

Amendment No. 132

Senate Amendment to Senate Bill No. 59	(BDR 7-448)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	
Adoption of this amendment will REMOVE the unfunded mandate from S.B. 59.	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 4/1/2015

S.B. No. 59—Revises provisions relating to the state business portal. (BDR 7-448)



## SENATE BILL NO. 59—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the state business portal.  
(BDR 7-448)

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

~~(CONTAINS UNFUNDED MANDATE (§ 4)  
(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; declaring certain records to be confidential; 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 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 relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; and providing other matters properly relating thereto.

**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 4** 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 4** further ~~requires that~~ **authorizes** state and local agencies and health districts to ~~to the extent practicable~~ (1) integrate their electronic applications

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; (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; and (4) meet certain other requirements related to participation in the state business portal. However, **section 4** 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. **Section 3** of this bill deems that the records and files collected as common business registration information are confidential and privileged unless an exception applies.

**Section 5** 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 who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license. Under **section 4**: (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 an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

**Sections 7 and 8** 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 9** 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 10** 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 12** 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.** Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.*

**Sec. 3.** *1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State, a state or local agency or health district pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State, any employee of the Secretary of State and any state or local agency or health district, or employee of an agency or health district, which is authorized to view or use the information in such records or files:*

1       (a) Shall not disclose any information obtained from such records or files  
2       other than specific information contained in the record or file that is deemed a  
3       public record; and

4       (b) May not be required to produce any of the records, files and information  
5       for the inspection of any person or governmental entity or for use in any action  
6       or proceeding.

7       2. The records and files collected pursuant to paragraph (f) of subsection 2  
8       of NRS 75A.100 are not confidential and privileged in the following cases:

9       (a) Testimony by the Secretary of State, or any employee of the Secretary of  
10      State, or a member or employee of any state or local agency or health district and  
11      production of records, files and information on behalf of the Secretary of State,  
12      any state or local agency or health district or a person in any action or  
13      proceeding before the Secretary of State, any state or local agency or health  
14      district, or court in this State if that testimony or the records, files or information,  
15      or the facts shown thereby, are directly involved in the action or proceeding.

16      (b) Delivery to a person or his or her authorized representative of a copy of  
17      any document filed by the person pursuant to this chapter.

18      (c) Publication by a governmental agency of statistics so classified as to  
19      prevent the identification of a particular business or document.

20      (d) Exchanges of information with the Secretary of State, any state or local  
21      agency, health district or federal governmental agency in accordance with any  
22      agreement made and provided for in such cases or disclosure in confidence to  
23      any federal agency that requests the information for use by the agency in a civil  
24      or criminal investigation or prosecution.

25      (e) Disclosure in confidence to the Attorney General or other legal  
26      representative of the State or a local or federal agency in connection with an  
27      action or proceeding relating to a taxpayer, or to any agency of this or any other  
28      state or the Federal Government charged with the administration or enforcement  
29      of laws relating to workers' compensation, unemployment compensation, public  
30      assistance, taxation, labor or gaming or which issues licenses, certificates,  
31      registrations, permits or similar types of authorization to conduct a business in  
32      this State.

33      (f) Disclosure by the Secretary of State or a state or local agency or health  
34      district for the purpose of collection of a debt, fee or obligation owed to the  
35      Secretary of State or the agency or district.

36      (g) A business that submits information to the state business portal and  
37      agrees to a provision authorizing the release of information contained in the  
38      records and files of the state business portal for a purpose which must be  
39      specified in the provision.

40      Sec. 4. NRS 75A.100 is hereby amended to read as follows:

41      75A.100 1. The Secretary of State shall provide for the establishment of a  
42      state business portal to facilitate interaction among businesses and governmental  
43      agencies in this State by allowing businesses to conduct necessary transactions with  
44      governmental agencies in this State through use of the state business portal.

45      2. The Secretary of State shall:

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

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

52      (c) Authorize a state or local agency to participate in the state business portal if  
53      the Secretary of State determines that the agency meets the standards and

requirements necessary for such participation ~~and~~ *and the agency has entered into an agreement for access to the state business portal which is prescribed by the Secretary of State;*

(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

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

3. *Each state ~~for 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~~ may, to the extent practicable ~~and~~, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:*

(a) *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.*

(b) *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.*

(c) *Integrate with 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 paragraph, "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.*

(d) *Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.*

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

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph (f) of subsection 2 which 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.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to ~~disseminate~~ :

(a) 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.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 5 of this act to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

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

Sec. 5. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

*For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.*

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, **75A.100**, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163,

