

Amendment No. 238

Senate Amendment to Senate Bill No. 458

(BDR 34-331)

Proposed by: Senate Committee on Education**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 4/18/2017

S.B. No. 458—Revises provisions relating to the development and operation of the statewide longitudinal data system. (BDR 34-331)



SENATE BILL NO. 458—COMMITTEE ON FINANCE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

MARCH 27, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the development and operation of the statewide longitudinal data system. (BDR 34-331)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; abolishing the P-20W Advisory Council; creating the P-20W Research Data System Advisory Committee; prescribing the membership and duties of the Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2007, the P-16 Advisory Council was created to assist in the coordination between elementary, secondary and higher education in this State. (Section 6 of chapter 522, Statutes of Nevada 2007, pp. 3156-57) In 2013, the membership of the P-16 Advisory Council was revised and the Council was renamed the P-20W Advisory Council. (Section 1 of chapter 139, Statutes of Nevada 2013, pp. 475-76)

Existing law requires the P-20W Advisory Council to address, in part: (1) methods to ensure the successful transition of children from early childhood education programs to elementary school; (2) the development and oversight of a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the State's workforce; and (3) a plan for collaborative research using data from the statewide longitudinal data system. (NRS 400.040)

Section 9 of this bill abolishes the Council and repeals provisions relating to the meetings and duties of the Council. **Section 3** of this bill instead creates the P-20W Research Data System Advisory Committee, consisting of three ex officio members and such additional members as the Governor determines are necessary or desirable. **Section 4** of this bill requires the Committee to: (1) develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State; (2) develop a plan for collaborative research using data from the statewide longitudinal data system; and (3) advise and assist certain entities with certain duties relating to the operation of the statewide longitudinal data system and the work of the Committee. **Section 6** of this bill requires the Committee to: (1) prepare and post a biennial report of its activities and any recommendations on the Internet website maintained by the Department of Employment, Training and Rehabilitation; and (2) submit the written report to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature and the Governor. **Section 7** of this bill makes a conforming change.

Senate Bill No. 516 of this session, if enacted, would require the Executive Director of the Office of Workforce Innovation in the Office of the Governor to maintain and oversee the statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the State's workforce, Sections 6.5, 7.3 and 7.7 of this bill, which become effective only if Senate Bill No. 516 is enacted and becomes effective, make conforming changes to this bill to require: (1) the Office of Workforce Innovation to provide any necessary administrative support for the P-20W Research Data System Advisory Committee; (2) the Committee to support and advise the Executive Director of the Office of Workforce Innovation as he or she maintains and oversees the statewide longitudinal data system; and (3) the Committee to post its biennial report on the website of the Office of Workforce Innovation.

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

Section 1. Chapter 400 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Committee" means the P-20W Research Data System Advisory Committee created by section 3 of this act.*

Sec. 3. *1. The P-20W Research Data System Advisory Committee is hereby created to assist in the coordination and management of the statewide longitudinal data system developed pursuant to ~~NRS 400.040~~, section 4 of this act. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation or their designees serve as ex officio members of the Committee.*

2. The Committee may, by a vote of the majority of the Committee, nominate additional members for consideration by the Governor to be appointed to the Committee. The Governor may appoint a nominee to the Committee if the Governor determines that the addition of the nominee to the Committee is necessary or desirable.

3. Each appointed member of the Committee serves a term of 3 years and may be reappointed.

4. The Governor shall call the first meeting of the Committee. At its first meeting and annually thereafter, the members of the Committee shall elect a Chair and a Vice Chair from among the members of the Committee.

5. The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair.

6. Members of the Committee serve without compensation and are not entitled to travel or per diem expenses.

7. The Department of Employment, Training and Rehabilitation shall provide any administrative support necessary for the Committee to carry out its duties.

