

ASSEMBLY BILL NO. 139—ASSEMBLYMEN DALY, KIRKPATRICK, BOBZIEN, BENITEZ-THOMPSON, HORNE; BUSTAMANTE ADAMS, CARLTON, DIAZ, FRIERSON, HEALEY, OHRENSCHALL, SPIEGEL AND SPRINKLE

FEBRUARY 18, 2013

JOINT SPONSOR: SENATOR SMITH

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the state business portal. (BDR 7-127)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 business; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring certain persons who are not required to obtain a state business license to obtain a certificate of exemption from the Secretary of State; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions; providing penalties; and providing other matters properly relating thereto.



* A B 1 3 9 R 2 *

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) **Section 1** of this bill requires the Secretary of State to: (1) establish common business registration information that is used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. **Section 1** further requires state and local agencies and health districts to: (1) integrate their electronic application processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; and (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal. However, **section 1** also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information. Under **section 9** of this bill: (1) a state or local agency or health district is required to accept common business registration information via the state business portal on or before January 1, 2014, unless the State Board of Examiners extends that deadline; and (2) a state or local agency or health district which believes it cannot comply with certain requirements relating to the state business portal must, with the assistance of the Secretary of State, submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation setting forth: (1) the reasons that it cannot timely comply with the requirements; and (2) a timeline for integration into the state business portal.

Under existing law, certain persons are excluded from the definition of "business" for the purposes of state business licenses and, thus, are not required to obtain a state business license. (NRS 76.020) **Section 2** of this bill requires these persons to obtain annually from the Secretary of State a certificate of exemption from the requirement to obtain a state business license. Under **section 2**, a person required to obtain a certificate of exemption must post the certificate conspicuously at his or her establishment or place of business and is subject to a penalty of not more than \$50 if the person fails to do so. **Section 3** of this bill provides that a person required to obtain a state business license must post the state business license conspicuously at his or her establishment or place of business and is subject to a penalty of not more than \$50 if the person fails to do so.

Section 4 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person issued a state business license or a certificate of exemption from the requirement to obtain a state business license. Under **section 1**: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require applicants for such a license, certificate, registration or permit to include the business identification number on the application. **Sections 2 and 3** require that a state business license or certificate



of exemption include the business identification number assigned to the holder of the license or certificate.

Sections 5 and 6 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. **Section 7.3** of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. **Section 7.5** of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to operating and maintaining the state business portal. **Section 8** of this bill repeals certain provisions relating to: (1) the coordination of the collection of certain information and forms from businesses by state agencies and local governments; and (2) the affidavit required to be filed by an applicant who wishes to obtain a local business license to sell certain retail merchandise.

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

Section 1. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts *and consultation with representatives of state agencies, local governments, health districts and businesses*, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) *Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;*



(f) For the purpose of coordinating the collection of common information from businesses using the state business portal:

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to provide the common business registration information to state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~(f)~~ *(h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.*

3. Each state or local agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State shall:

(a) To the extent practicable:

(1) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(2) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(3) Integrate into the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this subparagraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.



1 (b) *Require an applicant for a license, certificate, registration,*
2 *permit or similar type of authorization to conduct a business in*
3 *this State to include in the application the applicant's business*
4 *identification number.*

5 (c) *Ensure that the state or local agency or health district, as*
6 *applicable, is capable of using the state business portal to accept*
7 *and disseminate to participating state and local agencies and*
8 *health districts the common business registration information*
9 *established pursuant to subparagraph (1) of paragraph (f) of*
10 *subsection 2 which is needed by the state or local agency or health*
11 *district to issue a license, certificate, registration, permit or similar*
12 *type of authorization to conduct a business in this State.*

13 4. *The provisions of subsection 3 do not require a state or*
14 *local agency or health district to disseminate or release*
15 *information if such action would result in the state or local agency*
16 *or health district violating any provision of state or federal law*
17 *relating to the confidentiality of the information.*

18 5. *As used in this section:*

19 (a) *"Business identification number" means the number*
20 *assigned by the Secretary of State pursuant to section 4 of this act*
21 *to an entity organized pursuant to this title or to a person who is*
22 *issued a state business license pursuant to chapter 76 of NRS or a*
23 *certificate of exemption from the requirement to obtain a state*
24 *business license pursuant to section 2 of this act.*

