

Amendment No. 203

Assembly Amendment to Assembly Bill No. 139 (BDR 7-127)

Proposed by: Assembly Committee on Government Affairs

Amendment Box: Replaces Amendment No. 108.

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

Adoption of this amendment will MAINTAIN the unfunded mandate requested by the affected local government to A.B. 139 (§ 1).

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) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

BFG/BAW



Date: 4/9/2013

A.B. No. 139—Revises provisions relating to the state business portal.
(BDR 7-127)



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)

~

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; ~~requiring certain state and local agencies and health districts to use the state business portal for certain purposes;~~ 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; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Secretary of State is required to establish the state business portal
2 to facilitate interaction among businesses and governmental agencies in this State by allowing
3 businesses to conduct necessary transactions with governmental agencies in this State through
4 the state business portal. (NRS 75A.100) **Section 1** of this bill requires the Secretary of State
5 to: (1) establish common business registration information that is used by state and local
6 agencies and health districts to conduct necessary transactions with businesses in this State;
7 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 ~~[(1) collect]~~ 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 ~~[(2) +]~~ (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. Under **section 9** of this bill ~~[(1) : (1) a state or local agency or health district is ~~(not)~~ required to comply with section 1 until]~~ 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 ~~[(1) : 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 ~~[(250)]~~ \$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 ~~[(250)]~~ \$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** of this bill provides that the affidavit required by existing law to obtain a local business license to sell certain retail merchandise must include a statement that the applicant has a current state business license, or a certificate of exemption from the requirements for a state business license, and the applicant’s business identification number. 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.

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 ~~by state and local agencies and health districts,~~ using the state business portal:*

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

~~++~~ (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 ~~any~~ a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~for to engage in an occupation or profession in this State,~~* shall:

(a) *To the extent practicable ~~it make~~ :*

(1) Make available on its Internet website any ~~application~~ of its applications for a license, certificate, registration, permit or similar type of

1 authorization to conduct a business in this State. ~~for to engage in an occupation~~
2 ~~or profession in this State and integrate those~~

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

7 (3) Integrate into the state business portal any of its applications ~~into the~~
8 ~~state business portal~~ for a license, certificate, registration, permit or similar type
9 of authorization to conduct a business in this State. As used in this subparagraph,
10 “integrate” means to consolidate an electronic application process so that it is
11 capable of collecting and disseminating any information required for the
12 authorization of the application for a license, certificate, registration, permit or
13 similar type of authorization to conduct a business in this State.

14 (b) Require an applicant for a license, certificate, registration, permit or
15 similar type of authorization to conduct a business in this State ~~for to engage in~~
16 ~~an occupation or profession in this State~~ to include in the application the
17 applicant’s business identification number. ~~It and~~

18 (c) Ensure that the state or local agency or health district, as applicable, is
19 capable of using the state business portal to ~~collect~~ accept and disseminate to
20 participating state and local agencies and health districts the common business
21 registration information established pursuant to subparagraph (1) of paragraph
22 (f) of subsection 2 which is needed by the state or local agency or health district
23 to issue a license, certificate, registration, permit or similar type of authorization
24 to conduct a business in this State. ~~for to engage in an occupation or profession~~
25 ~~in this State.~~

26 4. As used in this section:

27 (a) “Business identification number” means the number assigned by the
28 Secretary of State pursuant to section 4 of this act to an entity organized pursuant
29 to this title or to a person who is issued a state business license pursuant to
30 chapter 76 of NRS or a certificate of exemption from the requirement to obtain a
31 state business license pursuant to section 2 of this act.

32 (b) “Disseminate” means to distribute in an electronic format that is capable
33 of being accepted by participating state and local agencies and health districts
34 and used by participants as the same common business registration information
35 used to issue a license, certificate, registration, permit or similar type of
36 authorization, to collect taxes or fees or to conduct other necessary transactions
37 with businesses in this State.

38 (c) “Health district” means a health district created pursuant to NRS
39 439.362 or 439.370.

