

SENATE BILL NO. 59—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE SECRETARY OF STATE)

PREFILED DECEMBER 20, 2014

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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)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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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 state and local agencies and health districts 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:

1       **Section 1.** Chapter 75A of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 and 3 of this act.

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

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

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

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

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

23       *(a) Testimony by the Secretary of State, or any employee of the*  
24 *Secretary of State, or a member or employee of any state or local*  
25 *agency or health district and production of records, files and*  
26 *information on behalf of the Secretary of State, any state or local*  
27 *agency or health district or a person in any action or proceeding*  
28 *before the Secretary of State, any state or local agency or health*  
29 *district, or court in this State if that testimony or the records, files*  
30 *or information, or the facts shown thereby, are directly involved in*  
31 *the action or proceeding.*

32       *(b) Delivery to a person or his or her authorized representative*  
33 *of a copy of any document filed by the person pursuant to this*  
34 *chapter.*

35       *(c) Publication by a governmental agency of statistics so*  
36 *classified as to prevent the identification of a particular business*  
37 *or document.*

38       *(d) Exchanges of information with the Secretary of State, any*  
39 *state or local agency, health district or federal governmental*  
40 *agency in accordance with any agreement made and provided for*  
41 *in such cases or disclosure in confidence to any federal agency*



1 *that requests the information for use by the agency in a civil or*  
2 *criminal investigation or prosecution.*

3 *(e) Disclosure in confidence to the Attorney General or other*  
4 *legal representative of the State or a local or federal agency in*  
5 *connection with an action or proceeding relating to a taxpayer, or*  
6 *to any agency of this or any other state or the Federal Government*  
7 *charged with the administration or enforcement of laws relating to*  
8 *workers' compensation, unemployment compensation, public*  
9 *assistance, taxation, labor or gaming or which issues licenses,*  
10 *certificates, registrations, permits or similar types of authorization*  
11 *to conduct a business in this State.*

12 *(f) Disclosure by the Secretary of State or a state or local*  
13 *agency or health district for the purpose of collection of a debt, fee*  
14 *or obligation owed to the Secretary of State or the agency or*  
15 *district.*

16 *(g) A business that submits information to the state business*  
17 *portal and agrees to a provision authorizing the release of*  
18 *information contained in the records and files of the state business*  
19 *portal for a purpose which must be specified in the provision.*

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

21 75A.100 1. The Secretary of State shall provide for the  
22 establishment of a state business portal to facilitate interaction  
23 among businesses and governmental agencies in this State by  
24 allowing businesses to conduct necessary transactions with  
25 governmental agencies in this State through use of the state business  
26 portal.

27 2. The Secretary of State shall:

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

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

34 (c) Authorize a state or local agency to participate in the state  
35 business portal if the Secretary of State determines that the agency  
36 meets the standards and requirements necessary for such  
37 participation ~~and~~ *and the agency has entered into an agreement for*  
38 *access to the state business portal which is prescribed by the*  
39 *Secretary of State;*

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

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



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

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

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

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

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

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

(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 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.

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, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175,



1 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534,  
2 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195,  
3 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570,  
4 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610,  
5 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,  
6 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403,  
7 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536,  
8 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040,  
9 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964,  
10 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210,  
11 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,  
12 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265,  
13 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133,  
14 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,  
15 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185,  
16 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089,  
17 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400,  
18 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191,  
19 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625,  
20 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225,  
21 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320,  
22 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065,  
23 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133,  
24 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340,  
25 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190,  
26 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280,  
27 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,  
28 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117,  
29 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196,  
30 704B.320, 704B.325, 706.1725, 710.159, 711.600  *and section 3*  
31 *of this act and* sections 35, 38 and 41 of chapter 478, Statutes of  
32 Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013  
33 and unless otherwise declared by law to be confidential, all public  
34 books and public records of a governmental entity must be open at  
35 all times during office hours to inspection by any person, and may  
36 be fully copied or an abstract or memorandum may be prepared  
37 from those public books and public records. Any such copies,  
38 abstracts or memoranda may be used to supply the general public  
39 with copies, abstracts or memoranda of the records or may be used  
40 in any other way to the advantage of the governmental entity or of  
41 the general public. This section does not supersede or in any manner  
42 affect the federal laws governing copyrights or enlarge, diminish or  
43 affect in any other manner the rights of a person in any written book  
44 or record which is copyrighted pursuant to federal law.