25 (b) *"Disseminate" means to distribute in an electronic format*
26 *that is capable of being accepted by participating state and local*
27 *agencies and health districts and used by participants as the same*
28 *common business registration information used to issue a license,*
29 *certificate, registration, permit or similar type of authorization, to*
30 *collect taxes or fees or to conduct other necessary transactions*
31 *with businesses in this State.*

32 (c) *"Health district" means a health district created pursuant*
33 *to NRS 439.362 or 439.370.*

34 **Sec. 2.** Chapter 76 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. *A person who is not required to obtain a state business*
37 *license pursuant to paragraphs (b) to (f), inclusive, of subsection 2*
38 *of NRS 76.020 must obtain a certificate of exemption from the*
39 *Secretary of State pursuant to this section.*

40 2. *An application for a certificate of exemption must be made*
41 *upon a form prescribed by the Secretary of State and include any*
42 *information that the Secretary of State deems necessary to*
43 *determine whether the applicant is exempt from the requirements*
44 *to obtain a state business license pursuant to paragraphs (b) to (f),*
45 *inclusive, of subsection 2 of NRS 76.020.*



1 3. *The application must be signed pursuant to NRS 239.330*
2 *by:*

3 (a) *The owner of a business that is owned by a natural person.*

4 (b) *A member or partner of an association or partnership.*

5 (c) *A general partner of a limited partnership.*

6 (d) *A managing partner of a limited-liability partnership.*

7 (e) *A manager or managing member of a limited-liability*
8 *company.*

9 (f) *An officer of a corporation or some other person*
10 *specifically authorized by the corporation to sign the application.*

11 4. *If the application for a certificate of exemption is defective*
12 *in any respect, the Secretary of State may return the application*
13 *for correction.*

14 5. *A certificate of exemption issued pursuant to this section*
15 *must contain the business identification number assigned by the*
16 *Secretary of State pursuant to section 4 of this act.*

17 6. *A certificate of exemption must be renewed annually. A*
18 *person who applies for the renewal of a certificate of exemption*
19 *must submit the application for renewal:*

20 (a) *If the person is an entity required to file an annual list with*
21 *the Secretary of State pursuant to this title, at the time the person*
22 *submits the annual list to the Secretary of State, unless the person*
23 *submits a certificate or other form evidencing the dissolution of*
24 *the entity; or*

25 (b) *If the person is not an entity required to file an annual list*
26 *with the Secretary of State pursuant to this title, on the last day of*
27 *the month in which the anniversary date of issuance of the*
28 *certificate of exemption occurs in each year, unless the person*
29 *submits a written statement to the Secretary of State, at least 10*
30 *days before that date, indicating that the person will not be*
31 *conducting an activity for which a certificate of exemption must be*
32 *obtained.*

33 7. *Every person required to obtain a certificate of exemption*
34 *pursuant to this section shall post the certificate of exemption*
35 *conspicuously at the person's establishment or place of business,*
36 *and keep it so conspicuously posted until the certificate of*
37 *exemption has expired or the person is no longer required to*
38 *obtain a certificate of exemption. Any person who fails to post or*
39 *keep posted a certificate of exemption as required by this section is*
40 *subject to a penalty of not more than \$50 to be imposed by the*
41 *Secretary of State.*

42 8. *If the Secretary of State discovers that a person has*
43 *violated the requirements of subsection 7, the Secretary of State*
44 *shall send a written notice of the violation to the person. The*
45 *written notice must state that the person may request a hearing by*



filing a written request for a hearing with the Secretary of State not later than 14 days after the written notice is sent. If the person files a request for a hearing with the Secretary of State not later than 14 days after written notice is sent, the Secretary of State must afford the person an opportunity for a hearing.

Sec. 3. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

(a) Be made upon a form prescribed by the Secretary of State;

(b) Set forth the name under which the applicant transacts or intends to transact business, or if the applicant is an entity organized pursuant to this title and on file with the Secretary of State, the exact name on file with the Secretary of State, the entity number as assigned by the Secretary of State, if known, and the location in this State of the place or places of business;

(c) Be accompanied by a fee in the amount of \$100; and

(d) Include any other information that the Secretary of State deems necessary.