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

42 1. A person who is not required to obtain a state business license pursuant
43 to paragraphs (b) to (f), inclusive, of subsection 2 of NRS 76.020 ~~for NRS~~
44 ~~680B.020~~ must obtain a certificate of exemption from the Secretary of State
45 pursuant to this section.

46 2. An application for a certificate of exemption must be made upon a form
47 prescribed by the Secretary of State and include any information that the
48 Secretary of State deems necessary to determine whether the applicant is exempt
49 from the requirements to obtain a state business license pursuant to paragraphs
50 (b) to (f), inclusive, of subsection 2 of NRS 76.020. ~~for NRS 680B.020.~~

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

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

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

1 (c) A general partner of a limited partnership.

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

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

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

6 4. If the application for a certificate of exemption is defective in any respect,
7 the Secretary of State may return the application for correction.

8 5. A certificate of exemption issued pursuant to this section must contain
9 the business identification number assigned by the Secretary of State pursuant to
10 section 4 of this act.

11 6. A certificate of exemption must be renewed annually. A person who
12 applies for the renewal of a certificate of exemption must submit the application
13 for renewal:

14 (a) If the person is an entity required to file an annual list with the Secretary
15 of State pursuant to this title, at the time the person submits the annual list to the
16 Secretary of State, unless the person submits a certificate or other form
17 evidencing the dissolution of the entity; or

18 (b) If the person is not an entity required to file an annual list with the
19 Secretary of State pursuant to this title, on the last day of the month in which the
20 anniversary date of issuance of the certificate of exemption occurs in each year,
21 unless the person submits a written statement to the Secretary of State, at least 10
22 days before that date, indicating that the person will not be conducting an activity
23 for which a certificate of exemption must be obtained.

24 7. Every person required to obtain a certificate of exemption pursuant to
25 this section shall post the certificate of exemption conspicuously at the person's
26 establishment or place of business, and keep it so conspicuously posted until the
27 certificate of exemption has expired or the person is no longer required to obtain
28 a certificate of exemption. Any person who fails to post or keep posted a
29 certificate of exemption as required by this section is subject to a penalty of not
30 more than ~~\$250~~ \$50 to be imposed by the Secretary of State.

31 8. If the Secretary of State discovers that a person has violated the
32 requirements of subsection 7, the Secretary of State shall send a written notice of
33 the violation to the person. The written notice must state that the person may
34 request a hearing by filing a written request for a hearing with the Secretary of
35 State not later than 14 days after the written notice is sent. If the person files a
36 request for a hearing with the Secretary of State not later than 14 days after
37 written notice is sent, the Secretary of State must afford the person an
38 opportunity for a hearing.

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

40 76.100 1. A person shall not conduct a business in this State unless and until
41 the person obtains a state business license issued by the Secretary of State. If the
42 person is:

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

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

49 2. An application for a state business license must:

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

51 (b) Set forth the name under which the applicant transacts or intends to transact
52 business, or if the applicant is an entity organized pursuant to this title and on file
53 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.

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

6. *Every person required to obtain a state business license pursuant to this section shall post such license conspicuously at the person's establishment or place of business, and keep it so conspicuously posted until the license has expired or the person ceases to transact such business. Any person who fails to post or keep posted a license as required by this section is subject to a penalty of not more than ~~\$250~~ \$50 to be imposed by the Secretary of State.*

7. *If the Secretary of State discovers that a person has violated the requirements of subsection 6, the Secretary of State shall send a written notice of the violation to the person. The 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.*

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

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

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

(1) Chapter 82 or 84 of NRS; or

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

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

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

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

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

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

3 *For the purpose of establishing the identity of an entity organized pursuant to*
4 *title 7 of NRS or a person who is issued a state business license pursuant to*
5 *chapter 76 of NRS or a certificate of exemption pursuant to section 2 of this act,*
6 *the Secretary of State shall assign a unique business identification number to*
7 *each entity organized pursuant to title 7 of NRS or to any person who is issued a*
8 *state business license pursuant to chapter 76 of NRS or a certificate of exemption*
9 *pursuant to section 2 of this act.*

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

11 244.33505 1. In a county in which a license to engage in a business is
12 required, the board of county commissioners shall not issue such a license unless
13 the applicant for the license:

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

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

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

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

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

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

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

28 3. ~~Each~~ Except as otherwise provided in this subsection, each board of
29 county commissioners shall submit to the Administrator of ~~The state business~~
30 ~~portal established pursuant to NRS 75A.100 must make available to~~ the Division
31 of Industrial Relations of the Department of Business and Industry monthly a ~~list~~
32 report of the names of those businesses which have submitted an affidavit or
33 attestation required by subsections 1 and 2. A board of county commissioners is
34 not required to include in the monthly report required by this subsection the
35 name of a business which has submitted an attestation electronically via the state
36 business portal.

37 4. ~~Upon receiving an affidavit or attestation required by subsection 1, the~~
38 ~~state business portal may provide the owner of the business with a document~~
39 ~~setting forth the rights and responsibilities of employers and employees to~~
40 ~~promote safety in the workplace, in accordance with regulations adopted by the~~
41 ~~Division of Industrial Relations of the Department of Business and Industry~~
42 ~~pursuant to NRS 618.376.~~

43 ~~5. Upon~~ Except as otherwise provided in subsection 5, upon receiving an
44 affidavit or attestation required by this section, ~~subsection 2,~~ a board of county
45 commissioners shall provide the owner of the business with a document setting
46 forth the rights and responsibilities of employers and employees to promote safety
47 in the workplace, in accordance with regulations adopted by the Division of
48 Industrial Relations of the Department of Business and Industry pursuant to NRS
49 618.376.

50 5. If a business submits an attestation required by this section electronically
51 via the state business portal, the state business portal shall provide the owner of
52 the business with access to information setting forth the rights and
53 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.

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

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

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city 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 an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~Each~~ Except as otherwise provided in this subsection, each city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a report of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. A city council or other governing board of an incorporated city 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. ~~Upon receiving an affidavit or attestation required by subsection 1, the state business portal may 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. ~~Upon receiving an affidavit or attestation required by this section, subsection 2, the city council or other governing body of an incorporated city shall provide the applicant 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 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.

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

3 **Sec. 7.** NRS 364.110 is hereby amended to read as follows:

4 364.110 No county license board and no other licensing authority, whether
5 county, city or township, within the State of Nevada, shall issue an initial license or
6 transfer any license to any person, firm or corporation authorizing the person, firm
7 or corporation to engage in, or in any manner carry on, any business of the retail
8 sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs,
9 clothing, hardware, or any other type or class of merchandise whatever, without
10 requiring the applicant or applicants for the license to file with the licensing
11 authority an affidavit showing:

12 1. ~~That the applicant or applicants maintain~~ :

13 (a) Maintain an active state business license issued pursuant to chapter 76 of
14 NRS ; or

15 (b) Have a certificate of exemption from the requirement to obtain a state
16 business license pursuant to section 2 of this act; and ~~that~~

17 2. The business identification number assigned to the applicant or
18 applicants by the Secretary of State pursuant to section 4 of this act.

19 ~~1-2~~ 3. Whether the applicant or applicants are engaged in business under a
20 fictitious name, and if so engaged in business, that the applicant or applicants have
21 complied with the provisions of chapter 602 of NRS.

22 ~~1-2~~ ~~1-3~~ 4. Whether there has been any change in ownership in the business
23 of the applicant or applicants during the preceding calendar year, and if there has
24 been any such change in ownership, that the change was made in compliance with
25 the provisions of chapter 104 of NRS.

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

27 612.265 1. Except as otherwise provided in this section and NRS 239.0115,
28 information obtained from any employing unit or person pursuant to the
29 administration of this chapter and any determination as to the benefit rights of any
30 person is confidential and may not be disclosed or be open to public inspection in
31 any manner which would reveal the person's or employing unit's identity.

32 2. Any claimant or a legal representative of a claimant is entitled to
33 information from the records of the Division, to the extent necessary for the proper
34 presentation of the claimant's claim in any proceeding pursuant to this chapter. A
35 claimant or an employing unit is not entitled to information from the records of the
36 Division for any other purpose.

