

Scott Anderson

Chief Deputy Secretary of State

Office of Secretary of State Barbara K. Cegavske

Additional amendment requested:

Intent: To change the term “state business license” to “state business registration” to eliminate the confusion caused by the term “State Business License.” The confusion is caused by the term as persons believe that if they get a state business license they are not required to get local or professional licenses.

Suggested Language:

NRS Chapter 76 is hereby amended as follows:

Change all references to “state business license” to “state business registration.”

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 ~~[,]~~ and 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]~~ who is authorized to view or use the information in such records or files:*

- (a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and*
- (b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.*

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

- (a) Testimony by the Secretary of State ~~[,]~~ or any employee of the Secretary of State ~~[, or a member or employee of any state or local agency or health district]~~ and the production of records, files and information on behalf of the Secretary of State ~~[, any state or local agency or health district]~~ or a person in any action or proceeding before the Secretary of State ~~[, any state or local agency or health district,]~~ or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.*
- (b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.*
- (c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.*
- (d) Exchanges of information with the Secretary of State ~~[, any state or local agency, health district]~~ or a federal ~~[governmental]~~ agency in accordance with any agreement made and provided for in such cases or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.*
- (e) Disclosure in confidence to the Attorney General or other legal representative of the State or a ~~[local or]~~ federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.*
- (f) Disclosure by the Secretary of State ~~[or a state or local agency or health district]~~ for*

the purpose of collection of a debt, fee or obligation owed to the Secretary of State ~~for the agency or district~~.

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

Sec. 4. NRS 75A.100 is hereby amended to read as follows: 75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

- (a) Establish, through cooperative efforts ~~{}~~ *and consultation with representatives of state agencies, local governments, health districts and businesses,* the standards and requirements necessary to design, build and implement the state business portal;
- (b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;
- (c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~{}~~ *and the agency has entered into an agreement for access to the state business portal ~~which is prescribed by~~ with 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~~ exchange the common business registration information ~~to~~ among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;*
- (g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and
- ~~{}~~ (h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

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

- (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.*