Sec. 4. *The Committee shall:*

1. Develop and oversee a statewide longitudinal data system that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State;

2. Develop a plan for collaborative research using data from the statewide longitudinal data system developed pursuant to subsection 1; and

3. Advise and assist the System, the Department of Education and the Department of Employment, Training and Rehabilitation in:

(a) Applying for and obtaining grants of money for the operation of the statewide longitudinal data system developed pursuant to subsection 1 or to carry out the work of the Committee;

(b) Budgeting for the operation of the statewide longitudinal data system developed pursuant to subsection 1 or to carry out the work of the Committee;

(c) Proposing legislation relating to the statewide longitudinal data system developed pursuant to subsection 1 or to carry out the work of the Committee; and

(d) Matters relating to any contract for any services necessary for the operation or utilization of the statewide longitudinal data system developed pursuant to subsection 1 or to carry out the work of the Committee.

Sec. 5. NRS 400.010 is hereby amended to read as follows:

400.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~400.015 and~~ 400.020 and section 2 of this act have the meanings ascribed to them in those sections.

Sec. 6. NRS 400.045 is hereby amended to read as follows:

400.045 On or before June 30 of each *even-numbered* year, the ~~Council~~ Committee shall ~~submit~~:

1. *Prepare and post* a written report of its activities and any recommendations on the Internet website maintained by the Department of Employment, Training and Rehabilitation; and

2. *Submit a copy of the written report prepared pursuant to subsection 1* to the:

~~1. Board of Regents of the University of Nevada;~~

~~2. State Board;~~

~~3. (a) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;~~

~~4. Legislative Committee on Education; and~~

~~5. and~~

(b) Governor.

Sec. 6.5. NRS 400.045 is hereby amended to read as follows:

400.045 On or before June 30 of each even-numbered year, the Committee shall:

1. Prepare and post a written report of its activities and any recommendations on the Internet website maintained by the ~~Department of Employment, Training and Rehabilitation;~~ *Office of Workforce Innovation;* and

2. Submit a copy of the written report prepared pursuant to subsection 1 to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(b) Governor.

Sec. 7. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

1 3. The Administrator may, in accordance with a cooperative agreement
2 among all participants in the statewide longitudinal data system developed pursuant
3 to ~~NRS 400.040~~, *section 4 of this act*, make the information obtained by the
4 Division available to:

5 (a) The Board of Regents of the University of Nevada for the purpose of
6 complying with the provisions of subsection 4 of NRS 396.531; and

7 (b) The Director of the Department of Employment, Training and
8 Rehabilitation for the purpose of complying with the provisions of paragraph (d) of
9 subsection 1 of NRS 232.920.

10 4. Subject to such restrictions as the Administrator may by regulation
11 prescribe, the information obtained by the Division may be made available to:

12 (a) Any agency of this or any other state or any federal agency charged with
13 the administration or enforcement of laws relating to unemployment compensation,
14 public assistance, workers' compensation or labor and industrial relations, or the
15 maintenance of a system of public employment offices;

16 (b) Any state or local agency for the enforcement of child support;

17 (c) The Internal Revenue Service of the Department of the Treasury;

18 (d) The Department of Taxation;

19 (e) The State Contractors' Board in the performance of its duties to enforce the
20 provisions of chapter 624 of NRS; and

21 (f) The Secretary of State to operate the state business portal established
22 pursuant to chapter 75A of NRS for the purposes of verifying that data submitted
23 via the portal has satisfied the necessary requirements established by the Division,
24 and as necessary to maintain the technical integrity and functionality of the state
25 business portal established pursuant to chapter 75A of NRS.

26 ➤ Information obtained in connection with the administration of the Division may
27 be made available to persons or agencies for purposes appropriate to the operation
28 of a public employment service or a public assistance program.