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

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

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

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

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

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

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

(a) Signs an affidavit affirming that the business:

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

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

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

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

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

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

3. ~~Each~~ Except as otherwise provided in this subsection, each board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the



Department of Business and Industry monthly a ~~list~~ *report* of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. *A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.*

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

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

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

**Sec. 8.** 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.



1       3. ~~[Each]~~ *Except as otherwise provided in this subsection,*  
2 *each* city council or other governing body of an incorporated city  
3 shall submit to the Administrator of the Division of Industrial  
4 Relations of the Department of Business and Industry monthly a  
5 ~~[list]~~ *report* of the names of those businesses which have submitted  
6 an affidavit or attestation required by subsections 1 and 2. *A city*  
7 *council or other governing board of an incorporated city is not*  
8 *required to include in the monthly report the name of a business*  
9 *which has submitted an attestation electronically via the state*  
10 *business portal.*

11       4. ~~[Upon]~~ *Except as otherwise provided in subsection 5, upon*  
12 receiving an affidavit ~~[or attestation]~~ required by this section, the  
13 city council or other governing body of an incorporated city shall  
14 provide the applicant with a document setting forth the rights and  
15 responsibilities of employers and employees to promote safety in the  
16 workplace in accordance with regulations adopted by the Division  
17 of Industrial Relations of the Department of Business and Industry  
18 pursuant to NRS 618.376.

19       5. *If a business submits an attestation required by this section*  
20 *electronically via the state business portal, the state business portal*  
21 *shall provide the owner of the business with access to information*  
22 *setting forth the rights and responsibilities of employers and*  
23 *employees to promote safety in the workplace, in accordance with*  
24 *regulations adopted by the Division of Industrial Relations of the*  
25 *Department of Business and Industry pursuant to NRS 618.376.*

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

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

29       602.020   1. A certificate filed pursuant to NRS 602.010 or a  
30 renewal certificate filed pursuant to NRS 602.035 must state the  
31 assumed or fictitious name under which the business is being  
32 conducted or is intended to be conducted, and if conducted by:

33       (a) A natural person:

34               (1) His or her full name;  
35               (2) The street address of his or her residence or business; and  
36               (3) If the mailing address is different from the street address,  
37 the mailing address of his or her residence or business;

38       (b) An artificial person:

39               (1) Its name; and  
40               (2) Its mailing address;

41       (c) A general partnership:

42               (1) The full name of each partner who is a natural person;  
43               (2) The street address of the residence or business of each  
44 partner who is a natural person;



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

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

(d) A trust:

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

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

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

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~—4.]~~ As used in this section:

(a) “Artificial person” means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory, possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~“Foreign artificial person” means an artificial person that is not organized under the laws of this State.~~

~~—(c)]~~ “Record” means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.



**Sec. 10.** NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

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

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

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

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

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

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

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

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

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

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom



1 the request is made and contain a statement signed by the proper  
2 authority of the local government certifying that the request is made  
3 to allow the proper authority to enforce a law to recover a debt or  
4 obligation owed to the local government. Except as otherwise  
5 provided in NRS 239.0115, the information obtained by the local  
6 government is confidential and may not be used or disclosed for any  
7 purpose other than the collection of a debt or obligation owed to that  
8 local government. The Administrator may charge a reasonable fee  
9 for the cost of providing the requested information.

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

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

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



1 Administrator may charge a fee to cover the actual costs of any  
2 related administrative expenses.

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

10 9. A private carrier that provides industrial insurance in this  
11 State shall submit to the Administrator a list containing the name of  
12 each person who received benefits pursuant to chapters 616A to  
13 616D, inclusive, or chapter 617 of NRS during the preceding month  
14 and request that the Administrator compare the information so  
15 provided with the records of the Division regarding persons  
16 claiming benefits pursuant to this chapter for the same period. The  
17 information submitted by the private carrier must be in a form  
18 determined by the Administrator and must contain the social  
19 security number of each such person. Upon receipt of the request,  
20 the Administrator shall make such a comparison and, if it appears  
21 from the information submitted that a person is simultaneously  
22 claiming benefits under this chapter and under chapters 616A to  
23 616D, inclusive, or chapter 617 of NRS, the Administrator shall  
24 notify the Attorney General or any other appropriate law  
25 enforcement agency. The Administrator shall charge a fee to cover  
26 the actual costs of any related administrative expenses.

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

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

42 12. All letters, reports or communications of any kind, oral or  
43 written, from the employer or employee to each other or to the  
44 Division or any of its agents, representatives or employees are  
45 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. 11.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

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

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

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## TEXT OF REPEALED SECTIONS

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### **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.

