

Amendment No. 1108

Senate Amendment to Senate Bill No. 495	(BDR 18-136)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

HAC



Date: 6/2/2019

S.B. No. 495—Creates the Office of the Small Business Advocate. (BDR 18-136)





SENATE BILL NO. 495—SENATOR CANNIZZARO

MARCH 29, 2019

JOINT SPONSOR: ASSEMBLYMAN FRIERSON

Referred to Committee on Government Affairs

SUMMARY—Creates the Office of the Small Business Advocate. (BDR 18-136)

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 small businesses; creating the Office of the Small Business Advocate within the Office of the Lieutenant Governor; authorizing the Lieutenant Governor to employ and appoint personnel to the Office of the Small Business Advocate; requiring the Office of the Small Business Advocate to coordinate with state agencies and local governments under certain circumstances; authorizing the Office of the Small Business Advocate to review certain requests for assistance related to small businesses; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 8** of this bill creates the Office of the Small Business Advocate within the Office of the Lieutenant Governor. **Section 9** of this bill requires the Office to provide certain information to small businesses and to coordinate with certain state agencies and local governments to facilitate interactions between such entities and small businesses. **Section 11** of this bill prescribes a protocol for the Office to follow when it receives a request for assistance from a small business. **Section 10** of this bill authorizes the Office to review a request for assistance made by a small business regarding an interaction with a state agency. **Section 12** of this bill provides that the records, files and communications of the Office are confidential and are not public records.

WHEREAS, Small businesses are an important new job generator in Nevada;  
and

WHEREAS, New small businesses can be disadvantaged relative to large businesses when it comes to regulatory compliance and navigating various state and local government agencies; and

WHEREAS, Such disadvantages are an obstacle to the creation of higher paying jobs; and

WHEREAS, A small business advocate can assist and support small business entrepreneurs with regulatory compliance and support their ability to thrive in the State; now, therefore,

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

**Section 1.** Chapter 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Business” means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.*

**Sec. 4.** *“Local government” means a political subdivision of the State, including, without limitation, a county, city, irrigation district, water district or water conservancy district.*

**Sec. 5.** *“Office” means the Office of the Small Business Advocate created by section 8 of this act within the Office of the Lieutenant Governor.*

**Sec. 6.** *“Small business” means a prospective, new or established business with not more than 100 employees that is or will be located in this State.*

**Sec. 7.** *“State agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.*

**Sec. 8.** *1. The Office of the Small Business Advocate is hereby created within the Office of the Lieutenant Governor.*

*2. The Lieutenant Governor may, within the limits of money appropriated or authorized to be expended for such purpose, employ or appoint such personnel necessary to perform the functions and duties of the Office. ~~Employees of the Office are not in the classified or unclassified service of the State and serve at the pleasure of the Lieutenant Governor.~~*

~~*3. Each state agency shall cooperate with and assist the Office in the performance of its duties and functions.*~~

**Sec. 9.** *The Office shall:*

*1. Refer a small business with an inquiry relating to any aspect of starting, operating or winding up a small business to an appropriate resource to assist the small business;*

*2. Work with small businesses and local governments to:*

*(a) Facilitate interactions between a small business and a local government, including, without limitation, resolving issues that arise in the administrative, regulatory and enforcement functions of the local government with respect to small businesses; and*

*(b) Identify and recommend any improvement to the processes and functions of local governments with respect to interactions between small businesses and local governments, including, without limitation, conducting general studies, conferences, inquiries and meetings.*

*3. Assist state agencies with regulatory authority over small businesses to ensure a small business is able to provide comment or feedback on any interaction the small business has with a state agency;*

*4. Coordinate with state agencies to:*

*(a) Facilitate interactions between small businesses and state agencies; and*

~~(b) Develop processes that ensure a small business receives a timely response to any inquiry or request made to a state agency;~~

~~(c) Resolve issues that arise in the administrative, regulatory or enforcement functions of a state agency with respect to small businesses; and~~

~~(d) Identify and recommend efficient, responsive and nonretaliatory procedures for:~~

~~(1) Receiving comments or feedback from a small business regarding an interaction with a state agency;~~

~~(2) The participation of a small business in general studies, conferences, inquiries and meetings that would improve the function of a state agency with regulatory authority over small businesses;~~

~~(3) Identifying causes of unnecessary delays, inconsistencies and inefficient uses of state resources in the administrative, regulatory and enforcement functions of a state agency related to small businesses; and~~

~~(4) Making~~ Make recommendations for resolving an issue or dispute that arises from an interaction between a state agency and a small business.

**Sec. 10. 1.** Except as otherwise provided in subsection 2, the Office may review any request for assistance filed by a small business relating to an interaction with a state agency relating to the small business.

**2.** The Office shall not take action on a request for assistance if the Office determines that:

(a) The person who filed the request for assistance could reasonably be expected to pursue, or is pursuing, an alternative remedy or recourse;

(b) The request for assistance relates to a matter outside the jurisdiction of the Office;

(c) The request for assistance was not filed in a timely manner, as determined by the Lieutenant Governor;

(d) The person who filed the request for assistance does not have a sufficient personal interest or is not personally aggrieved or affected by the subject matter of the request;

(e) The request for assistance is trivial, frivolous, vexatious or not made in good faith;

(f) The resources of the Office are insufficient for adequate review of the request for assistance;

(g) The request for assistance is the subject of pending litigation, a pending contested case, as defined in NRS 233B.032, a proceeding pursuant to chapter 233B of NRS or an agency action that could result in a contested case proceeding pursuant to chapter 233B of NRS.