➤ If the applicant is an entity organized pursuant to this title and on file with the Secretary of State and the applicant has no location in this State of its place of business, the address of its registered agent shall be deemed to be the location in this State of its place of business.

3. The application must be signed pursuant to NRS 239.330 by:

(a) The owner of a business that is owned by a natural person.

(b) A member or partner of an association or partnership.

(c) A general partner of a limited partnership.

(d) A managing partner of a limited-liability partnership.

(e) A manager or managing member of a limited-liability company.

(f) An officer of a corporation or some other person specifically authorized by the corporation to sign the application.

4. If the application for a state business license is defective in any respect or the fee required by this section is not paid, the Secretary of State may return the application for correction or payment.



1 5. *A state business license issued pursuant to this section*
2 *must contain the business identification number assigned by the*
3 *Secretary of State pursuant to section 4 of this act.*

4 6. *Every person required to obtain a state business license*
5 *pursuant to this section shall post such license conspicuously at*
6 *the person's establishment or place of business, and keep it so*
7 *conspicuously posted until the license has expired or the person*
8 *ceases to transact such business. Any person who fails to post or*
9 *keep posted a license as required by this section is subject to a*
10 *penalty of not more than \$50 to be imposed by the Secretary of*
11 *State.*

12 7. *If the Secretary of State discovers that a person has*
13 *violated the requirements of subsection 6, the Secretary of State*
14 *shall send a written notice of the violation to the person. The*
15 *written notice must state that the person may request a hearing by*
16 *filing a written request for a hearing with the Secretary of State*
17 *not later than 14 days after the written notice is sent. If the person*
18 *files a request for a hearing with the Secretary of State not later*
19 *than 14 days after written notice is sent, the Secretary of State*
20 *must afford the person an opportunity for a hearing.*

21 8. The state business license required to be obtained pursuant
22 to this section is in addition to any license to conduct business that
23 must be obtained from the local jurisdiction in which the business is
24 being conducted.

25 ~~16-1~~ 9. For the purposes of this chapter, a person shall be
26 deemed to conduct a business in this State if a business for which
27 the person is responsible:

28 (a) Is organized pursuant to this title, other than a business
29 organized pursuant to:

30 (1) Chapter 82 or 84 of NRS; or

31 (2) Chapter 81 of NRS if the business is a nonprofit
32 religious, charitable, fraternal or other organization that qualifies as
33 a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

34 (b) Has an office or other base of operations in this State;

35 (c) Has a registered agent in this State; or

36 (d) Pays wages or other remuneration to a natural person who
37 performs in this State any of the duties for which he or she is paid.

38 ~~17-1~~ 10. As used in this section, "registered agent" has the
39 meaning ascribed to it in NRS 77.230.

40 Sec. 4. Chapter 225 of NRS is hereby amended by adding
41 thereto a new section to read as follows:

42 *For the purpose of establishing the identity of an entity*
43 *organized pursuant to title 7 of NRS or a person who is issued a*
44 *state business license pursuant to chapter 76 of NRS or a*
45 *certificate of exemption pursuant to section 2 of this act, the*



Secretary of State shall assign a unique business identification number to each entity organized pursuant to title 7 of NRS or to any person who is issued a state business license pursuant to chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act.

Sec. 5. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each* board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ *report* of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. *A board of county commissioners is not required to include in the monthly report required by this subsection the name of a business which has submitted an attestation electronically via the state business portal.*

4. *Except as otherwise provided in subsection 5, upon* receiving an affidavit or attestation required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. *If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information*



1 *setting forth the rights and responsibilities of employers and*
2 *employees to promote safety in the workplace, in accordance with*
3 *regulations adopted by the Division of Industrial Relations of the*
4 *Department of Business and Industry pursuant to NRS 618.376.*

5 6. *As used in this section, "state business portal" means the*
6 *state business portal established pursuant to NRS 75A.100,*
7 *75A.200 and 75A.300.*

8 **Sec. 6.** NRS 268.0955 is hereby amended to read as follows:

