

Amendment No. 257

Assembly Amendment to Assembly Bill No. 14	(BDR 7-405)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.



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.]~~ Creates the Business Licensing Working Group. (BDR ~~[7-405]~~ S-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;]~~ creating the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim; prescribing the membership and duties of the Working Group; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

17 relating to businesses. (NRS 75A.100) With certain exceptions, section 1 of this bill requires,
 18 rather than authorizes, each state agency, local agency and health district to comply with such
 19 requirements to the extent practicable. However, with respect to the integration with the state
 20 business portal of the applications of a state or local agency or health district for a license,
 21 certificate, registration, permit or similar type of authorization to conduct a business in this
 22 State, section 1 requires: (1) the Secretary of State to provide for such integration; and (2)
 23 each state agency, local agency and health district to assist the Secretary of State with such
 24 integration. Additionally, section 1 maintains provisions of existing law which provide that a
 25 state or local agency or health district is not required to upgrade its information technology
 26 system or incur significant expense to comply with the requirements of section 1. Finally,
 27 section 1 defines "state agency" and "local agency" for the purposes of section 1.
 28 ~~Section 2 of this bill makes a conforming change to refer to provisions that have been~~
 29 ~~renumbered as a result of the changes in section 1.] (NRS 75A.100) **Section 5 of this bill**
 30 **creates the Business Licensing Working Group to study certain issues relating to**
 31 **business licensing during the 2023-2024 interim. Section 6 of this bill requires the**
 32 **Secretary of State to serve as Chair of the Working Group and prescribes certain**
 33 **requirements for the operation of the Working Group. Section 7 of this bill requires the**
 34 **Working Group to: (1) study and make recommendations to the Secretary of State on**
 35 **the efficacy of consolidating an electronic application process for a license, certificate,**
 36 **registration, permit or similar type of authorization required to conduct a business in**
 37 **this State; (2) evaluate current systems for sharing information between local business**
 38 **licensing entities and the Office of the Secretary of State; and (3) evaluate the availability**
 39 **of certain information technology systems. Section 7 authorizes the Working Group to**
 40 **consider certain other matters. Section 7 requires the Working Group, on or before**
 41 **December 31, 2024, to submit a report to the Legislature that addresses any issue**
 42 **reviewed or studied and any recommendations made by the Working Group. Section 8**
 43 **of this bill requires the Office of the Secretary of State to provide administrative support**
 44 **to the Working Group and authorizes the Working Group to engage in certain other**
 45 **activities.**
 46~~

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 follows:**
 2 ~~75A.100 1. The Secretary of State shall provide for the establishment of a~~
 3 ~~state business portal to facilitate interaction among businesses and governmental~~
 4 ~~agencies in this State by allowing businesses to conduct necessary transactions with~~
 5 ~~governmental agencies in this State through use of the state business portal.~~
 6 ~~2. The Secretary of State shall:~~
 7 ~~(a) Establish, through cooperative efforts and consultation with representatives~~
 8 ~~of state agencies, local governments, health districts and businesses, the standards~~
 9 ~~and requirements necessary to design, build and implement the state business~~
 10 ~~portal;~~
 11 ~~(b) Establish the standards and requirements necessary for a state or local~~
 12 ~~agency *or health district* to participate in the state business portal;~~
 13 ~~(c) Authorize a state or local agency *or health district* to participate in the state~~
 14 ~~business portal if the Secretary of State determines that the agency *or district* meets~~
 15 ~~the standards and requirements necessary for such participation and the agency *or*~~
 16 ~~*district* has entered into an agreement for access to the state business portal with the~~
 17 ~~Secretary of State;~~
 18 ~~(d) Determine the appropriate requirements to be used by businesses and~~
 19 ~~governmental agencies conducting transactions through use of the state business~~
 20 ~~portal;~~

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

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

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

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

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

20 ~~— [(g)] (h) In carrying out the provisions of this section, consult with the~~
21 ~~Executive Director of the Office of Economic Development to ensure that the~~
22 ~~activities of the Secretary of State are consistent with the State Plan for Economic~~
23 ~~Development developed by the Executive Director pursuant to subsection 2 of NRS~~
24 ~~231.053; and~~

25 ~~— [(h)] (i) Adopt such regulations and take any appropriate action as necessary~~
26 ~~to carry out the provisions of this chapter.~~

27 ~~— 3. Each state or local agency or health district that issues a license, certificate,~~
28 ~~registration, permit or similar type of authorization to conduct a business in this~~
29 ~~State [may,] shall, to the extent practicable : [, and each local agency that issues a~~
30 ~~license, certificate, registration, permit or similar type of authorization to conduct a~~
31 ~~business in the jurisdiction of the local agency may, as approved by the governing~~
32 ~~body of the local government.]~~

33 ~~— (a) Make available on its Internet website any of its applications for a license,~~
34 ~~certificate, registration, permit or similar type of authorization to conduct a business~~
35 ~~in this State.~~

36 ~~— (b) Accept the electronic transfer of common business registration information~~
37 ~~from the state business portal for use in any electronic application for a license,~~
38 ~~certificate, registration, permit or similar type of authorization to conduct a business~~
39 ~~in this State or for use in any application processing system.~~

40 ~~— (c) [Integrate] Assist the Secretary of State to integrate with the state business~~
41 ~~portal any of its applications for a license, certificate, registration, permit or similar~~
42 ~~type of authorization to conduct a business in this State. [As used in this paragraph,~~
43 ~~“integrate” means to consolidate an electronic application process so that it is~~
44 ~~capable of collecting and disseminating information to a state or local agency or~~
45 ~~health district for the processing of the application for a license, certificate,~~
46 ~~registration, permit or similar type of authorization to conduct a business in this~~
47 ~~State.]~~