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

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

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

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

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

46 (e) The State Contractors' Board in the performance of its duties to enforce the
47 provisions of chapter 624 of NRS ~~1-1~~ ; and

48 (f) The Secretary of State for the purpose of verifying that data submitted
49 electronically via the state business portal established pursuant to NRS 75A.100,
50 75A.200 and 75A.300 satisfies the requirements established by the Division and,
51 as necessary, for the purpose of maintaining the technical integrity and
52 functionality of the state business portal established pursuant to NRS 75A.100,
53 75A.200 and 75A.300.

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

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

16 5. The Administrator may publish or otherwise provide information on the
17 names of employers, their addresses, their type or class of business or industry, and
18 the approximate number of employees employed by each such employer, if the
19 information released will assist unemployed persons to obtain employment or will
20 be generally useful in developing and diversifying the economic interests of this
21 State. Upon request by a state agency which is able to demonstrate that its intended
22 use of the information will benefit the residents of this State, the Administrator
23 may, in addition to the information listed in this subsection, disclose the number of
24 employees employed by each employer and the total wages paid by each employer.
25 The Administrator may charge a fee to cover the actual costs of any administrative
26 expenses relating to the disclosure of this information to a state agency. The
27 Administrator may require the state agency to certify in writing that the agency will
28 take all actions necessary to maintain the confidentiality of the information and
29 prevent its unauthorized disclosure.

30 6. Upon request therefor, the Administrator shall furnish to any agency of the
31 United States charged with the administration of public works or assistance through
32 public employment, and may furnish to any state agency similarly charged, the
33 name, address, ordinary occupation and employment status of each recipient of
34 benefits and the recipient's rights to further benefits pursuant to this chapter.

35 7. To further a current criminal investigation, the chief executive officer of
36 any law enforcement agency of this State may submit a written request to the
37 Administrator that the Administrator furnish, from the records of the Division, the
38 name, address and place of employment of any person listed in the records of
39 employment of the Division. The request must set forth the social security number
40 of the person about whom the request is made and contain a statement signed by the
41 chief executive officer certifying that the request is made to further a criminal
42 investigation currently being conducted by the agency. Upon receipt of such a
43 request, the Administrator shall furnish the information requested. The
44 Administrator may charge a fee to cover the actual costs of any related
45 administrative expenses.

46 8. In addition to the provisions of subsection 5, the Administrator shall
47 provide lists containing the names and addresses of employers, and information
48 regarding the wages paid by each employer to the Department of Taxation, upon
49 request, for use in verifying returns for the taxes imposed pursuant to chapters
50 363A and 363B of NRS. The Administrator may charge a fee to cover the actual
51 costs of any related administrative expenses.

52 9. A private carrier that provides industrial insurance in this State shall submit
53 to the Administrator a list containing the name of each person who received

benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

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

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

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

Sec. 8. NRS 237.180 is hereby repealed.

Sec. 9. 1. ~~Notwithstanding the amendatory provisions of this act, a~~ A state or local agency or health district is ~~not~~ required to use the state business portal to ~~collect~~ accept common business registration information ~~for integrate into~~ from the state business portal as required by subparagraph (2) of paragraph (a) of subsection 3 of NRS 75A.100, as amended by section 1 of this act, ~~until~~ on or before January 1, 2014, unless the State Board of Examiners extends this deadline pursuant to subsection 2.

2. If a state or local agency or health district believes that it cannot comply with the ~~requirements of~~ 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, 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

1 that it cannot comply with any other requirement of subsection 3 of NRS
2 75A.100, as amended by section 1 of this act, the state or local agency or health
3 district, with the assistance of the Secretary of State, shall submit to the State
4 Board of Examiners and the Legislative Commission, on or before July 1,
5 2014, a written explanation of the status of the integration of the state or local
6 agency or health district into the state business portal which sets forth the
7 reasons that the state or local agency or health district cannot timely comply
8 with the other requirements of subsection 3 of NRS 75A.100 and, to the extent
9 practicable, a projected timeline for integration into the state business portal.

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

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

TEXT OF REPEALED SECTION

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 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.