9 268.0955 1. In an incorporated city in which a license to
10 engage in a business is required, the city council or other governing
11 body of the city shall not issue such a license unless the applicant
12 for the license:

13 (a) Signs an affidavit affirming that the business:

14 (1) Has received coverage by a private carrier as required
15 pursuant to chapters 616A to 616D, inclusive, and chapter 617 of
16 NRS;

17 (2) Maintains a valid certificate of self-insurance pursuant to
18 chapters 616A to 616D, inclusive, of NRS;

19 (3) Is a member of an association of self-insured public or
20 private employers; or

21 (4) Is not subject to the provisions of chapters 616A to 616D,
22 inclusive, or chapter 617 of NRS; or

23 (b) If the applicant submits his or her application electronically,
24 attests to his or her compliance with the provisions of paragraph (a).

25 2. In an incorporated city in which such a license is not
26 required, the city council or other governing body of the city shall
27 require a business, when applying for a post office box, to submit to
28 the governing body the affidavit or attestation required by
29 subsection 1.

30 3. ~~Each~~ *Except as otherwise provided in this subsection,*
31 *each* city council or other governing body of an incorporated city
32 shall submit to the Administrator of the Division of Industrial
33 Relations of the Department of Business and Industry monthly a
34 ~~list~~ *report* of the names of those businesses which have submitted
35 an affidavit or attestation required by subsections 1 and 2. *A city*
36 *council or other governing board of an incorporated city is not*
37 *required to include in the monthly report required by this*
38 *subsection the name of a business which has submitted an*
39 *attestation electronically via the state business portal.*

40 4. *Except as otherwise provided in subsection 5, upon*
41 receiving an affidavit ~~for attestation~~ required by this section, the
42 city council or other governing body of an incorporated city shall
43 provide the applicant with a document setting forth the rights and
44 responsibilities of employers and employees to promote safety in the
45 workplace in accordance with regulations adopted by the Division



1 of Industrial Relations of the Department of Business and Industry
2 pursuant to NRS 618.376.

3 *5. If a business submits an attestation required by this section*
4 *electronically via the state business portal, the state business portal*
5 *shall provide the owner of the business with access to information*
6 *setting forth the rights and responsibilities of employers and*
7 *employees to promote safety in the workplace, in accordance with*
8 *regulations adopted by the Division of Industrial Relations of the*
9 *Department of Business and Industry pursuant to NRS 618.376.*

10 *6. As used in this section, "state business portal" means the*
11 *state business portal established pursuant to NRS 75A.100,*
12 *75A.200 and 75A.300.*

13 **Sec. 7.** (Deleted by amendment.)

14 **Sec. 7.3.** NRS 602.020 is hereby amended to read as follows:

15 602.020 1. A certificate filed pursuant to NRS 602.010 or a
16 renewal certificate filed pursuant to NRS 602.035 must state the
17 assumed or fictitious name under which the business is being
18 conducted or is intended to be conducted, and if conducted by:

19 (a) A natural person:

20 (1) His or her full name;

21 (2) The street address of his or her residence or business; and

22 (3) If the mailing address is different from the street address,
23 the mailing address of his or her residence or business;

24 (b) An artificial person:

25 (1) Its name; and

26 (2) Its mailing address;

27 (c) A general partnership:

28 (1) The full name of each partner who is a natural person;

29 (2) The street address of the residence or business of each

30 partner who is a natural person;

31 (3) If the mailing address is different from the street address,
32 the mailing address of the residence or business of each partner who
33 is a natural person; and

34 (4) If one or more of the partners is an artificial person
35 described in paragraph (b), the information required by paragraph
36 (b) for each such partner; or

37 (d) A trust:

38 (1) The full name of each trustee of the trust;

39 (2) The street address of the residence or business of each
40 trustee of the trust; and

41 (3) If the mailing address is different from the street address,
42 the mailing address of the residence or business of each trustee of
43 the trust.

44 2. The certificate must be:

45 (a) Signed:



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- 1 (1) In the case of a natural person, by that natural person;
- 2 (2) In the case of an artificial person, by an officer, director,
- 3 manager, general partner, trustee or other natural person having the
- 4 authority to bind the artificial person to a contract;
- 5 (3) In the case of a general partnership, by each of the
- 6 partners who is a natural person and, if one or more of the partners
- 7 is an artificial person described in subparagraph (2), by the person
- 8 described in subparagraph (2); or
- 9 (4) In the case of a trust, by each of the trustees; and

10 (b) Notarized, unless the board of county commissioners of the

11 county adopts an ordinance providing that the certificate may be

12 filed without being notarized.

