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FIRST REPRINT

A.B. 77

ASSEMBLY BILL NO. 77—ASSEMBLYMAN YEAGER

PREFILED JANUARY 30, 2023

Referred to Committee on Revenue

SUMMARY—Revises provisions governing economic development. (BDR 18-711)

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 economic development; creating the Office of Entrepreneurship within the Office of Economic Development; setting forth the powers and duties of the Office of Entrepreneurship; providing that the records, files and communications of the Office of Entrepreneurship are confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor and which consists of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) **Sections 6 and 12** of this bill create the Office of Entrepreneurship within the Office of Economic Development and require state agencies to cooperate with and assist the Office of Entrepreneurship. **Section 6** also authorizes the Office of Entrepreneurship to employ any necessary personnel to perform the functions and duties of the Office of Entrepreneurship. **Section 7** of this bill requires the Office of Entrepreneurship to: (1) work to strengthen policies and programs supporting the growth of entrepreneurship in the State; (2) work with stakeholders and organizations supporting entrepreneurship in the State to enhance the skills of, provide technical support to and expand resources for entrepreneurs across the State; and (3) serve as a point of contact to assist businesses in operation for 5 years or less in their interactions with state agencies and, where appropriate, refer businesses to other state and local agencies that provide assistance to businesses. **Section 8** of this bill requires the Office of Entrepreneurship to submit annually to the Legislative Commission a report that includes, without limitation: (1) the number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including a breakdown by demographic segments and geographical areas throughout the State; (2) the percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded; (3) the number of businesses owned by women, minorities or veterans



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that have been in operation for not more than 5 years and awarded a state contract; (4) the percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded; (5) the types of businesses awarded a state contract; (6) recommendations on improving access to state contracts for Nevada businesses that have been in operation for not more than 5 years, including those businesses in statistically underrepresented demographic segments and geographic areas of Nevada; (7) recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and (8) any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada. **Section 9** of this bill authorizes the Office of Economic Development to encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State. **Sections 10 and 13** of this bill provide that the records, files and communications of the Office of Entrepreneurship are confidential and are not public records.

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 the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *“Business” means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.*

Sec. 3. *“Entrepreneur” means a person who initiates and assumes the financial risk of a business.*

Sec. 4. *“Office of Entrepreneurship” means the Office of Entrepreneurship created by section 6 of this act.*

Sec. 5. *“State agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.*

Sec. 6. 1. *The Office of Entrepreneurship is hereby created within the Office of Economic Development.*

2. *The Office of Entrepreneurship shall employ such personnel as are necessary to perform the functions and duties of the Office of Entrepreneurship set forth in sections 2 to 10, inclusive, of this act.*

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

Sec. 7. *The Office of Entrepreneurship shall:*

1. *Work to strengthen policies and programs supporting the growth of entrepreneurship in the State, including, without limitation, across demographic segments and geographic areas.*



2. *Work with stakeholders and organizations supporting entrepreneurship to enhance the learning and skills of, provide technical support to and expand access to resources for entrepreneurs across the State.*

3. *Serve as a point of contact to assist businesses that have been in operation for not more than 5 years in their interactions with state agencies and, where appropriate, refer businesses to other state or local agencies that provide assistance to businesses.*

Sec. 8. *On or before November 1 of each year beginning 2 years after the creation of the Office of Entrepreneurship, and annually thereafter, the Office of Entrepreneurship shall submit to the Legislative Commission a report that includes, without limitation:*

1. *The number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including, without limitation, a breakdown by demographic segments and geographical areas throughout the State;*

2. *The percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded;*

3. *The number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and have been awarded a state contract;*

4. *The percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded;*

5. *The types of businesses awarded a state contract;*

6. *Recommendations on improving access to state contracts for businesses that have been in operation for not more than 5 years, including, without limitation, those businesses in statistically underrepresented demographic segments and geographic areas of Nevada;*

7. *Recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and*

8. *Any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada.*

Sec. 9. *The Office of Economic Development shall encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State.*



Sec. 10. *All records, files and communications of the Office of Entrepreneurship made or received pursuant to sections 2 to 10, inclusive, of this act are confidential and not a public record.*

Sec. 11. NRS 231.002 is hereby amended to read as follows:
231.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231.003 to 231.009, inclusive, *and sections 2 to 5, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 12. 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) The Nevada Film Office ~~;~~ *and*

(c) The Office of Entrepreneurship.

