

ASSEMBLY BILL NO. 406—ASSEMBLYMEN MOORE AND FIORE

MARCH 17, 2015

Referred to Committee on Taxation

SUMMARY—Revises the requirements for obtaining a state business license. (BDR 7-822)

FISCAL NOTE: Effect on Local Government: No.
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 state business licenses; revising the requirements relating to the time by which a person conducting a business in this State must obtain a state business license; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a person to obtain a state business license issued by the
2 Secretary of State before conducting a business in this State. (NRS 76.100) **Section**
3 **1** of this bill revises this provision to provide that an entity which is required to file
4 an annual list containing certain information about the entity and its officers is
5 required to obtain a state business license at the time that the entity files its first
6 such annual list. For a person who is not required to file such an annual list, **section**
7 **1** revises the provision to require the person to obtain a state business license within
8 1 year after commencing the conduct of a business in this State. **Sections 2-27** of
9 this bill make conforming changes to existing law to reflect that a person is not
10 required to obtain a state business license before conducting business in this State.

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

1 **Section 1.** NRS 76.100 is hereby amended to read as follows:
2 76.100 1. A person ~~shall not conduct a business in this State~~
3 ~~unless and until the person obtains~~ *must obtain* a state business
4 license issued by the Secretary of State ~~[]~~ *in accordance with this*
5 *section.* If the person is:
6 (a) An entity required to file an initial or annual list with the
7 Secretary of State pursuant to this title, the person must obtain the



1 state business license at the time of filing ~~the initial or~~ *the entity's*
2 *first* annual list.

3 (b) Not an entity required to file an initial or annual list with the
4 Secretary of State pursuant to this title, the person must obtain the
5 state business license ~~before conducting~~ *within 1 year after*
6 *commencing the conduct of* a business in this State.

7 2. An application for a state business license must:

8 (a) Be made upon a form prescribed by the Secretary of State;

9 (b) Set forth the name under which the applicant transacts ~~for~~
10 ~~intends to transact~~ business, or if the applicant is an entity
11 organized pursuant to this title and on file with the Secretary of
12 State, the exact name on file with the Secretary of State, the entity
13 number as assigned by the Secretary of State, if known, and the
14 location in this State of the place or places of business;

15 (c) Be accompanied by a fee in the amount of \$100; and

16 (d) Include any other information that the Secretary of State
17 deems necessary.

18 ↪ If the applicant is an entity organized pursuant to this title and on
19 file with the Secretary of State and the applicant has no location in
20 this State of its place of business, the address of its registered agent
21 shall be deemed to be the location in this State of its place of
22 business.

23 3. The application must be signed pursuant to NRS 239.330 by:

24 (a) The owner of a business that is owned by a natural person.

25 (b) A member or partner of an association or partnership.

26 (c) A general partner of a limited partnership.

27 (d) A managing partner of a limited-liability partnership.

28 (e) A manager or managing member of a limited-liability
29 company.

30 (f) An officer of a corporation or some other person specifically
31 authorized by the corporation to sign the application.

32 4. If the application for a state business license is defective in
33 any respect or the fee required by this section is not paid, the
34 Secretary of State may return the application for correction or
35 payment.

36 5. The state business license required to be obtained pursuant
37 to this section is in addition to any license to conduct business that
38 must be obtained from the local jurisdiction in which the business is
39 being conducted.

40 6. For the purposes of this chapter, a person shall be deemed to
41 conduct a business in this State if a business for which the person is
42 responsible:

43 (a) Is organized pursuant to this title, other than a business
44 organized pursuant to:

45 (1) Chapter 82 or 84 of NRS; or



1 (2) Chapter 81 of NRS if the business is a nonprofit
2 religious, charitable, fraternal or other organization that qualifies as
3 a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

4 (b) Has an office or other base of operations in this State;

5 (c) Has a registered agent in this State; or

6 (d) Pays wages or other remuneration to a natural person who
7 performs in this State any of the duties for which he or she is paid.

8 7. As used in this section, "registered agent" has the meaning
9 ascribed to it in NRS 77.230.

10 **Sec. 2.** NRS 76.110 is hereby amended to read as follows:

11 76.110 If a person fails to obtain a state business license and
12 pay the fee required pursuant to NRS 76.100 ~~[before conducting a~~
13 ~~business in this State]~~ and the person is:

14 1. An entity required to file an annual list with the Secretary of
15 State pursuant to this title, the person:

16 (a) Shall pay a penalty of \$100 in addition to the annual state
17 business license fee;

18 (b) Shall be deemed to have not complied with the requirement
19 to file an annual list with the Secretary of State; and

20 (c) Is subject to all applicable provisions relating to the failure to
21 file an annual list, including, without limitation, the provisions
22 governing default and revocation of its charter or right to transact
23 business in this State, except that the person is required to pay the
24 penalty set forth in paragraph (a).

25 2. Not an entity required to file an annual list with the
26 Secretary of State, the person shall pay a penalty in the amount of
27 \$100 in addition to the annual state business license fee.

