

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.



* S B 4 9 5 R 1 *

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.*

Sec. 9. *The Office shall:*



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

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

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

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

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

18 4. Coordinate with state agencies to:

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

21 (b) Make recommendations for resolving an issue or dispute
22 that arises from an interaction between a state agency and a small
23 business.

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

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

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

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

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

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

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

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

44 (g) The request for assistance is the subject of pending
45 litigation, a pending contested case, as defined in NRS 233B.032,



1 a proceeding pursuant to chapter 233B of NRS or an agency
2 action that could result in a contested case proceeding pursuant to
3 chapter 233B of NRS.

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

7 4. If the Office undertakes the review of a request for
8 assistance pursuant to this section, the Office:

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

11 (b) Shall, upon the conclusion of the review:

12 (1) Prepare a preliminary report regarding the review,
13 including, without limitation, the conclusion reached by the Office
14 regarding the review and recommendations for the resolution of
15 the issues, if any;

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

20 (3) Prepare a final report that includes, without
21 limitation, any comment submitted by an agency pursuant to
22 subparagraph (2);

23 (4) Inform the person who filed the request for assistance
24 of the conclusion and recommendations of the Office pursuant to
25 subparagraph (1), if any; and

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

28 5. A person who files a request for assistance or who
29 participates in a review and investigation is not subject to a
30 penalty, sanction or restriction in connection with the employment
31 of that person, and may not be denied any right, privilege or
32 benefit because of the request for assistance or because of any
33 review and investigation of such request.

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

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

39 (b) Inform the requester of the status of the file upon request;
40 and

41 (c) Notify the requester when the file is closed.

42 2. The Office may compile statistical data regarding requests
43 for assistance and other communications received by the Office
44 from small businesses.



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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 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,



1 412.153, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
2 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
3 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
4 433.534, 433A.360, 437.145, 439.840, 439B.420, 440.170,
5 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735,
6 445A.665, 445B.570, 449.209, 449.245, 449A.112, 450.140,
7 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
8 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
9 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.365, 480.940,
10 481.063, 481.091, 481.093, 482.170, 482.5536, 483.340, 483.363,
11 483.575, 483.659, 483.800, 484E.070, 485.316, 501.344, 503.452,
12 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964,
13 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710,
14 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341,
15 618.425, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327,
16 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047,
17 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368,
18 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.055,
19 634.214, 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087,
20 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730,
21 640C.400, 640C.600, 640C.620, 640C.745, 640C.760, 640D.190,
22 640E.340, 641.090, 641.325, 641A.191, 641A.289, 641B.170,
23 641B.460, 641C.760, 641C.800, 642.524, 643.189, 644A.870,
24 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092,
25 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375,
26 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033,
27 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115,
28 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450,
29 673.480, 675.380, 676A.340, 676A.370, 677.243, 679B.122,
30 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270,
31 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077,
32 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010,
33 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190,
34 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
35 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.320,
36 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 12**
37 **of this act**, sections 35, 38 and 41 of chapter 478, Statutes of
38 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013
39 and unless otherwise declared by law to be confidential, all public
40 books and public records of a governmental entity must be open at
41 all times during office hours to inspection by any person, and may
42 be fully copied or an abstract or memorandum may be prepared
43 from those public books and public records. Any such copies,
44 abstracts or memoranda may be used to supply the general public
45 with copies, abstracts or memoranda of the records or may be used



1 in any other way to the advantage of the governmental entity or of
2 the general public. This section does not supersede or in any manner
3 affect the federal laws governing copyrights or enlarge, diminish or
4 affect in any other manner the rights of a person in any written book
5 or record which is copyrighted pursuant to federal law.

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

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

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

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

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

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