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. 13. 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, 41.0397, 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, 119A.677, 119B.370, 119B.382, 120A.640, 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, 176.015, 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, 209.3923, 209.3925, 209.419, 209.429, 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, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 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, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,



1 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438,
2 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503,
3 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
4 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
5 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
6 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100,
7 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242,
8 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080,
9 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
10 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503,
11 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
12 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271,
13 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045,
14 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
15 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525,
16 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888,
17 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305,
18 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
19 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
20 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534,
21 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116,
22 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170,
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24 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209,
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27 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,
28 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940,
29 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
30 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830,
31 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040,
32 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098,
33 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303,
34 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
35 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110,
36 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230,
37 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672,
38 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332,
39 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,
40 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055,
41 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158,
42 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087,
43 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185,
44 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620,
45 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340,



1 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217,
2 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,
3 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180,
4 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
5 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
6 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,
7 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130,
8 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480,
9 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710,
10 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190,
11 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410,
12 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
13 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480,
14 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536,
15 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550,
16 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159,
17 711.600, *and section 10 of this act*, sections 35, 38 and 41 of
18 chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
19 Statutes of Nevada 2013 and unless otherwise declared by law to be
20 confidential, all public books and public records of a governmental
21 entity must be open at all times during office hours to inspection by
22 any person, and may be fully copied or an abstract or memorandum
23 may be prepared from those public books and public records. Any
24 such copies, abstracts or memoranda may be used to supply the
25 general public with copies, abstracts or memoranda of the records or
26 may be used in any other way to the advantage of the governmental
27 entity or of the general public. This section does not supersede or in
28 any manner affect the federal laws governing copyrights or enlarge,
29 diminish or affect in any other manner the rights of a person in any
30 written book or record which is copyrighted pursuant to federal law.

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

33 3. A governmental entity that has legal custody or control of a
34 public book or record shall not deny a request made pursuant to
35 subsection 1 to inspect or copy or receive a copy of a public book or
36 record on the basis that the requested public book or record contains
37 information that is confidential if the governmental entity can
38 redact, delete, conceal or separate, including, without limitation,
39 electronically, the confidential information from the information
40 included in the public book or record that is not otherwise
41 confidential.

42 4. If requested, a governmental entity shall provide a copy of a
43 public record in an electronic format by means of an electronic
44 medium. Nothing in this subsection requires a governmental entity



1 to provide a copy of a public record in an electronic format or by
2 means of an electronic medium if:

3 (a) The public record:

4 (1) Was not created or prepared in an electronic format; and

5 (2) Is not available in an electronic format; or

6 (b) Providing the public record in an electronic format or by
7 means of an electronic medium would:

8 (1) Give access to proprietary software; or

9 (2) Require the production of information that is confidential
10 and that cannot be redacted, deleted, concealed or separated from
11 information that is not otherwise confidential.

12 5. An officer, employee or agent of a governmental entity who
13 has legal custody or control of a public record:

14 (a) Shall not refuse to provide a copy of that public record in the
15 medium that is requested because the officer, employee or agent has
16 already prepared or would prefer to provide the copy in a different
17 medium.

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

22 **Sec. 14.** The provisions of subsection 1 of NRS 218D.380 do
23 not apply to any provision of this act which adds or revises a
24 requirement to submit a report to the Legislature.

25 **Sec. 15.** This act becomes effective on July 1, 2023.

