

CHAPTER.....

AN ACT relating to economic development; revising various provisions relating to regional development authorities; requiring the Board of Economic Development to approve certain contracts entered into by the Office of Economic Development; revising the duties of the Executive Director of the Office; abolishing the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Office of Economic Development and the Executive Director of the Office of Economic Development exist within the Office of the Governor and are responsible for developing and carrying out the State Plan for Economic Development. (NRS 231.043, 231.053) This bill proposes to make numerous changes relating to economic development.

Under current law, entities seeking to receive partial tax abatements must apply to the Office for approval. (NRS 274.310, 274.320, 274.330, 360.750) **Section 1** of this bill requires entities whose cumulative partial tax abatements for the immediately preceding 2 years plus the partial tax abatement that is being requested equals \$250,000 or more to seek the approval of the Board of Economic Development. **Section 1** also specifies that entities whose cumulative partial tax abatements for the immediately preceding 2 years plus the partial tax abatement that is being requested equals less than \$250,000 must seek the approval of the Executive Director.

Under existing law, the Board is composed of 11 members, including the Governor, the Lieutenant Governor and the Secretary of State or their designees and a member appointed by the Department of Employment, Training and Rehabilitation from the membership of the Governor's Workforce Investment Board. (NRS 231.033) **Section 3** of this bill revises the provisions authorizing the Governor, the Lieutenant Governor and the Secretary of State to choose designees and requires that the Director of the Department of Employment, Training and Rehabilitation serve on the Board instead of appointing a member. **Section 3** also requires the Governor's designee to serve as the Chair of the Board.

Under existing law, the Executive Director is required to designate as many regional development authorities as he or she deems appropriate to implement the State Plan for Economic Development. The Executive Director is also authorized to remove the designation of any previously designated regional development authority if he or she determines that such action would aid in the implementation of the State Plan for Economic Development. (NRS 231.053) **Section 4** of this bill authorizes the Executive Director to void any contract entered into between the Office and a regional development authority after removing the designation of that regional development authority.

Existing law requires the Office to develop a State Plan for Inland Ports which includes a comprehensive plan for the physical development of inland ports which promotes, encourages, and aids in the development of the economic interests in this State. (NRS 231.075) **Section 6** of this bill deletes that requirement.



Under existing law, local governmental entities may apply for a grant or loan of money from the Catalyst Fund if the local governmental entity or entities are designated as a regional development authority. The Executive Director is required to review each application and, if he or she determines that approval of the application would promote economic development in this State, may approve the application and make a grant or loan of money from the Catalyst Fund. (NRS 231.1577) **Section 7** of this bill authorizes only counties or incorporated cities to apply for a grant or loan of money from the Catalyst Fund. **Section 7** also requires the Executive Director to review any application for a grant or a loan from the Catalyst Fund that requests more than \$100,000. **Section 9** of this bill abolishes the Interagency Committee for Coordinating Tourism and Economic Development and the Advisory Council on Economic Development.

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

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 a new section to read as follows:

1. For the purpose of any partial tax abatement which the Office is required or authorized to approve, the Office shall be deemed to have approved the partial tax abatement:

(a) Upon approval by the Board for partial tax abatements with a projected value to a single entity of \$250,000 or more; and

(b) Upon approval by the Director for partial tax abatements with a projected value to a single entity of less than \$250,000.

2. For the purposes of this section, “projected value” means the dollar value of the abatement requested by an entity plus the accumulated value of all tax abatements received by that entity for the immediately preceding 2 years.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor ; ~~for his or her designee;~~

(2) The Lieutenant Governor ; ~~for his or her designee;~~

(3) The Secretary of State ; ~~for his or her designee;~~ and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;



(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee; and

(2) ~~{One member appointed by}~~ *The Director of the Department of Employment, Training and Rehabilitation .* ~~{from the membership of the Governor's Workforce Investment Board.}~~

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor ~~{or his or her designee}~~ shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 ~~{and subparagraph (2) of paragraph (b) of subsection 1}~~ are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. *The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board.* Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.



7. A majority of the Board constitutes a quorum, and a majority of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 4. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any pertinent advice and recommendations of the Board the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated



pursuant to this section ~~H~~ and declare void any contract between the Office and that regional development authority.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1573 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 231.075 is hereby amended to read as follows:

231.075 1. The Office of Economic Development shall:

(a) ~~H~~Develop a State Plan for Inland Ports. The Plan must include, without limitation:

~~— (1) A comprehensive, long term general plan for the physical development of inland ports which promotes, encourages and aids in the development of the economic interests of this State.~~

~~— (2) Requirements for the creation of inland ports for the purposes of the Inland Port Authority Act which affect economic and industrial development.~~

~~— (b)~~ Promote, encourage and aid in the development of inland ports in this State.

~~H~~(e) (b) Identify sources of financing to assist local governments in developing or expanding inland ports.

~~H~~(d) (c) Encourage and assist local governments in planning and preparing projects for inland ports.

~~H~~(e) (d) Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.