29 5. Upon written request made by the State Controller or a public officer of a
30 local government, the Administrator shall furnish from the records of the Division
31 the name, address and place of employment of any person listed in the records of
32 employment of the Division. The request may be made electronically and must set
33 forth the social security number of the person about whom the request is made and
34 contain a statement signed by the proper authority of the State Controller or local
35 government certifying that the request is made to allow the proper authority to
36 enforce a law to recover a debt or obligation assigned to the State Controller for
37 collection or owed to the local government, as applicable. Except as otherwise
38 provided in NRS 239.0115, the information obtained by the State Controller or
39 local government is confidential and may not be used or disclosed for any purpose
40 other than the collection of a debt or obligation assigned to the State Controller for
41 collection or owed to that local government. The Administrator may charge a
42 reasonable fee for the cost of providing the requested information.

43 6. The Administrator may publish or otherwise provide information on the
44 names of employers, their addresses, their type or class of business or industry, and
45 the approximate number of employees employed by each such employer, if the
46 information released will assist unemployed persons to obtain employment or will
47 be generally useful in developing and diversifying the economic interests of this
48 State. Upon request by a state agency which is able to demonstrate that its intended
49 use of the information will benefit the residents of this State, the Administrator
50 may, in addition to the information listed in this subsection, disclose the number of
51 employees employed by each employer and the total wages paid by each employer.
52 The Administrator may charge a fee to cover the actual costs of any administrative
53 expenses relating to the disclosure of this information to a state agency. The

1 Administrator may require the state agency to certify in writing that the agency will
2 take all actions necessary to maintain the confidentiality of the information and
3 prevent its unauthorized disclosure.

4 7. Upon request therefor, the Administrator shall furnish to any agency of the
5 United States charged with the administration of public works or assistance through
6 public employment, and may furnish to any state agency similarly charged, the
7 name, address, ordinary occupation and employment status of each recipient of
8 benefits and the recipient's rights to further benefits pursuant to this chapter.

9 8. To further a current criminal investigation, the chief executive officer of
10 any law enforcement agency of this State may submit a written request to the
11 Administrator that the Administrator furnish, from the records of the Division, the
12 name, address and place of employment of any person listed in the records of
13 employment of the Division. The request must set forth the social security number
14 of the person about whom the request is made and contain a statement signed by the
15 chief executive officer certifying that the request is made to further a criminal
16 investigation currently being conducted by the agency. Upon receipt of such a
17 request, the Administrator shall furnish the information requested. The
18 Administrator may charge a fee to cover the actual costs of any related
19 administrative expenses.

20 9. In addition to the provisions of subsection 6, the Administrator shall
21 provide lists containing the names and addresses of employers, and information
22 regarding the wages paid by each employer to the Department of Taxation, upon
23 request, for use in verifying returns for the taxes imposed pursuant to chapters
24 363A, 363B and 363C of NRS. The Administrator may charge a fee to cover the
25 actual costs of any related administrative expenses.

26 10. The Division of Industrial Relations of the Department of Business and
27 Industry shall periodically submit to the Administrator, from information in the
28 index of claims established pursuant to NRS 616B.018, a list containing the name
29 of each person who received benefits pursuant to chapters 616A to 616D, inclusive,
30 or chapter 617 of NRS. Upon receipt of that information, the Administrator shall
31 compare the information so provided with the records of the Employment Security
32 Division regarding persons claiming benefits pursuant to this chapter for the same
33 period. The information submitted by the Division of Industrial Relations must be
34 in a form determined by the Administrator and must contain the social security
35 number of each such person. If it appears from the information submitted that a
36 person is simultaneously claiming benefits under this chapter and under chapters
37 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the
38 Attorney General or any other appropriate law enforcement agency.

39 11. The Administrator may request the Comptroller of the Currency of the
40 United States to cause an examination of the correctness of any return or report of
41 any national banking association rendered pursuant to the provisions of this chapter,
42 and may in connection with the request transmit any such report or return to the
43 Comptroller of the Currency of the United States as provided in section 3305(c) of
44 the Internal Revenue Code of 1954.