28 **Sec. 3.** NRS 76.130 is hereby amended to read as follows:

29 76.130 1. A person who applies for renewal of a state
30 business license shall submit a fee in the amount of \$100 to the
31 Secretary of State:

32 (a) If the person is an entity required to file an annual list with
33 the Secretary of State pursuant to this title, at the time the person
34 submits ~~[the] any~~ annual list ~~[to the Secretary of State.]~~ *after the*
35 *entity's first annual list*, unless the person submits a certificate or
36 other form evidencing the dissolution of the entity; or

37 (b) If the person is not an entity required to file an annual list
38 with the Secretary of State pursuant to this title, on the last day of
39 the month in which the anniversary date of issuance of the state
40 business license occurs in each year, unless the person submits a
41 written statement to the Secretary of State, at least 10 days before
42 that date, indicating that the person will not be conducting a
43 business in this State after that date.

44 2. The Secretary of State shall, 90 days before the last day for
45 filing an application for renewal of the state business license of a



1 person who holds a state business license, provide to the person a
2 notice of the state business license fee due pursuant to this section
3 and a reminder to file the application for renewal required pursuant
4 to this section. Failure of any person to receive a notice does not
5 excuse the person from the penalty imposed by law.

6 3. If a person fails to submit the annual state business license
7 fee required pursuant to this section in a timely manner and the
8 person is:

9 (a) An entity required to file an annual list with the Secretary of
10 State pursuant to this title, the person:

11 (1) Shall pay a penalty of \$100 in addition to the annual state
12 business license fee;

13 (2) Shall be deemed to have not complied with the
14 requirement to file an annual list with the Secretary of State; and

15 (3) Is subject to all applicable provisions relating to the
16 failure to file an annual list, including, without limitation, the
17 provisions governing default and revocation of its charter or right to
18 transact business in this State, except that the person is required to
19 pay the penalty set forth in subparagraph (1).

20 (b) Not an entity required to file an annual list with the Secretary
21 of State, the person shall pay a penalty in the amount of \$100 in
22 addition to the annual state business license fee. The Secretary of
23 State shall provide to the person a written notice that:

24 (1) Must include a statement indicating the amount of the
25 fees and penalties required pursuant to this section and the costs
26 remaining unpaid.

27 (2) May be provided electronically, if the person has
28 requested to receive communications by electronic transmission, by
29 electronic mail or other electronic communication.

30 **Sec. 4.** NRS 78.150 is hereby amended to read as follows:

31 78.150 1. A corporation organized pursuant to the laws of
32 this State shall, on or before the last day of the first month after the
33 filing of its articles of incorporation with the Secretary of State or, if
34 the corporation has selected an alternative due date pursuant to
35 subsection 11, on or before that alternative due date, file with the
36 Secretary of State a list, on a form furnished by the Secretary of
37 State, containing:

38 (a) The name of the corporation;

39 (b) The file number of the corporation, if known;

40 (c) The names and titles of the president, secretary and treasurer,
41 or the equivalent thereof, and of all the directors of the corporation;

42 (d) The address, either residence or business, of each officer and
43 director listed, following the name of the officer or director; and



(e) The signature of an officer of the corporation, or some other person specifically authorized by the corporation to sign the list, certifying that the list is true, complete and accurate.

2. The corporation shall annually thereafter, on or before the last day of the month in which the anniversary date of incorporation occurs in each year or, if, pursuant to subsection 11, the corporation has selected an alternative due date for filing the list required by subsection 1, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State, on a form furnished by the Secretary of State, an annual list containing all of the information required in subsection 1.

3. Each list required by subsection 1 or 2 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The corporation ~~has complied~~ *is in compliance* with the provisions of chapter 76 of NRS;

(2) The corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this paragraph and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

4. Upon filing the list required by:

(a) Subsection 1, the corporation shall pay to the Secretary of State a fee of \$125.

(b) Subsection 2, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:

\$75,000 or less.....	\$125
Over \$75,000 and not over \$200,000	175
Over \$200,000 and not over \$500,000	275
Over \$500,000 and not over \$1,000,000	375



1 Over \$1,000,000:

2 For the first \$1,000,000..... 375

3 For each additional \$500,000 or fraction thereof..... 275

4 ↪ The maximum fee which may be charged pursuant to paragraph
5 (b) for filing the annual list is \$11,100.

6
7 5. If a director or officer of a corporation resigns and the
8 resignation is not reflected on the annual or amended list of directors
9 and officers, the corporation or the resigning director or officer shall
10 pay to the Secretary of State a fee of \$75 to file the resignation.

11 6. The Secretary of State shall, 90 days before the last day for
12 filing each annual list required by subsection 2, provide to each
13 corporation which is required to comply with the provisions of NRS
14 78.150 to 78.185, inclusive, and which has not become delinquent, a
15 notice of the fee due pursuant to subsection 4 and a reminder to file
16 the annual list required by subsection 2. Failure of any corporation
17 to receive a notice does not excuse it from the penalty imposed by
18 law.

19 7. If the list to be filed pursuant to the provisions of subsection
20 1 or 2 is defective in any respect or the fee required by subsection 4
21 is not paid, the Secretary of State may return the list for correction
22 or payment.

23 8. An annual list for a corporation not in default which is
24 received by the Secretary of State more than 90 days before its due
25 date shall be deemed an amended list for the previous year and must
26 be accompanied by the appropriate fee as provided in subsection 4
27 for filing. A payment submitted pursuant to this subsection does not
28 satisfy the requirements of subsection 2 for the year to which the
29 due date is applicable.

