

Amendment No. 786

Assembly Amendment to Assembly Bill No. 77 First Reprint (BDR 18-711)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 77 R1.

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.

TJO/HAC



Date: 5/26/2023

A.B. No. 77—Revises provisions governing economic development.
(BDR 18-711)



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.

~

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; making an appropriation; 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 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.

Section 13.5 of this bill makes an appropriation to the Office of Economic Development for operating, equipment, marketing, travel costs, the creation of an Internet website and two full-time staff positions to carry out the functions of the Office of Entrepreneurship.

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,

1 *without limitation, a breakdown by demographic segments and geographical*
2 *areas throughout the State;*

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

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

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

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

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

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

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

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

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

30 **Sec. 11.** NRS 231.002 is hereby amended to read as follows:

31 231.002 As used in this chapter, unless the context otherwise requires, the
32 words and terms defined in NRS 231.003 to 231.009, inclusive, *and sections 2 to 5,*
33 *inclusive, of this act* have the meanings ascribed to them in those sections.

34 **Sec. 12.** NRS 231.043 is hereby amended to read as follows:

35 231.043 1. There is hereby created within the Office of the Governor the
36 Office of Economic Development, consisting of:

37 (a) A Division of Economic Development; ~~and~~

38 (b) The Nevada Film Office ~~;~~ *and*

39 *(c) The Office of Entrepreneurship.*

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

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

43 **Sec. 13.** NRS 239.010 is hereby amended to read as follows:

44 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
45 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440,
46 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100,
47 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515,
48 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
49 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
50 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677,
51 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161,
52 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090,
53 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015,

1 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691,
2 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604,
3 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521,
4 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
5 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
6 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473,
7 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030,
8 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270,
9 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335,
10 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095,
11 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
12 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086,
13 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855,
14 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908,
15 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,
16 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
17 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
18 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257,
19 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830,
20 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513,
21 388.110, 388A.147, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925,
22 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
23 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465,
24 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535,
25 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280,
26 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872,
27 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407,
28 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360,
29 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
30 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
31 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245,
32 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055,
33 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
34 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935,
35 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340,
36 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070,
37 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655,
38 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210,
39 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
40 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
41 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
42 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327,
43 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405,
44 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303,
45 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085,
46 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570,
47 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580,
48 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225,
49 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262,
50 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320,
51 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
52 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
53 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126,

652.228, 653.900, 654.110, 656.105, 657A.510, 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, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 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.060, 687A.115, 687B.404, 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.325, 706.1725, 706A.230, 710.159, 711.600, *and section 10 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.

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

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

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

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

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

(1) Give access to proprietary software; or

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

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

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

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

Sec. 13.5. 1. There is hereby appropriated from the State General Fund to the Office of Economic Development for operating, equipment,

1 marketing, travel costs, the creation of an Internet website and two full-time
2 staff positions to carry out the functions of the Office of Entrepreneurship
3 created by section 6 of this act the following sums:

4	<u>For the Fiscal Year 2023-2024</u>	<u>\$249,626</u>
5	<u>For the Fiscal Year 2024-2025</u>	<u>\$269,153</u>

6 2. Any balance of the sums appropriated by subsection 1 remaining at
7 the end of the respective fiscal years must not be committed for expenditure
8 after June 30 of the respective fiscal years by the entity to which the
9 appropriation is made or any entity to which money from the appropriation is
10 granted or otherwise transferred in any manner, and any portion of the
11 appropriated money remaining must not be spent for any purpose after
12 September 20, 2024, and September 19, 2025, respectively, by either the entity
13 to which the money was appropriated or the entity to which the money was
14 subsequently granted or transferred, and must be reverted to the State
15 General Fund on or before September 20, 2024, and September 19, 2025,
16 respectively.

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

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