13 3. ~~No county clerk may refuse to accept for filing a certificate~~

14 ~~filed by a foreign artificial person or foreign artificial persons~~

15 ~~because the foreign artificial person or foreign artificial persons~~

16 ~~have not qualified to do business in this State under title 7 of NRS.~~

17 ~~—4.†~~ As used in this section:

18 (a) “Artificial person” means any organization organized under

19 the law of the United States, any foreign country, or a state,

20 province, territory, possession, commonwealth or dependency of the

21 United States or any foreign country, and as to which the

22 government, state, province, territory, possession, commonwealth or

23 dependency must maintain a record showing the organization to

24 have been organized.

25 (b) ~~“Foreign artificial person” means an artificial person that is~~

26 ~~not organized under the laws of this State.~~

27 ~~—(c)†~~ “Record” means information which is inscribed on a

28 tangible medium or which is stored in an electronic or other medium

29 and is retrievable in perceivable form.

30 **Sec. 7.5.** NRS 612.265 is hereby amended to read as follows:

31 612.265 1. Except as otherwise provided in this section and

32 NRS 239.0115, information obtained from any employing unit or

33 person pursuant to the administration of this chapter and any

34 determination as to the benefit rights of any person is confidential

35 and may not be disclosed or be open to public inspection in any

36 manner which would reveal the person’s or employing unit’s

37 identity.

38 2. Any claimant or a legal representative of a claimant is

39 entitled to information from the records of the Division, to the

40 extent necessary for the proper presentation of the claimant’s claim

41 in any proceeding pursuant to this chapter. A claimant or an

42 employing unit is not entitled to information from the records of the

43 Division for any other purpose.



3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~and~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~H~~; and

(f) The Secretary of State for the purpose of verifying that data submitted electronically via the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300 satisfies the requirements established by the Division and, as necessary, for the purpose of maintaining the technical integrity and functionality of the state business portal established pursuant to NRS 75A.100, 75A.200 and 75A.300.

➔ Information obtained in connection with the administration of the Employment Service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or



1 will be generally useful in developing and diversifying the economic
2 interests of this State. Upon request by a state agency which is able
3 to demonstrate that its intended use of the information will benefit
4 the residents of this State, the Administrator may, in addition to the
5 information listed in this subsection, disclose the number of
6 employees employed by each employer and the total wages paid by
7 each employer. The Administrator may charge a fee to cover the
8 actual costs of any administrative expenses relating to the disclosure
9 of this information to a state agency. The Administrator may require
10 the state agency to certify in writing that the agency will take all
11 actions necessary to maintain the confidentiality of the information
12 and prevent its unauthorized disclosure.

13 6. Upon request therefor, the Administrator shall furnish to any
14 agency of the United States charged with the administration of
15 public works or assistance through public employment, and may
16 furnish to any state agency similarly charged, the name, address,
17 ordinary occupation and employment status of each recipient of
18 benefits and the recipient's rights to further benefits pursuant to this
19 chapter.

20 7. To further a current criminal investigation, the chief
21 executive officer of any law enforcement agency of this State may
22 submit a written request to the Administrator that the Administrator
23 furnish, from the records of the Division, the name, address and
24 place of employment of any person listed in the records of
25 employment of the Division. The request must set forth the social
26 security number of the person about whom the request is made and
27 contain a statement signed by the chief executive officer certifying
28 that the request is made to further a criminal investigation currently
29 being conducted by the agency. Upon receipt of such a request, the
30 Administrator shall furnish the information requested. The
31 Administrator may charge a fee to cover the actual costs of any
32 related administrative expenses.

33 8. In addition to the provisions of subsection 5, the
34 Administrator shall provide lists containing the names and addresses
35 of employers, and information regarding the wages paid by each
36 employer to the Department of Taxation, upon request, for use in
37 verifying returns for the taxes imposed pursuant to chapters 363A
38 and 363B of NRS. The Administrator may charge a fee to cover the
39 actual costs of any related administrative expenses.