1 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044,  
2 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,  
3 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160,  
4 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925,  
5 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105,  
6 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,  
7 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105,  
8 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,  
9 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335,  
10 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105,  
11 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025,  
12 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110,  
13 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727,  
14 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240,  
15 360.247, 360.555, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180,  
16 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275,  
17 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271,  
18 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295,  
19 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070,  
20 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205,  
21 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,  
22 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230,  
23 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545,  
24 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,  
25 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,  
26 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800,  
27 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583,  
28 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,  
29 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425,  
30 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185,  
31 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121,  
32 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,  
33 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485,  
34 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760,  
35 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189,  
36 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,  
37 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,  
38 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,  
39 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310,  
40 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152,  
41 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,  
42 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
43 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190,  
44 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325,  
45 706.1725, 710.159, 711.600 **and section 3 of this act and** sections 35, 38 and 41  
46 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of  
47 Nevada 2013 and unless otherwise declared by law to be confidential, all public  
48 books and public records of a governmental entity must be open at all times during  
49 office hours to inspection by any person, and may be fully copied or an abstract or  
50 memorandum may be prepared from those public books and public records. Any  
51 such copies, abstracts or memoranda may be used to supply the general public with  
52 copies, abstracts or memoranda of the records or may be used in any other way to  
53 the advantage of the governmental entity or of the general public. This section does

1 not supersede or in any manner affect the federal laws governing copyrights or  
2 enlarge, diminish or affect in any other manner the rights of a person in any written  
3 book or record which is copyrighted pursuant to federal law.

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

6 3. A governmental entity that has legal custody or control of a public book or  
7 record shall not deny a request made pursuant to subsection 1 to inspect or copy or  
8 receive a copy of a public book or record on the basis that the requested public  
9 book or record contains information that is confidential if the governmental entity  
10 can redact, delete, conceal or separate the confidential information from the  
11 information included in the public book or record that is not otherwise confidential.

12 4. A person may request a copy of a public record in any medium in which  
13 the public record is readily available. An officer, employee or agent of a  
14 governmental entity who has legal custody or control of a public record:

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

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

21 **Sec. 7.** NRS 244.33505 is hereby amended to read as follows:

22 244.33505 1. In a county in which a license to engage in a business is  
23 required, the board of county commissioners shall not issue such a license unless  
24 the applicant for the license:

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

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

28 (2) Maintains a valid certificate of self-insurance pursuant to chapters  
29 616A to 616D, inclusive, of NRS;

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

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

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

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

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

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

52 5. *If a business submits an attestation required by this section electronically*  
53 *via the state business portal, the state business portal shall provide the owner of*



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

5 6. *As used in this section, "state business portal" means the state business*  
6 *portal established pursuant to chapter 75A of NRS.*

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

8 268.0955 1. In an incorporated city in which a license to engage in a  
9 business is required, the city council or other governing body of the city shall not  
10 issue such a license unless the applicant for the license:

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

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

14 (2) Maintains a valid certificate of self-insurance pursuant to chapters  
15 616A to 616D, inclusive, of NRS;

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

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

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

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

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

34 4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon* receiving an  
35 affidavit ~~for attestation~~ required by this section, the city council or other governing  
36 body of an incorporated city shall provide the applicant with a document setting  
37 forth the rights and responsibilities of employers and employees to promote safety  
38 in the workplace in accordance with regulations adopted by the Division of  
39 Industrial Relations of the Department of Business and Industry pursuant to NRS  
40 618.376.

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

47 6. *As used in this section, "state business portal" means the state business*  
48 *portal established pursuant to chapter 75A of NRS.*

49 **Sec. 9.** NRS 602.020 is hereby amended to read as follows:

50 602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal  
51 certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name  
52 under which the business is being conducted or is intended to be conducted, and if  
53 conducted by:

- 1 (a) A natural person:  
2 (1) His or her full name;  
3 (2) The street address of his or her residence or business; and  
4 (3) If the mailing address is different from the street address, the mailing  
5 address of his or her residence or business;
- 6 (b) An artificial person:  
7 (1) Its name; and  
8 (2) Its mailing address;
- 9 (c) A general partnership:  
10 (1) The full name of each partner who is a natural person;  
11 (2) The street address of the residence or business of each partner who is a  
12 natural person;  
13 (3) If the mailing address is different from the street address, the mailing  
14 address of the residence or business of each partner who is a natural person; and  
15 (4) If one or more of the partners is an artificial person described in  
16 paragraph (b), the information required by paragraph (b) for each such partner; or
- 17 (d) A trust:  
18 (1) The full name of each trustee of the trust;  
19 (2) The street address of the residence or business of each trustee of the  
20 trust; and  
21 (3) If the mailing address is different from the street address, the mailing  
22 address of the residence or business of each trustee of the trust.
- 23 2. The certificate must be:  
24 (a) Signed:  
25 (1) In the case of a natural person, by that natural person;  
26 (2) In the case of an artificial person, by an officer, director, manager,  
27 general partner, trustee or other natural person having the authority to bind the  
28 artificial person to a contract;  
29 (3) In the case of a general partnership, by each of the partners who is a  
30 natural person and, if one or more of the partners is an artificial person described in  
31 subparagraph (2), by the person described in subparagraph (2); or  
32 (4) In the case of a trust, by each of the trustees; and  
33 (b) Notarized, unless the board of county commissioners of the county adopts  
34 an ordinance providing that the certificate may be filed without being notarized.
- 35 3. ~~No county clerk may refuse to accept for filing a certificate filed by a~~  
36 ~~foreign artificial person or foreign artificial persons because the foreign artificial~~  
37 ~~person or foreign artificial persons have not qualified to do business in this State~~  
38 ~~under title 7 of NRS.~~
- 39 ~~4.} As used in this section:~~  
40 (a) "Artificial person" means any organization organized under the law of the  
41 United States, any foreign country, or a state, province, territory, possession,  
42 commonwealth or dependency of the United States or any foreign country, and as  
43 to which the government, state, province, territory, possession, commonwealth or  
44 dependency must maintain a record showing the organization to have been  
45 organized.
- 46 (b) ~~"Foreign artificial person" means an artificial person that is not organized~~  
47 ~~under the laws of this State.~~
- 48 ~~(c)} "Record" means information which is inscribed on a tangible medium or~~  
49 ~~which is stored in an electronic or other medium and is retrievable in perceivable~~  
50 ~~form.~~
- 51 **Sec. 10.** NRS 612.265 is hereby amended to read as follows:  
52 612.265 1. Except as otherwise provided in this section and NRS 239.0115  
53 and 612.642, information obtained from any employing unit or person pursuant to

1 the administration of this chapter and any determination as to the benefit rights of  
2 any person is confidential and may not be disclosed or be open to public inspection  
3 in any manner which would reveal the person's or employing unit's identity.

4 2. Any claimant or a legal representative of a claimant is entitled to  
5 information from the records of the Division, to the extent necessary for the proper  
6 presentation of the claimant's claim in any proceeding pursuant to this chapter. A  
7 claimant or an employing unit is not entitled to information from the records of the  
8 Division for any other purpose.

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

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

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

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

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

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

20 **(f) The Secretary of State to operate the state business portal established**  
21 **pursuant to chapter 75A of NRS for the purposes of verifying that data submitted**  
22 **via the portal has satisfied the necessary requirements established by the**  
23 **Division, and as necessary to maintain the technical integrity and functionality of**  
24 **the state business portal established pursuant to chapter 75A of NRS.**

25 ➤ Information obtained in connection with the administration of the Division may  
26 be made available to persons or agencies for purposes appropriate to the operation  
27 of a public employment service or a public assistance program.

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

40 5. The Administrator may publish or otherwise provide information on the  
41 names of employers, their addresses, their type or class of business or industry, and  
42 the approximate number of employees employed by each such employer, if the  
43 information released will assist unemployed persons to obtain employment or will  
44 be generally useful in developing and diversifying the economic interests of this  
45 State. Upon request by a state agency which is able to demonstrate that its intended  
46 use of the information will benefit the residents of this State, the Administrator  
47 may, in addition to the information listed in this subsection, disclose the number of  
48 employees employed by each employer and the total wages paid by each employer.  
49 The Administrator may charge a fee to cover the actual costs of any administrative  
50 expenses relating to the disclosure of this information to a state agency. The  
51 Administrator may require the state agency to certify in writing that the agency will  
52 take all actions necessary to maintain the confidentiality of the information and  
53 prevent its unauthorized disclosure.

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

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator 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 chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

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

9. A private carrier that provides industrial insurance in this State shall submit 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

1 basis for any lawsuit if the letter, report or communication is written, sent, delivered  
2 or prepared pursuant to the requirements of this chapter.

3 **Sec. 11.** ~~[[The provisions of NRS 354.599 do not apply to any additional~~  
4 ~~expenses of a local government that are related to the provisions of this act.]~~  
5 **(Deleted by amendment.)**

6 **Sec. 12.** NRS 237.180, 364.110 and 364.120 are hereby repealed.

7 **Sec. 13.** This act becomes effective on July 1, 2015.

---

## TEXT OF REPEALED SECTIONS

---

### **237.180 Requirements; annual meeting to design and modify joint forms.**

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. 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.