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

50 ~~— (e) Require an applicant for a license, certificate, registration, permit or similar~~
51 ~~type of authorization to conduct a business in this State to include in the application~~
52 ~~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)] (g) 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 NRS 225.082 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.~~

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

~~(e) "State agency" means an agency, bureau, board, commission, department, division, officer, employee or agent or any other unit of the Executive Department of the State Government.] (Deleted by amendment.)~~

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

~~75A.150 1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State pursuant to paragraph [(f)] (g) of subsection 2 of NRS 75A.100 are confidential and privileged.~~

~~The Secretary of State and any employee of the Secretary of State 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)] (g) 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 and the production of records, files and information on behalf of the Secretary of State or a person in any action or proceeding before the Secretary of State 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 or a federal 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 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 for the purpose of collection of a debt, fee or obligation owed to the Secretary of State;~~

~~— (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.] **(Deleted by amendment.)**~~

Sec. 3. [This act becomes effective on July 1, 2024.] (Deleted by amendment.)

Sec. 4. As used in sections 5 to 8, inclusive, of this act, unless the context otherwise requires, "Working Group" means the Business Licensing Working Group created by section 5 of this act.

Sec. 5. 1. The Business Licensing Working Group is hereby created to study certain issues relating to business licensing during the 2023-2024 interim.

2. The Working Group consists of the following members:

(a) The Secretary of State or his or her designee;

(b) The Lieutenant Governor or his or her designee;

(c) The following members appointed by the Nevada Association of Counties or its successor organization:

(1) One representative of a county whose population is less than 100,000;

(2) One representative of a county whose population is 100,000 or more but less than 700,000; and

1 (3) One representative of a county whose population is 700,000 or
2 more;

3 (d) The following members appointed by the Nevada League of Cities and
4 Municipalities or its successor organization:

5 (1) One representative of a city whose population is less than 100,000;

6 (2) One representative of a city whose population is 100,000 or more
7 but less than 500,000; and

8 (3) One representative of a city whose population is 500,000 or more;

9 (e) One representative from the Nevada Small Business Development
10 Center, appointed by the Secretary of State;

11 (f) One representative of a chamber of commerce in this State, appointed
12 by the Lieutenant Governor;

13 (g) One owner of a business in this State, appointed by the Secretary of
14 State; and

15 (h) One owner of a business in this State, appointed by the Lieutenant
16 Governor.

17 3. If a vacancy occurs during a member's term, the appointing authority
18 shall appoint a replacement for the remainder of the unexpired term. A
19 vacancy must be filled in the same manner as the original appointment.

20 4. The members of the Working Group serve without compensation and
21 are not entitled to receive the per diem allowance and travel expenses provided
22 for state officers and employees generally.

23 5. A member of the Working Group who is an officer or employee of this
24 State or a political subdivision of this State must be relieved from his or her
25 duties without loss of regular compensation to prepare for and attend meetings
26 of the Working Group and perform any work necessary to carry out the duties
27 of the Working Group. A state agency or political subdivision of this State
28 shall not require an officer or employee who is a member of the Working
29 Group to:

30 (a) Make up the time he or she is absent from work to carry out his or her
31 duties as a member of the Working Group; or

32 (b) Take annual leave or compensatory time for the absence.

33 Sec. 6. 1. The Secretary of State or his or her designee shall serve as
34 Chair of the Working Group. The Lieutenant Governor or his or her designee
35 shall serve as the Vice Chair of the Working Group.

36 2. The Working Group shall meet at the call of the Chair or a majority of
37 its members.

38 3. A majority of the members of the Working Group constitutes a
39 quorum for the transaction of business, and a majority of a quorum present at
40 any meeting is sufficient for any official action taken by the Working Group.

41 Sec. 7. 1. The Working Group shall, during the 2023-2024 interim:

42 (a) Study and make recommendations to the Secretary of State concerning
43 the efficacy of consolidating, to the extent practicable, an electronic application
44 process that is capable of collecting and disseminating information to a state or
45 local agency or health district for the processing of an application for a license,
46 certificate, registration, permit or similar type of authorization to conduct a
47 business in this State.

48 (b) Evaluate the current systems for sharing information between local
49 business licensing entities and the Office of the Secretary of State.

50 (c) Evaluate the availability of information technology systems capable of:

51 (1) Hosting a consolidated electronic business license application
52 process; and

1 (2) Sharing information between local business licensing entities and
2 the Office of the Secretary of State.

3 (d) Evaluate the ways to encourage cooperation between local
4 governments in the regulation of business.

5 2. The Working Group may consider, at its discretion, any other matters
6 submitted by a member.

7 3. The Working Group shall, on or before December 31, 2024, submit to
8 the Director of the Legislative Counsel Bureau for transmittal to the 84th
9 Session of the Legislature a report concerning the activities of the Working
10 Group that addresses, without limitation, any issue reviewed or studied and
11 any recommendations made by the Working Group pursuant to this section.

12 Sec. 8. 1. The Office of the Secretary of State shall provide
13 administrative support to the Working Group.

14 2. The Working Group may establish such subcommittees, task forces
15 and similar entities from within or outside of its membership as necessary to
16 address specific issues or otherwise to assist in its work.

17 3. To the extent that money is available for the purpose, the Working
18 Group may enter into contracts with consultants to assist the Working Group
19 in the performance of its duties.

20 4. Within the limits of available resources, state agencies, boards and
21 commissions shall, upon the request of the Chair of the Working Group,
22 provide advice and technical assistance to the Working Group.

23 Sec. 9. This act becomes effective on July 1, 2023.