386.612 to 386.649, inclusive, without  
38 reference to other statutes of this State, constitute full authority for



\* A B 3 5 1 \*

1 the exercise of powers granted in those sections, including, without  
2 limitation, the authorization and issuance of bonds.

3 2. No other act or law with regard to the authorization or  
4 issuance of bonds that provides for an election, requires an approval,  
5 or in any way impedes or restricts the carrying out of the acts  
6 authorized by NRS 386.612 to 386.649, inclusive, to be done,  
7 applies to any proceedings taken or acts done pursuant to those  
8 sections, except for laws to which reference is expressly made in  
9 those sections or by necessary implication of those sections.

10 3. The provisions of no other law, either general or local,  
11 except as provided in NRS 386.612 to 386.649, inclusive, apply to  
12 the doing of the things authorized in those sections to be done, and  
13 no board, agency, bureau, commission or official not designated in  
14 those sections has any authority or jurisdiction over the doing of any  
15 of the acts authorized in those sections to be done, except as  
16 otherwise provided in those sections.

17 4. A project is not subject to any requirements relating to  
18 public buildings, structures, ground works or improvements  
19 imposed by the statutes of this State or any other similar  
20 requirements which may be lawfully waived by this section, and any  
21 requirement of competitive bidding or other restriction imposed on  
22 the procedure for award of contracts for such purpose or the lease,  
23 sale or other disposition of property is not applicable to any action  
24 taken pursuant to NRS 386.612 to 386.649, inclusive. ~~[- except that  
25 the provisions of NRS 338.013 to 338.090, inclusive, apply to any  
26 contract for new construction, repair or reconstruction for which  
27 tentative approval for financing is granted on or after July 1, 2013,  
28 by the Director of the Department of Business and Industry for work  
29 to be done on a project.]~~

30 5. Any bank or trust company located within or without this  
31 State may be appointed and act as a trustee with respect to bonds  
32 issued and projects financed pursuant to NRS 386.612 to 386.649,  
33 inclusive, without the necessity of associating with any other person  
34 or entity as cofiduciary, but such an association is not prohibited.

35 6. The powers conferred by NRS 386.612 to 386.649,  
36 inclusive, are in addition and supplemental to, and not in  
37 substitution for, and the limitations imposed by those sections do  
38 not affect, the powers conferred by any other law.

39 7. No part of NRS 386.612 to 386.649, inclusive, repeals or  
40 affects any other law or part thereof, except to the extent that those  
41 sections are inconsistent with any other law, it being intended that  
42 those sections provide a separate method of accomplishing its  
43 objectives, and not an exclusive one.

44 8. The Director of the Department of Business and Industry or  
45 a person designated by the Director may take any actions and



1 execute and deliver any instruments, contracts, certificates and other  
2 documents, including the bonds, necessary or appropriate for the  
3 sale and issuance of the bonds or accomplishing the purposes of  
4 NRS 386.612 to 386.649, inclusive, without the assistance or  
5 intervention of any other officer.

6 **Sec. 3.** The provisions of this act do not apply to any contract  
7 entered into before July 1, 2015, until renewed.

8 **Sec. 4.** This act becomes effective on July 1, 2015.