30 9. A person who files with the Secretary of State a list required
31 by subsection 1 or 2 which identifies an officer or director with the
32 fraudulent intent of concealing the identity of any person or persons
33 exercising the power or authority of an officer or director in
34 furtherance of any unlawful conduct is subject to the penalty set
35 forth in NRS 225.084.

36 10. For the purposes of this section, a stockholder is not
37 deemed to exercise actual control of the daily operations of a
38 corporation based solely on the fact that the stockholder has voting
39 control of the corporation.

40 11. The Secretary of State may allow a corporation to select an
41 alternative due date for filing the list required by subsection 1.

42 12. The Secretary of State may adopt regulations to administer
43 the provisions of subsection 11.



Sec. 5. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the information required by NRS 80.010 is filed with the Secretary of State or, if the foreign corporation has selected an alternative due date pursuant to subsection 9, on or before that alternative due date, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year or, if applicable, on or before the last day of the month in which the anniversary date of the alternative due date occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

(a) The names and addresses, either residence or business, of its president, secretary and treasurer, or the equivalent thereof, and all of its directors; and

(b) The signature of an officer of the corporation or some other person specifically authorized by the corporation to sign the list.

2. Each list filed pursuant to subsection 1 must be accompanied by:

(a) A declaration under penalty of perjury that:

(1) The foreign corporation ~~[has complied]~~ *is in compliance* with the provisions of chapter 76 of NRS;

(2) The foreign corporation acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State; and

(3) None of the officers or directors identified in the list has been identified in the list with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

(a) The initial list required by subsection 1, the corporation shall pay to the Secretary of State a fee of \$125.

(b) Each annual list required by subsection 1, the corporation shall pay to the Secretary of State, if the amount represented by the total number of shares provided for in the articles is:



1 \$75,000 or less..... \$125
2 Over \$75,000 and not over \$200,000 175
3 Over \$200,000 and not over \$500,000 275
4 Over \$500,000 and not over \$1,000,000 375
5 Over \$1,000,000:
6 For the first \$1,000,000..... 375
7 For each additional \$500,000 or fraction thereof 275

8 ↳ The maximum fee which may be charged pursuant to paragraph
9 (b) for filing the annual list is \$11,100.

10 4. If a director or officer of a corporation resigns and the
11 resignation is not reflected on the annual or amended list of directors
12 and officers, the corporation or the resigning director or officer shall
13 pay to the Secretary of State a fee of \$75 to file the resignation.

14 5. The Secretary of State shall, 90 days before the last day for
15 filing each annual list required by subsection 1, provide to each
16 corporation which is required to comply with the provisions of NRS
17 80.110 to 80.175, inclusive, and which has not become delinquent, a
18 notice of the fee due pursuant to subsection 3 and a reminder to file
19 the list pursuant to subsection 1. Failure of any corporation to
20 receive a notice does not excuse it from the penalty imposed by the
21 provisions of NRS 80.110 to 80.175, inclusive.

22 6. An annual list for a corporation not in default which is
23 received by the Secretary of State more than 90 days before its due
24 date shall be deemed an amended list for the previous year and does
25 not satisfy the requirements of subsection 1 for the year to which the
26 due date is applicable.

27 7. A person who files with the Secretary of State a list required
28 by subsection 1 which identifies an officer or director with the
29 fraudulent intent of concealing the identity of any person or persons
30 exercising the power or authority of an officer or director in
31 furtherance of any unlawful conduct is subject to the penalty set
32 forth in NRS 225.084.

33 8. For the purposes of this section, a stockholder is not deemed
34 to exercise actual control of the daily operations of a corporation
35 based solely on the fact that the stockholder has voting control of
36 the corporation.

37 9. The Secretary of State may allow a foreign corporation to
38 select an alternative due date for filing the initial list required by
39 subsection 1.

40 10. The Secretary of State may adopt regulations to administer
41 the provisions of subsection 9.

42 **Sec. 6.** NRS 82.523 is hereby amended to read as follows:

43 82.523 1. Each foreign nonprofit corporation doing business
44 in this State shall, on or before the last day of the first month after
45 the filing of its application for registration as a foreign nonprofit



1 corporation with the Secretary of State or, if the foreign nonprofit
2 corporation has selected an alternative due date pursuant to
3 subsection 9, on or before that alternative due date, and annually
4 thereafter on or before the last day of the month in which the
5 anniversary date of its qualification to do business in this State
6 occurs in each year or, if applicable, on or before the last day of the
7 month in which the anniversary date of the alternative due date
8 occurs in each year, file with the Secretary of State a list, on a form
9 furnished by the Secretary of State, that contains:

10 (a) The name of the foreign nonprofit corporation;

11 (b) The file number of the foreign nonprofit corporation, if
12 known;

13 (c) The names and titles of the president, the secretary and the
14 treasurer, or the equivalent thereof, and all the directors of the
15 foreign nonprofit corporation;

16 (d) The address, either residence or business, of the president,
17 secretary and treasurer, or the equivalent thereof, and each director
18 of the foreign nonprofit corporation; and

19 (e) The signature of an officer of the foreign nonprofit
20 corporation, or some other person specifically authorized by the
21 foreign nonprofit corporation to sign the list, certifying that the list
22 is true, complete and accurate.

