

ASSEMBLY BILL NO. 14—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LIEUTENANT GOVERNOR)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the state business portal. (BDR 7-405)

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

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

AN ACT relating to business; revising provisions governing the state business portal; requiring the Secretary of State to provide for the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State; requiring, with certain exceptions, each state agency, local agency and health district to comply with certain requirements relating to the state business portal; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the Secretary of State is required to establish the state
2 business portal to facilitate interaction among businesses and governmental
3 agencies in this State by allowing businesses to conduct necessary transactions with
4 governmental agencies in this State through the state business portal. Existing law
5 authorizes each state or local agency or health district, to the extent practicable: (1)
6 to make available on its Internet website applications for a license, certificate,
7 registration, permit or similar type of authorization to conduct a business in this
8 State and to integrate such applications into the state business portal; (2) to ensure
9 that the state or local agency or health district is capable of using the state business
10 portal to accept and disseminate common business registration information to
11 participating state and local agencies and health districts to issue a license,
12 certificate, registration, permit or similar type of authorization to conduct a business
13 in this State; (3) to require an applicant for a license, certificate, registration, permit
14 or similar type of authorization to conduct a business in this State to include in the
15 application the applicant’s business identification number; and (4) to accept the
16 electronic transfer of common business registration information from the state



17 business portal for certain purposes; (5) to allow for the acceptance of an electronic
18 signature for certain purposes; and (6) to establish and maintain certain rules, data
19 and processes relating to businesses. (NRS 75A.100) With certain exceptions,
20 **section 1** of this bill requires, rather than authorizes, each state agency, local
21 agency and health district to comply with such requirements to the extent
22 practicable. However, with respect to the integration with the state business portal
23 of the applications of a state or local agency or health district for a license,
24 certificate, registration, permit or similar type of authorization to conduct a business
25 in this State, **section 1** requires: (1) the Secretary of State to provide for such
26 integration; and (2) each state agency, local agency and health district to assist the
27 Secretary of State with such integration. Additionally, **section 1** maintains
28 provisions of existing law which provide that a state or local agency or health
29 district is not required to upgrade its information technology system or incur
30 significant expense to comply with the requirements of **section 1**. Finally, **section 1**
31 defines "state agency" and "local agency" for the purposes of **section 1**.

32 **Section 2** of this bill makes a conforming change to refer to provisions that
33 have been renumbered as a result of the changes in **section 1**.

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

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

3 75A.100 1. The Secretary of State shall provide for the
4 establishment of a state business portal to facilitate interaction
5 among businesses and governmental agencies in this State by
6 allowing businesses to conduct necessary transactions with
7 governmental agencies in this State through use of the state business
8 portal.

9 2. The Secretary of State shall:

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

14 (b) Establish the standards and requirements necessary for a
15 state or local agency *or health district* to participate in the state
16 business portal;

17 (c) Authorize a state or local agency *or health district* to
18 participate in the state business portal if the Secretary of State
19 determines that the agency *or district* meets the standards and
20 requirements necessary for such participation and the agency *or*
21 *district* has entered into an agreement for access to the state business
22 portal with the Secretary of State;

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



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

4 (f) *Provide for the integration with the state business portal of*
5 *the applications of a state or local agency or health district for a*
6 *license, certificate, registration, permit or similar type of*
7 *authorization to conduct a business in this State;*

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

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

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

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

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

31 3. Each state *or local* agency or health district that issues a
32 license, certificate, registration, permit or similar type of
33 authorization to conduct a business in this State ~~may,~~ *shall*, to the
34 extent practicable : ~~[-, and each local agency that issues a license,~~
35 ~~certificate, registration, permit or similar type of authorization to~~
36 ~~conduct a business in the jurisdiction of the local agency may, as~~
37 ~~approved by the governing body of the local government:]~~

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

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



1 (c) ~~[Integrate]~~ *Assist the Secretary of State to integrate* with the
2 state business portal any of its applications for a license, certificate,
3 registration, permit or similar type of authorization to conduct a
4 business in this State. ~~[As used in this paragraph, "integrate" means~~
5 ~~to consolidate an electronic application process so that it is capable~~
6 ~~of collecting and disseminating information to a state or local~~
7 ~~agency or health district for the processing of the application for a~~
8 ~~license, certificate, registration, permit or similar type of~~
9 ~~authorization to conduct a business in this State.]~~

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

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

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

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

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

31 (a) Disseminate or release information if such action would
32 result in the state or local agency or health district violating any
33 provision of state or federal law relating to the confidentiality of the
34 information.

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

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

45 6. As used in this section:



1 (a) "Business identification number" means the number
2 assigned by the Secretary of State pursuant to NRS 225.082 to an
3 entity organized pursuant to this title or to a person who is issued a
4 state business license or who claims to be excluded or exempt from
5 the requirement to obtain a state business license pursuant to chapter
6 76 of NRS.

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

14 (c) *"Integrate" or "integration" means to consolidate an*
15 *electronic application process so that it is capable of collecting and*
16 *disseminating information to a state or local agency or health*
17 *district for the processing of the application for a license,*
18 *certificate, registration, permit or similar type of authorization to*
19 *conduct a business in this State.*

20 (d) *"Local agency" means any local legislative body, agency,*
21 *bureau, board, commission, department, division, office or other*
22 *unit of any county, city or other political subdivision, as defined in*
23 *NRS 281A. 145. The term does not include a health district.*

24 (e) *"State agency" means an agency, bureau, board,*
25 *commission, department, division, officer, employee or agent or*
26 *any other unit of the Executive Department of the State*
27 *Government.*

28 **Sec. 2.** NRS 75A.150 is hereby amended to read as follows:

29 75A.150 1. Except as otherwise provided in subsection 2 and
30 NRS 239.0115, the records and files collected by the Secretary of
31 State pursuant to paragraph ~~F(6)~~ (g) of subsection 2 of NRS
32 75A.100 are confidential and privileged. The Secretary of State and
33 any employee of the Secretary of State who is authorized to view or
34 use the information in such records or files:

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

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

41 2. The records and files collected pursuant to paragraph ~~F(6)~~
42 (g) of subsection 2 of NRS 75A.100 are not confidential and
43 privileged in the following cases:

44 (a) Testimony by the Secretary of State or any employee of the
45 Secretary of State and the production of records, files and



1 information on behalf of the Secretary of State or a person in any
2 action or proceeding before the Secretary of State or a court in this
3 State if that testimony or the records, files or information, or the
4 facts shown thereby, are directly involved in the action or
5 proceeding.

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

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

12 (d) Exchanges of information with the Secretary of State or a
13 federal agency in accordance with any agreement made and
14 provided for in such cases, or disclosure in confidence to any federal
15 agency that requests the information for use by the agency in a civil
16 or criminal investigation or prosecution.

17 (e) Disclosure in confidence to the Attorney General or other
18 legal representative of the State or a federal agency in connection
19 with an action or proceeding relating to a taxpayer, or to any agency
20 of this or any other state or the Federal Government charged with
21 the administration or enforcement of laws relating to workers'
22 compensation, unemployment compensation, public assistance,
23 taxation, labor or gaming or which issues licenses, certificates,
24 registrations, permits or similar types of authorization to conduct a
25 business in this State.

26 (f) Disclosure by the Secretary of State for the purpose of
27 collection of a debt, fee or obligation owed to the Secretary of State.

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

32 **Sec. 3.** This act becomes effective on July 1, 2024.