**3.** The Office shall notify the person who filed the request for assistance not later than 30 days after receipt of the request whether the Office will provide assistance to the person.

**4.** If the Office undertakes the review of a request for assistance pursuant to this section, the Office ~~is~~

~~(a) May make recommendations to a state agency for the resolution of the issues set forth in the request for assistance;~~

~~(b) May contact and discuss the issues with the administrative head of a state agency, the Governor or a member of the public for the purposes of obtaining the cooperation and assistance of a state agency with the review of the request for assistance;~~

~~(c) ;~~

(a) Shall inform the complainant of the status of the review upon request; and

~~[(d)]~~ (b) Shall, upon the conclusion of the review:

1       (1) *Prepare a preliminary report regarding the review, including, without*  
2 *limitation, the conclusion reached by the Office regarding the review and*  
3 *recommendations for the resolution of the issues, if any;*

4       (2) *Provide any state agency named in the request for assistance with a*  
5 *copy of the preliminary report pursuant to subparagraph (1) indicating the state*  
6 *agency may, within 15 days, submit to the Office a comment regarding the report;*

7       (3) *Prepare a final report that includes, without limitation, any comment*  
8 *submitted by an agency pursuant to subparagraph (2);*

9       (4) *Inform the person who filed the request for assistance of the*  
10 *conclusion and recommendations of the Office pursuant to subparagraph (1), if*  
11 *any; and*

12       (5) *Provide a copy of the final report to the Lieutenant Governor and the*  
13 *person who submitted the request for assistance.*

14       5. *A person who files a request for assistance or who participates in a*  
15 *review and investigation is not subject to a penalty, sanction or restriction in*  
16 *connection with the employment of that person, and may not be denied any right,*  
17 *privilege or benefit because of the request for assistance or because of any review*  
18 *and investigation of such request.*

19       **Sec. 11. 1. When the Office receives a request for assistance from a small**  
20 **business the Office shall:**

21       (a) *Notify the small business whether the Office will open a file regarding the*  
22 *issue not later than 30 days after receipt of the request;*

23       (b) *Inform the requester of the status of the file upon request; and*

24       (c) *Notify the requester when the file is closed.*

25       2. *The Office may compile statistical data regarding requests for assistance*  
26 *and other communications received by the Office from small businesses.*

27       **Sec. 12. All records, files and communications of the Office made or**  
28 **received pursuant to sections 2 to 13, inclusive, of this act are confidential and**  
29 **not a public record.**

30       **Sec. 13. The Lieutenant Governor may adopt any regulations necessary to**  
31 **carry out the provisions of sections 2 to 12, inclusive, of this act.**

32       **Sec. 14. NRS 239.010 is hereby amended to read as follows:**

33       239.010 1. Except as otherwise provided in this section and NRS 1.4683,  
34 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,  
35 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,  
36 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,  
37 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,  
38 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,  
39 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690,  
40 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,  
41 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044,  
42 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156,  
43 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165,  
44 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,  
45 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131,  
46 217.110, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130,  
47 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,  
48 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,  
49 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039,  
50 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140,  
51 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350,  
52 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110,  
53 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,

293.504, 293.558, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110,  
332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,  
338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,  
353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138,  
366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.008,  
379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,  
388.503, 388.513, 388.750, 388A.247, 388A.249, 391.035, 391.120, 391.925,  
392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,  
392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405,  
396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484,  
412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236,  
427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.407,  
432B.430, 432B.560, 432B.5902, 433.534, 433A.360, 437.145, 439.840, 439B.405,  
440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 445A.665,  
445B.570, 449.209, 449.245, 449A.112, 450.140, 453.164, 453.720, 453A.610,  
453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846,  
463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365,  
480.940, 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,  
483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452, 522.040,  
534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110,  
599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015,  
616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.137, 624.110,  
624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,  
629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
632.405, 633.283, 633.301, 633.524, 634.055, 634.214, 634A.185, 635.158,  
636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,  
640A.220, 640B.730, 640C.400, 640C.600, 640C.620, 640C.745, 640C.760,  
640D.190, 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,  
641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180, 645.625,  
645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130,  
645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945,  
647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105,  
661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,  
673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159,  
679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,  
681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,  
692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480,  
693A.615, 696B.550, 696C.120, 703.196, 704B.320, 704B.325, 706.1725,  
706A.230, 710.159, 711.600, *and section 12 of this act*, sections 35, 38 and 41 of  
chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
Nevada 2013 and unless otherwise declared by law to be confidential, all public  
books and public records of a governmental entity must be open at all times during  
office hours to inspection by any person, and may be fully copied or an abstract or  
memorandum may be prepared from those public books and public records. Any  
such copies, abstracts or memoranda may be used to supply the general public with  
copies, abstracts or memoranda of the records or may be used in any other way to  
the advantage of the governmental entity or of the general public. This section does  
not supersede or in any manner affect the federal laws governing copyrights or  
enlarge, diminish or affect in any other manner the rights of a person in any written  
book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

16       **Sec. 15.** This act becomes effective on July 1, 2019.