23 2. Each list filed pursuant to this section must be accompanied
24 by a declaration under penalty of perjury that:

25 (a) The foreign nonprofit corporation ~~has complied~~ *is in*
26 *compliance* with the provisions of chapter 76 of NRS;

27 (b) The foreign nonprofit corporation acknowledges that
28 pursuant to NRS 239.330, it is a category C felony to knowingly
29 offer any false or forged instrument for filing with the Office of the
30 Secretary of State; and

31 (c) None of the officers or directors identified in the list has
32 been identified in the list with the fraudulent intent of concealing the
33 identity of any person or persons exercising the power or authority
34 of an officer or director in furtherance of any unlawful conduct.

35 3. Upon filing the initial list and each annual list pursuant to
36 this section, the foreign nonprofit corporation must pay to the
37 Secretary of State a fee of \$25.

38 4. The Secretary of State shall, 60 days before the last day for
39 filing each annual list, provide to each foreign nonprofit corporation
40 which is required to comply with the provisions of NRS 82.523 to
41 82.5239, inclusive, and which has not become delinquent, a notice
42 of the fee due pursuant to subsection 3 and a reminder to file the list
43 required pursuant to subsection 1. Failure of any foreign nonprofit
44 corporation to receive a notice does not excuse it from the penalty
45 imposed by the provisions of NRS 82.523 to 82.5239, inclusive.



1 5. If the list to be filed pursuant to the provisions of subsection
2 1 is defective or the fee required by subsection 3 is not paid, the
3 Secretary of State may return the list for correction or payment.

4 6. An annual list for a foreign nonprofit corporation not in
5 default that is received by the Secretary of State more than 90 days
6 before its due date shall be deemed an amended list for the previous
7 year and does not satisfy the requirements of subsection 1 for the
8 year to which the due date is applicable.

9 7. A person who files with the Secretary of State a list pursuant
10 to this section which identifies an officer or director with the
11 fraudulent intent of concealing the identity of any person or persons
12 exercising the power or authority of an officer or director in
13 furtherance of any unlawful conduct is subject to the penalty set
14 forth in NRS 225.084.

15 8. For the purposes of this section, a member of a foreign
16 nonprofit corporation is not deemed to exercise actual control of the
17 daily operations of the foreign nonprofit corporation based solely on
18 the fact that the member has voting control of the foreign nonprofit
19 corporation.

20 9. The Secretary of State may allow a foreign nonprofit
21 corporation to select an alternative due date for filing the initial list
22 required by this section.

23 10. The Secretary of State may adopt regulations to administer
24 the provisions of subsection 9.

25 **Sec. 7.** NRS 86.263 is hereby amended to read as follows:

26 86.263 1. A limited-liability company shall, on or before the
27 last day of the first month after the filing of its articles of
28 organization with the Secretary of State or, if the limited-liability
29 company has selected an alternative due date pursuant to subsection
30 11, on or before that alternative due date, file with the Secretary of
31 State, on a form furnished by the Secretary of State, a list that
32 contains:

- 33 (a) The name of the limited-liability company;
34 (b) The file number of the limited-liability company, if known;
35 (c) The names and titles of all of its managers or, if there is no
36 manager, all of its managing members;
37 (d) The address, either residence or business, of each manager or
38 managing member listed, following the name of the manager or
39 managing member; and
40 (e) The signature of a manager or managing member of the
41 limited-liability company, or some other person specifically
42 authorized by the limited-liability company to sign the list,
43 certifying that the list is true, complete and accurate.

44 2. The limited-liability company shall thereafter, on or before
45 the last day of the month in which the anniversary date of its



1 organization occurs or, if, pursuant to subsection 11, the limited-
2 liability company has selected an alternative due date for filing the
3 list required by subsection 1, on or before the last day of the month
4 in which the anniversary date of the alternative due date occurs in
5 each year, file with the Secretary of State, on a form furnished by
6 the Secretary of State, an annual list containing all of the
7 information required in subsection 1.

8 3. Each list required by subsections 1 and 2 must be
9 accompanied by a declaration under penalty of perjury that:

10 (a) The limited-liability company ~~has complied~~ *is in*
11 *compliance* with the provisions of chapter 76 of NRS;

12 (b) The limited-liability company acknowledges that pursuant to
13 NRS 239.330, it is a category C felony to knowingly offer any false
14 or forged instrument for filing in the Office of the Secretary of
15 State; and

16 (c) None of the managers or managing members identified in the
17 list has been identified in the list with the fraudulent intent of
18 concealing the identity of any person or persons exercising the
19 power or authority of a manager or managing member in
20 furtherance of any unlawful conduct.

21 4. Upon filing:

22 (a) The initial list required by subsection 1, the limited-liability
23 company shall pay to the Secretary of State a fee of \$125.

24 (b) Each annual list required by subsection 2, the limited-
25 liability company shall pay to the Secretary of State a fee of \$125.

26 5. If a manager or managing member of a limited-liability
27 company resigns and the resignation is not reflected on the annual or
28 amended list of managers and managing members, the limited-
29 liability company or the resigning manager or managing member
30 shall pay to the Secretary of State a fee of \$75 to file the resignation.