2. As used in this section, “inland port” has the meaning ascribed to it in NRS 277B.050.

Sec. 7. NRS 231.1577 is hereby amended to read as follows:

231.1577 1. The Executive Director shall, after considering the advice and recommendations of the Board, establish procedures



for applying to the Office for ~~{a development resource or}~~ a grant or loan of money from the Catalyst Fund created by NRS 231.1573. The procedures must:

(a) Include, without limitation, a requirement that applications for ~~{development resources,}~~ grants or loans must set forth:

(1) The proposed use of the ~~{development resource,}~~ grant or loan;

(2) The plans, projects and programs for which the ~~{development resource,}~~ grant or loan will be used;

(3) The expected benefits of the ~~{development resource,}~~ grant or loan; and

(4) A statement of the short-term and long-term impacts of the use of the ~~{development resource,}~~ grant or loan; and

(b) Allow an applicant to revise his or her application upon the recommendation of the Executive Director.

2. In accordance with the procedures established pursuant to subsection 1 ~~{and subject to the requirements of this subsection:~~

~~—(a) A regional development authority which is a local government or composed solely of two or more local governmental entities; or~~

~~—(b) A private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments,}~~
, any county or incorporated city in this State

~~{→}~~ may apply for a grant or loan of money from the Catalyst Fund.

~~{If a private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments applies for a grant or loan of money from the Catalyst Fund, the regional development authority which is a local government or composed solely of two or more local governments must be the entity which submits the application and receives and distributes the grant or loan.}~~

3. ~~{In accordance with the procedures established pursuant to subsection 1 and subject to the requirements of this subsection, a regional development authority may apply for a development resource. A private nonprofit regional development authority applying for a development resource which is a grant or loan of money must apply in partnership with a regional development authority which is a local government or composed solely of two or more local governments. Any development resource which is a grant or loan of money must be received and distributed by the~~



~~regional development authority which is a local government or composed solely of two or more local governments.~~

~~—4.—~~ Upon receipt of an application pursuant to subsection 2, ~~for~~ **3.** the Executive Director shall review 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. 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, the Executive Director may approve the application and ~~provide a development resource or~~ make a grant or loan of money from the Catalyst Fund to the applicant ~~†~~.

~~—5.—~~ *if the applicant is requesting \$100,000 or less. If the applicant is requesting more than \$100,000, the Board may approve the application and make a grant or loan of money from the Catalyst Fund to the applicant.*

~~4. †Except as otherwise provided in this subsection or another specific statute, each development resource or grant or loan of money from the Catalyst Fund which the Office provides to a regional development authority must be used to provide development resources, grants or loans to or to make investments in, businesses seeking to create or expand in this State or relocate to this State. The Executive Director may provide a development resource or a grant or loan of money to a regional development authority to be used for administrative or operating purposes, but no money from the Catalyst Fund may be used by any organization for economic development for such purposes.~~

~~—6.—~~ After considering the advice and recommendations of the Board, the Executive Director shall:

~~—(a) Require each regional development authority to which the Executive Director proposes to provide a development resource or a grant or loan of money from the Catalyst Fund to enter into an agreement with the Executive Director that sets forth terms and conditions of the development resource, grant or loan, which must include, without limitation, a provision requiring the regional development authority to enter into a separate agreement with each business to which the regional development authority provides any portion of the development resource, grant or loan which requires the business to return the development resource, grant or loan to the Office if it is not used in accordance with the agreement between the regional development authority and the Executive Director.~~



~~—(b) Establish the requirements for reports from regional development authorities concerning the use of development resources and grants and loans of money from the Catalyst Fund. The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:~~

~~—(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;~~

~~—(2) The return on the money provided by the grant or loan;~~

~~—(3) A statement of the benefit to the public from the grant or loan; and~~

~~—(4) Such documentation as the Executive Director deems appropriate to support the information provided in the report.~~

~~—7.1~~ On or before November 1, 2012, and on or before November 1 of every year thereafter, the Executive Director shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(a) The amount of grants and loans awarded from the Catalyst Fund;

(b) The amount of all grants, gifts and donations to the Catalyst Fund from public and private sources;

(c) The number of businesses which have been created or expanded in this State, or which have relocated to this State, because of grants and loans from the Catalyst Fund; and

(d) The number of jobs which have been created or saved because of grants and loans from the Catalyst Fund.

Sec. 8. NRS 277B.160 is hereby amended to read as follows:

277B.160 1. One or more participating entities may apply to the Office to create, operate and maintain an inland port and authority.

2. A participating entity is eligible to apply to the Office pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.

3. The Office may approve the creation of an inland port and authority if *the Office determines that* the proposed inland port and authority ~~conform to the State Plan for Inland Ports developed by~~



~~the Office pursuant to NRS 231.075.]~~ *will serve the economic interests of this State.*

Sec. 9. NRS 231.015 and 231.025 are hereby repealed.

Sec. 10. The amendatory provisions of subsection 4 of section 4 of this act do not apply to a contract specified in that subsection which is entered into before July 1, 2013.

Sec. 11. This act becomes effective upon passage and approval.

