

ASSEMBLY BILL NO. 69—COMMITTEE ON REVENUE

(ON BEHALF OF THE OFFICE OF ECONOMIC DEVELOPMENT
IN THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Revenue

SUMMARY—Revises provisions governing economic development. (BDR 18-290)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 economic development; revising provisions relating to the membership of the Board of Economic Development; revising provisions governing the appointment of the Executive Director of the Office of Economic Development within the Office of the Governor; renaming and revising provisions relating to the Division of Motion Pictures within the Office of Economic Development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) Under existing law, the Board consists of: (1) nine voting members, including the Governor, the Lieutenant Governor, the Secretary of State and six representatives of the private sector; and (2) two nonvoting members, which are the Chancellor of the Nevada System of Higher Education or his or her designee and the Director of the Department of Employment, Training and Rehabilitation. (NRS 231.033) **Section 2** of this bill adds the Director of the Department of Business and Industry as a nonvoting member of the Board. **Section 2** also clarifies that the requirements in existing law relating to a quorum and calling of meetings only apply to the voting members of the Board.

Existing law creates the Office of Economic Development within the Office of the Governor, the administrative and technical activities of which are directed and supervised by an Executive Director. (NRS 231.043, 231.047, 231.053) Under existing law, the Executive Director is required to be appointed by the Governor



from a list of three persons recommended by the Board. (NRS 231.047) **Section 4** of this bill changes the number of names that the Board is required to recommend to a maximum of three persons.

Under existing law, the Office of Economic Development consists of the Division of Economic Development and the Division of Motion Pictures. (NRS 231.043) **Section 3** of this bill renames the Division of Motion Pictures as the Nevada Film Office.

Existing law requires the Division of Motion Pictures to formulate a program to promote the production of motion pictures in this State, which must include: (1) a directory of names of persons and governmental agencies in Nevada with the capacity to provide skills and facilities needed for the production of motion pictures; and (2) a library containing audiovisual recordings depicting available locations for the production of motion pictures in Nevada. (NRS 231.127) **Section 1** of this bill removes limitations on the types of motion pictures covered by the program in existing law and includes commercials and other audiovisual media within the program. (NRS 231.020) **Section 5** of this bill removes the requirement for the development of a library of audiovisual recordings of available locations and instead requires that the directory of names and available locations be made available on the Internet website of the Nevada Film Office.

Existing law requires a motion picture company to register with the Division of Motion Pictures before commencing production of a motion picture in Nevada. Under existing law, the registration is required to be signed by the Administrator of the Division of Motion Pictures or, in a county whose population is 700,000 or more (currently Clark County), by the head of the department or agency within the county which is authorized to issue business licenses on behalf of the county. (NRS 231.128) **Section 6** of this bill eliminates the alternate signature required in larger counties, and therefore all registrations are required to be signed by the Administrator. **Sections 5 and 6** of this bill change the term "motion picture company" to "media production company."

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

Section 1. NRS 231.020 is hereby amended to read as follows:
231.020 As used in NRS 231.020 to 231.139, inclusive, unless the context otherwise requires, "motion pictures" includes feature films, ~~movies made for broadcast or other electronic transmission, and~~ programs made for broadcast or other electronic transmission ~~in episodes.~~, **commercials and other audiovisual media.**

Sec. 2. 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;
 - (2) The Lieutenant Governor;
 - (3) The Secretary of State; 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) *The Director of the Department of Business and Industry; and*

(3) The Director of the Department of Employment, Training and Rehabilitation.

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 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 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 *voting members of the* Board constitutes a quorum, and *the affirmative vote of* a majority of the *voting*



members 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 *voting* 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. 3. NRS 231.043 is hereby amended to read as follows:

231.043 1. There is hereby created within the Office of the Governor the Office of Economic Development, consisting of:

(a) A Division of Economic Development; and

(b) ~~[A Division of Motion Pictures.]~~ *The Nevada Film Office.*

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 4. NRS 231.047 is hereby amended to read as follows:

231.047 The Executive Director:

1. Must be appointed by the Governor from a list of *not more than* three persons recommended by the Board.

2. Is not in the classified or unclassified service of this State.

3. Serves at the pleasure of the Board, except that he or she may be removed by the Board only if the Board finds that his or her performance is unsatisfactory.

4. Shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 5. NRS 231.127 is hereby amended to read as follows:

231.127 1. The ~~[Division of Motion Pictures]~~ *Nevada Film Office* shall formulate a program to promote the production of motion pictures in Nevada. The program must include development of ~~the~~

~~—(a) A] a~~ directory of ~~[the]~~ :

(a) *The* names of persons, firms and governmental agencies in this State which are capable of furnishing the skills and facilities needed in all phases of the production of motion pictures; and

(b) ~~[A library containing audiovisual recordings which depict the variety and extent of the]~~ *The* locations in this State which are available for the production of motion pictures ~~[]~~ , *including, without limitation, visual depictions of a variety of such locations.*

↪ The directory ~~[of names and the library of audiovisual recordings]~~ must be kept current and ~~[be cross-referenced.]~~ *made*



1 *available on an Internet website maintained by the Nevada Film*
2 *Office.*

3 2. The program may include:

4 (a) The preparation and distribution of other appropriate
5 promotional and informational material, including advertising,
6 which points out desirable locations within the State for the
7 production of motion pictures, explains the benefits and advantages
8 of producing motion pictures in this State, and describes the services
9 and assistance available from this State and its local governments;

10 (b) Assistance to ~~{motion-picture}~~ *media production* companies
11 in securing permits to film at certain locations and in obtaining other
12 services connected with the production of motion pictures; and

13 (c) Encouragement of cooperation among local, state and federal
14 agencies and public organizations in the location and production of
15 motion pictures.

16 **Sec. 6.** NRS 231.128 is hereby amended to read as follows:

17 231.128 1. Before a ~~{motion-picture}~~ *media production*
18 company begins production of a motion picture in this State, the
19 ~~{motion-picture}~~ *media production* company must:

20 (a) Register with the ~~{Division of Motion Pictures;}~~ *Nevada*
21 *Film Office;* and

22 (b) Obtain any applicable permits otherwise required by other
23 agencies and political subdivisions of this State.

24 2. The registration filed with the ~~{Division of Motion Pictures}~~
25 *Nevada Film Office* must:

26 (a) Contain a provision which provides that the ~~{motion-picture}~~
27 *media production* company agrees to pay, within 30 days after the
28 filming of the motion picture is completed in this State, all of the
29 debts and obligations incurred by the ~~{motion-picture}~~ *media*
30 *production* company in the production of the motion picture in this
31 State.

32 (b) Be signed by:

33 (1) A person who is authorized to enter into an agreement on
34 behalf of the ~~{motion-picture}~~ *media production* company; and

35 (2) The Administrator of the ~~{Division of Motion Pictures or,~~
36 ~~in a county whose population is 700,000 or more, by the head of the~~
37 ~~department or agency within that county which is authorized to~~
38 ~~issue business licenses on behalf of the county.}~~ *Nevada Film*
39 *Office.*

40 **Sec. 7.** 1. Any administrative regulations adopted by an
41 officer or an agency whose name has been changed or whose
42 responsibilities have been transferred pursuant to the provisions of
43 this act to another officer or agency remain in force until amended
44 by the officer or agency to which the responsibility for the adoption
45 of the regulations has been transferred.



2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 8. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 9. This act becomes effective on July 1, 2021.