31 6. The Secretary of State shall, 90 days before the last day for
32 filing each list required by subsection 2, provide to each limited-
33 liability company which is required to comply with the provisions of
34 this section, and which has not become delinquent, a notice of the
35 fee due under subsection 4 and a reminder to file the list required by
36 subsection 2. Failure of any company to receive a notice does not
37 excuse it from the penalty imposed by law.

38 7. If the list to be filed pursuant to the provisions of subsection
39 1 or 2 is defective or the fee required by subsection 4 is not paid, the
40 Secretary of State may return the list for correction or payment.

41 8. An annual list for a limited-liability company not in default
42 received by the Secretary of State more than 90 days before its due
43 date shall be deemed an amended list for the previous year.

44 9. A person who files with the Secretary of State a list required
45 by subsection 1 or 2 which identifies a manager or managing



1 member with the fraudulent intent of concealing the identity of any
2 person or persons exercising the power or authority of a manager or
3 managing member in furtherance of any unlawful conduct is subject
4 to the penalty set forth in NRS 225.084.

5 10. For the purposes of this section, a member is not deemed to
6 exercise actual control of the daily operations of a limited-liability
7 company based solely on the fact that the member has voting control
8 of the limited-liability company.

9 11. The Secretary of State may allow a limited-liability
10 company to select an alternative due date for filing the list required
11 by subsection 1.

12 12. The Secretary of State may adopt regulations to administer
13 the provisions of subsection 11.

14 **Sec. 8.** NRS 86.5461 is hereby amended to read as follows:

15 86.5461 1. Each foreign limited-liability company doing
16 business in this State shall, on or before the last day of the first
17 month after the filing of its application for registration as a foreign
18 limited-liability company with the Secretary of State or, if the
19 foreign limited-liability company has selected an alternative due
20 date pursuant to subsection 10, on or before that alternative due
21 date, and annually thereafter on or before the last day of the month
22 in which the anniversary date of its qualification to do business in
23 this State occurs in each year or, if applicable, on or before the last
24 day of the month in which the anniversary date of the alternative
25 due date occurs in each year, file with the Secretary of State a list on
26 a form furnished by the Secretary of State that contains:

27 (a) The name of the foreign limited-liability company;

28 (b) The file number of the foreign limited-liability company, if
29 known;

30 (c) The names and titles of all its managers or, if there is no
31 manager, all its managing members;

32 (d) The address, either residence or business, of each manager or
33 managing member listed pursuant to paragraph (c); and

34 (e) The signature of a manager or managing member of the
35 foreign limited-liability company, or some other person specifically
36 authorized by the foreign limited-liability company to sign the list,
37 certifying that the list is true, complete and accurate.

38 2. Each list filed pursuant to this section must be accompanied
39 by a declaration under penalty of perjury that:

40 (a) The foreign limited-liability company ~~has complied~~ **is in**
41 **compliance** with the provisions of chapter 76 of NRS;

42 (b) The foreign limited-liability company acknowledges that
43 pursuant to NRS 239.330, it is a category C felony to knowingly
44 offer any false or forged instrument for filing with the Office of the
45 Secretary of State; and



1 (c) None of the managers or managing members identified in the
2 list has been identified in the list with the fraudulent intent of
3 concealing the identity of any person or persons exercising the
4 power or authority of a manager or managing member in
5 furtherance of any unlawful conduct.

6 3. Upon filing:

7 (a) The initial list required by this section, the foreign limited-
8 liability company shall pay to the Secretary of State a fee of \$125.

9 (b) Each annual list required by this section, the foreign limited-
10 liability company shall pay to the Secretary of State a fee of \$125.

11 4. If a manager or managing member of a foreign limited-
12 liability company resigns and the resignation is not reflected on the
13 annual or amended list of managers and managing members, the
14 foreign limited-liability company or the resigning manager or
15 managing member shall pay to the Secretary of State a fee of \$75 to
16 file the resignation.

17 5. The Secretary of State shall, 90 days before the last day for
18 filing each annual list required by this section, provide to each
19 foreign limited-liability company which is required to comply with
20 the provisions of NRS 86.5461 to 86.5468, inclusive, and which has
21 not become delinquent, a notice of the fee due pursuant to
22 subsection 3 and a reminder to file the list required pursuant
23 to subsection 1. Failure of any foreign limited-liability company to
24 receive a notice does not excuse it from the penalty imposed by the
25 provisions of NRS 86.5461 to 86.5468, inclusive.

26 6. If the list to be filed pursuant to the provisions of subsection
27 1 is defective or the fee required by subsection 3 is not paid, the
28 Secretary of State may return the list for correction or payment.

29 7. An annual list for a foreign limited-liability company not in
30 default which is received by the Secretary of State more than 90
31 days before its due date shall be deemed an amended list for the
32 previous year and does not satisfy the requirements of this section
33 for the year to which the due date is applicable.

34 8. A person who files with the Secretary of State a list required
35 by this section which identifies a manager or managing member
36 with the fraudulent intent of concealing the identity of any person or
37 persons exercising the power or authority of a manager or managing
38 members in furtherance of any unlawful conduct is subject to the
39 penalty set forth in NRS 225.084.