45 12. If any employee or member of the Board of Review, the Administrator or
46 any employee of the Administrator, in violation of the provisions of this section,
47 discloses information obtained from any employing unit or person in the
48 administration of this chapter, or if any person who has obtained a list of applicants
49 for work, or of claimants or recipients of benefits pursuant to this chapter uses or
50 permits the use of the list for any political purpose, he or she is guilty of a gross
51 misdemeanor.

52 13. All letters, reports or communications of any kind, oral or written, from
53 the employer or employee to each other or to the Division or any of its agents,

representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 7.3. Section 3 of this act is hereby amended to read as follows:

Sec. 3. 1. The P-20W Research Data System Advisory Committee is hereby created to assist in the coordination and management of the statewide longitudinal data system ~~developed~~ administered by the Office of Workforce Innovation pursuant to section ~~4 of this act~~ 20 of Senate Bill No. 516. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation or their designees serve as ex officio members of the Committee.

2. The Committee may, by a vote of the majority of the Committee, nominate additional members for consideration by the Governor to be appointed to the Committee. The Governor may appoint a nominee to the Committee if the Governor determines that the addition of the nominee to the Committee is necessary or desirable.

3. Each appointed member of the Committee serves a term of 3 years and may be reappointed.

4. The Governor shall call the first meeting of the Committee. At its first meeting and annually thereafter, the members of the Committee shall elect a Chair and a Vice Chair from among the members of the Committee.

5. The Committee shall meet at least once each calendar year and, after its first meeting, at the call of the Chair.

6. Members of the Committee serve without compensation and are not entitled to travel or per diem expenses.

7. The ~~Department of Employment, Training and Rehabilitation~~ Office of Workforce Innovation shall provide any administrative support necessary for the Committee to carry out its duties.

Sec. 7.7. Section 4 of this act is hereby amended to read as follows:

Sec. 4. 1. The Committee shall:

~~1. Develop~~

~~(a) Support and oversee a~~ advise the Executive Director of the Office of Workforce Innovation regarding the maintenance and oversight of the statewide longitudinal data system ~~; that links data relating to early childhood education programs and K-12 public education with data relating to postsecondary education and the workforce in this State;~~

~~2. (b) Develop a plan for collaborative research using data from the statewide longitudinal data system ; developed pursuant to subsection 1;~~ and

~~3. (c) Advise and assist the System, the Department of Education,~~ the Office of Workforce Innovation and the Department of Employment, Training and Rehabilitation in:

~~(a) (1) Applying for and obtaining grants of money for the operation of the statewide longitudinal data system developed pursuant to subsection 1; or to carry out the work of the Committee;~~

~~(b) (2) Budgeting for the operation of the statewide longitudinal data system developed pursuant to subsection 1; or to carry out the work of the Committee;~~

~~(c) (3) Proposing legislation relating to the statewide longitudinal data system developed pursuant to subsection 1; or to carry out the work of the Committee; and~~

~~(d)~~ (4) Matters relating to any contract for any services necessary for the operation or utilization of the statewide longitudinal data system ~~developed pursuant to subsection 1~~ or to carry out the work of the Committee.

2. As used in this section, "statewide longitudinal data system" means the system administered by the Office of Workforce Innovation pursuant to section 20 of Senate Bill No. 516.

Sec. 8. 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. 9. NRS 400.015, 400.025, 400.030, 400.035 and 400.040 are hereby repealed.

Sec. 10. 1. This section and sections 1 to 7, inclusive, 8 and 9 of this act ~~becomes~~ become effective on July 1, 2017.

2. Sections 6.5, 7.3 and 7.7 of this act become effective on July 1, 2017, if and only if, Senate Bill No. 516 is enacted by the Legislature and approved by the Governor.

LEADLINES OF REPEALED SECTIONS

400.015 "Council" defined.
400.025 Legislative declaration.
400.030 Creation; membership; terms; vacancies.
400.035 Meetings; compensation of members; administrative support and other assistance.
400.040 Powers and duties.