40 9. A private carrier that provides industrial insurance in this
41 State shall submit to the Administrator a list containing the name of
42 each person who received benefits pursuant to chapters 616A to
43 616D, inclusive, or chapter 617 of NRS during the preceding month
44 and request that the Administrator compare the information so
45 provided with the records of the Division regarding persons



1 claiming benefits pursuant to this chapter for the same period. The
2 information submitted by the private carrier must be in a form
3 determined by the Administrator and must contain the social
4 security number of each such person. Upon receipt of the request,
5 the Administrator shall make such a comparison and, if it appears
6 from the information submitted that a person is simultaneously
7 claiming benefits under this chapter and under chapters 616A to
8 616D, inclusive, or chapter 617 of NRS, the Administrator shall
9 notify the Attorney General or any other appropriate law
10 enforcement agency. The Administrator shall charge a fee to cover
11 the actual costs of any related administrative expenses.

12 10. The Administrator may request the Comptroller of the
13 Currency of the United States to cause an examination of the
14 correctness of any return or report of any national banking
15 association rendered pursuant to the provisions of this chapter, and
16 may in connection with the request transmit any such report or
17 return to the Comptroller of the Currency of the United States as
18 provided in section 3305(c) of the Internal Revenue Code of 1954.

19 11. If any employee or member of the Board of Review, the
20 Administrator or any employee of the Administrator, in violation of
21 the provisions of this section, discloses information obtained from
22 any employing unit or person in the administration of this chapter,
23 or if any person who has obtained a list of applicants for work, or of
24 claimants or recipients of benefits pursuant to this chapter uses or
25 permits the use of the list for any political purpose, he or she is
26 guilty of a gross misdemeanor.

27 12. All letters, reports or communications of any kind, oral or
28 written, from the employer or employee to each other or to the
29 Division or any of its agents, representatives or employees are
30 privileged and must not be the subject matter or basis for any
31 lawsuit if the letter, report or communication is written, sent,
32 delivered or prepared pursuant to the requirements of this chapter.

33 **Sec. 8.** NRS 237.180, 364.110 and 364.120 are hereby
34 repealed.

35 **Sec. 9.** 1. A state or local agency or health district is required
36 to use the state business portal to accept common business
37 registration information from the state business portal as required by
38 subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100,
39 as amended by section 1 of this act, on or before January 1, 2014,
40 unless the State Board of Examiners extends this deadline pursuant
41 to subsection 2.

42 2. If a state or local agency or health district believes that it
43 cannot comply with the requirement to accept common business
44 registration information pursuant to subparagraph (2) of paragraph
45 (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this



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act, on or before January 1, 2014, the state or local agency or health district may submit to the State Board of Examiners a written request to extend the deadline which sets forth the reason for requesting the extension. Upon receipt of a written request to extend the deadline, the State Board of Examiners may extend the deadline set forth in subsection 1 as it deems necessary. The State Board of Examiners shall report to the Legislative Commission each deadline extension approved by the State Board of Examiners pursuant to this subsection.

3. If a state or local agency or health district complies with the requirement to accept common business registration information pursuant to subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, on or before January 1, 2014, but believes that it cannot comply with any other requirement of subsection 3 of NRS 75A.100, as amended by section 1 of this act, the state or local agency or health district, with the assistance of the Secretary of State, shall submit to the State Board of Examiners and the Legislative Commission, on or before July 1, 2014, a written explanation of the status of the integration of the state or local agency or health district into the state business portal which sets forth the reasons that the state or local agency or health district cannot timely comply with the other requirements of subsection 3 of NRS 75A.100 and, to the extent practicable, a projected timeline for integration into the state business portal.

Sec. 10. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 11. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms; report of annual meeting.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural



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Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. On or before February 15 of each year, the Executive Director of the Department of Taxation shall submit a report to the Director of the Legislative Counsel Bureau for presentation to the Legislature. The report must include a summary of the annual meeting held during the immediately preceding year and any recommendations for proposed legislation.

5. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise



whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed \$3 for the filing of the affidavit required to be filed by NRS 364.110.