40 9. For the purposes of this section, a member is not deemed to
41 exercise actual control of the daily operations of a foreign limited-
42 liability company based solely on the fact that the member has
43 voting control of the foreign limited-liability company.



1 10. The Secretary of State may allow a foreign limited-liability
2 company to select an alternative due date for filing the initial list
3 required by this section.

4 11. The Secretary of State may adopt regulations to administer
5 the provisions of subsection 10.

6 **Sec. 9.** NRS 87.510 is hereby amended to read as follows:

7 87.510 1. A registered limited-liability partnership shall, on
8 or before the last day of the first month after the filing of its
9 certificate of registration with the Secretary of State or, if the
10 registered limited-liability partnership has selected an alternative
11 due date pursuant to subsection 8, on or before that alternative due
12 date, and annually thereafter on or before the last day of the month
13 in which the anniversary date of the filing of its certificate of
14 registration with the Secretary of State occurs or, if applicable, on or
15 before the last day of the month in which the anniversary date of the
16 alternative due date occurs in each year, file with the Secretary of
17 State, on a form furnished by the Secretary of State, a list that
18 contains:

19 (a) The name of the registered limited-liability partnership;

20 (b) The file number of the registered limited-liability
21 partnership, if known;

22 (c) The names of all of its managing partners;

23 (d) The address, either residence or business, of each managing
24 partner; and

25 (e) The signature of a managing partner of the registered
26 limited-liability partnership, or some other person specifically
27 authorized by the registered limited-liability partnership to sign the
28 list, certifying that the list is true, complete and accurate.

29 ↪ Each list filed pursuant to this subsection must be accompanied
30 by a declaration under penalty of perjury that the registered limited-
31 liability partnership ~~has complied~~ *is in compliance* with the
32 provisions of chapter 76 of NRS, that the registered limited-liability
33 partnership acknowledges that pursuant to NRS 239.330, it is a
34 category C felony to knowingly offer any false or forged instrument
35 for filing in the Office of the Secretary of State and that none of the
36 managing partners identified in the list has been identified in the list
37 with the fraudulent intent of concealing the identity of any person or
38 persons exercising the power or authority of a managing partner in
39 furtherance of any unlawful conduct.

40 2. Upon filing:

41 (a) The initial list required by subsection 1, the registered
42 limited-liability partnership shall pay to the Secretary of State a fee
43 of \$125.



1 (b) Each annual list required by subsection 1, the registered
2 limited-liability partnership shall pay to the Secretary of State a fee
3 of \$125.

4 3. If a managing partner of a registered limited-liability
5 partnership resigns and the resignation is not reflected on the annual
6 or amended list of managing partners, the registered limited-liability
7 partnership or the resigning managing partner shall pay to the
8 Secretary of State a fee of \$75 to file the resignation.

9 4. The Secretary of State shall, at least 90 days before the last
10 day for filing each annual list required by subsection 1, provide to
11 the registered limited-liability partnership a notice of the fee due
12 pursuant to subsection 2 and a reminder to file the annual list
13 required by subsection 1. The failure of any registered limited-
14 liability partnership to receive a notice does not excuse it from
15 complying with the provisions of this section.

16 5. If the list to be filed pursuant to the provisions of subsection
17 1 is defective, or the fee required by subsection 2 is not paid, the
18 Secretary of State may return the list for correction or payment.

19 6. An annual list that is filed by a registered limited-liability
20 partnership which is not in default more than 90 days before it is due
21 shall be deemed an amended list for the previous year and does not
22 satisfy the requirements of subsection 1 for the year to which the
23 due date is applicable.

24 7. A person who files with the Secretary of State an initial list
25 or annual list required by subsection 1 which identifies a managing
26 partner with the fraudulent intent of concealing the identity of any
27 person or persons exercising the power or authority of a managing
28 partner in furtherance of any unlawful conduct is subject to the
29 penalty set forth in NRS 225.084.

30 8. The Secretary of State may allow a registered limited-
31 liability partnership to select an alternative due date for filing the
32 initial list required by subsection 1.

33 9. The Secretary of State may adopt regulations to administer
34 the provisions of subsection 8.

35 **Sec. 10.** NRS 87.541 is hereby amended to read as follows:

36 87.541 1. Each foreign registered limited-liability partnership
37 doing business in this State shall, on or before the last day of the
38 first month after the filing of its application for registration as a
39 foreign registered limited-liability partnership with the Secretary of
40 State or, if the foreign registered limited-liability partnership has
41 selected an alternative due date pursuant to subsection 9, on or
42 before that alternative due date, and annually thereafter on or before
43 the last day of the month in which the anniversary date of its
44 qualification to do business in this State occurs in each year or, if
45 applicable, on or before the last day of the month in which the



1 anniversary date of the alternative due date occurs in each year, file
2 with the Secretary of State a list, on a form furnished by the
3 Secretary of State, that contains:

4 (a) The name of the foreign registered limited-liability
5 partnership;

6 (b) The file number of the foreign registered limited-liability
7 partnership, if known;

8 (c) The names of all its managing partners;

9 (d) The address, either residence or business, of each managing
10 partner; and

11 (e) The signature of a managing partner of the foreign registered
12 limited-liability partnership, or some other person specifically
13 authorized by the foreign registered limited-liability partnership to
14 sign the list, certifying that the list is true, complete and accurate.

15 2. Each list filed pursuant to this section must be accompanied
16 by a declaration under penalty of perjury that:

17 (a) The foreign registered limited-liability partnership ~~has~~
18 **complied** *is in compliance* with the provisions of chapter 76 of
19 NRS;

20 (b) The foreign registered limited-liability partnership
21 acknowledges that pursuant to NRS 239.330, it is a category C
22 felony to knowingly offer any false or forged instrument for filing in
23 the Office of the Secretary of State; and

24 (c) None of the managing partners identified in the list has been
25 identified in the list with the fraudulent intent of concealing the
26 identity of any person or persons exercising the power or authority
27 of a managing partner in furtherance of any unlawful conduct.

28 3. Upon filing:

29 (a) The initial list required by this section, the foreign registered
30 limited-liability partnership shall pay to the Secretary of State a fee
31 of \$125.

32 (b) Each annual list required by this section, the foreign
33 registered limited-liability partnership shall pay to the Secretary of
34 State a fee of \$125.

35 4. If a managing partner of a foreign registered limited-liability
36 partnership resigns and the resignation is not reflected on the annual
37 or amended list of managing partners, the foreign registered limited-
38 liability partnership or the managing partner shall pay to the
39 Secretary of State a fee of \$75 to file the resignation.

40 5. The Secretary of State shall, 90 days before the last day for
41 filing each annual list required by subsection 1, provide to each
42 foreign registered limited-liability partnership which is required to
43 comply with the provisions of NRS 87.541 to 87.544, inclusive, and
44 which has not become delinquent, a notice of the fee due pursuant to
45 subsection 3 and a reminder to file the list required pursuant to



1 subsection 1. Failure of any foreign registered limited-liability
2 partnership to receive a notice does not excuse it from the penalty
3 imposed by the provisions of NRS 87.541 to 87.544, inclusive.

4 6. If the list to be filed pursuant to the provisions of subsection
5 1 is defective or the fee required by subsection 3 is not paid, the
6 Secretary of State may return the list for correction or payment.

7 7. An annual list for a foreign registered limited-liability
8 partnership not in default which is received by the Secretary of State
9 more than 90 days before its due date shall be deemed an amended
10 list for the previous year and does not satisfy the requirements of
11 subsection 1 for the year to which the due date is applicable.

12 8. A person who files with the Secretary of State an initial list
13 or annual list required by subsection 1 which identifies a managing
14 partner with the fraudulent intent of concealing the identity of any
15 person or persons exercising the power and authority of a managing
16 partner in furtherance of any unlawful conduct is subject to the
17 penalty set forth in NRS 225.084.

18 9. The Secretary of State may allow a foreign registered
19 limited-liability partnership to select an alternative due date for
20 filing the initial list required by this section.

21 10. The Secretary of State may adopt regulations to administer
22 the provisions of subsection 9.

23 **Sec. 11.** NRS 87A.290 is hereby amended to read as follows:

24 87A.290 1. A limited partnership shall, on or before the last
25 day of the first month after the filing of its certificate of limited
26 partnership with the Secretary of State or, if the limited partnership
27 has selected an alternative due date pursuant to subsection 10, on or
28 before that alternative due date, and annually thereafter on or before
29 the last day of the month in which the anniversary date of the filing
30 of its certificate of limited partnership occurs or, if applicable, on or
31 before the last day of the month in which the anniversary date of the
32 alternative due date occurs in each year, file with the Secretary of
33 State, on a form furnished by the Secretary of State, a list that
34 contains:

- 35 (a) The name of the limited partnership;
36 (b) The file number of the limited partnership, if known;
37 (c) The names of all of its general partners;
38 (d) The address, either residence or business, of each general
39 partner; and
40 (e) The signature of a general partner of the limited partnership,
41 or some other person specifically authorized by the limited
42 partnership to sign the list, certifying that the list is true, complete
43 and accurate.

44 ↗ Each list filed pursuant to this subsection must be accompanied
45 by a declaration under penalty of perjury that the limited partnership



1 ~~has complied~~ *is in compliance* with the provisions of chapter 76 of
2 NRS, that the limited partnership acknowledges that pursuant to
3 NRS 239.330, it is a category C felony to knowingly offer any false
4 or forged instrument for filing in the Office of the Secretary of State,
5 and that none of the general partners identified in the list has been
6 identified in the list with the fraudulent intent of concealing the
7 identity of any person or persons exercising the power or authority
8 of a general partner in furtherance of any unlawful conduct.

9 2. Except as otherwise provided in subsection 3, a limited
10 partnership shall, upon filing:

11 (a) The initial list required by subsection 1, pay to the Secretary
12 of State a fee of \$125.

13 (b) Each annual list required by subsection 1, pay to the
14 Secretary of State a fee of \$125.

15 3. A registered limited-liability limited partnership shall, upon
16 filing:

17 (a) The initial list required by subsection 1, pay to the Secretary
18 of State a fee of \$125.

19 (b) Each annual list required by subsection 1, pay to the
20 Secretary of State a fee of \$125.

21 4. If a general partner of a limited partnership resigns and the
22 resignation is not reflected on the annual or amended list of general
23 partners, the limited partnership or the resigning general partner
24 shall pay to the Secretary of State a fee of \$75 to file the resignation.

25 5. The Secretary of State shall, 90 days before the last day for
26 filing each annual list required by subsection 1, provide to each
27 limited partnership which is required to comply with the provisions
28 of this section, and which has not become delinquent, a notice of the
29 fee due pursuant to the provisions of subsection 2 or 3, as
30 appropriate, and a reminder to file the annual list required pursuant
31 to subsection 1. Failure of any limited partnership to receive a notice
32 does not excuse it from the penalty imposed by NRS 87A.300.

33 6. If the list to be filed pursuant to the provisions of subsection
34 1 is defective or the fee required by subsection 2 or 3 is not paid, the
35 Secretary of State may return the list for correction or payment.

36 7. An annual list for a limited partnership not in default that is
37 received by the Secretary of State more than 90 days before its due
38 date shall be deemed an amended list for the previous year and does
39 not satisfy the requirements of subsection 1 for the year to which the
40 due date is applicable.

41 8. A filing made pursuant to this section does not satisfy the
42 provisions of NRS 87A.240 and may not be substituted for filings
43 submitted pursuant to NRS 87A.240.

44 9. A person who files with the Secretary of State a list required
45 by subsection 1 which identifies a general partner with the



1 fraudulent intent of concealing the identity of any person or persons
2 exercising the power or authority of a general partner in furtherance
3 of any unlawful conduct is subject to the penalty set forth in
4 NRS 225.084.

5 10. The Secretary of State may allow a limited partnership to
6 select an alternative due date for filing the initial list required by
7 subsection 1.

8 11. The Secretary of State may adopt regulations to administer
9 the provisions of subsection 10.

10 **Sec. 12.** NRS 87A.560 is hereby amended to read as follows:

11 87A.560 1. Each foreign limited partnership doing business
12 in this State shall, on or before the last day of the first month after
13 the filing of its application for registration as a foreign limited
14 partnership with the Secretary of State or, if the foreign limited
15 partnership has selected an alternative due date pursuant to
16 subsection 9, on or before that alternative due date, and annually
17 thereafter on or before the last day of the month in which the
18 anniversary date of its qualification to do business in this State
19 occurs in each year or, if applicable, on or before the last day of the
20 month in which the anniversary date of the alternative due date
21 occurs in each year, file with the Secretary of State a list, on a form
22 furnished by the Secretary of State, that contains:

- 23 (a) The name of the foreign limited partnership;
24 (b) The file number of the foreign limited partnership, if known;
25 (c) The names of all its general partners;
26 (d) The address, either residence or business, of each general
27 partner; and
28 (e) The signature of a general partner of the foreign limited
29 partnership, or some other person specifically authorized by the
30 foreign limited partnership to sign the list, certifying that the list is
31 true, complete and accurate.

32 2. Each list filed pursuant to this section must be accompanied
33 by a declaration under penalty of perjury that:

34 (a) The foreign limited partnership ~~has complied~~ *is in*
35 *compliance* with the provisions of chapter 76 of NRS;

36 (b) The foreign limited partnership acknowledges that pursuant
37 to NRS 239.330, it is a category C felony to knowingly offer any
38 false or forged instrument for filing in the Office of the Secretary of
39 State; and

40 (c) None of the general partners identified in the list has been
41 identified in the list with the fraudulent intent of concealing the
42 identity of any person or persons exercising the power or authority
43 of a general partner in furtherance of any unlawful conduct.

44 3. Upon filing:



1 (a) The initial list required by this section, the foreign limited
2 partnership shall pay to the Secretary of State a fee of \$125.

3 (b) Each annual list required by this section, the foreign limited
4 partnership shall pay to the Secretary of State a fee of \$125.

5 4. If a general partner of a foreign limited partnership resigns
6 and the resignation is not reflected on the annual or amended list of
7 general partners, the foreign limited partnership or the resigning
8 general partner shall pay to the Secretary of State a fee of \$75 to file
9 the resignation of the general partner.

10 5. The Secretary of State shall, 90 days before the last day for
11 filing each annual list required by subsection 1, provide to each
12 foreign limited partnership, which is required to comply with the
13 provisions of NRS 87A.560 to 87A.600, inclusive, and which has
14 not become delinquent, a notice of the fee due pursuant to
15 subsection 3 and a reminder to file the list required pursuant to
16 subsection 1. Failure of any foreign limited partnership to receive a
17 notice does not excuse it from the penalty imposed by the provisions
18 of NRS 87A.560 to 87A.600, inclusive.

19 6. If the list to be filed pursuant to the provisions of subsection
20 1 is defective or the fee required by subsection 3 is not paid, the
21 Secretary of State may return the list for correction or payment.

22 7. An annual list for a foreign limited partnership not in default
23 which is received by the Secretary of State more than 90 days before
24 its due date shall be deemed an amended list for the previous year
25 and does not satisfy the requirements of subsection 1 for the year to
26 which the due date is applicable.

27 8. A person who files with the Secretary of State a list required
28 by this section which identifies a general partner with the fraudulent
29 intent of concealing the identity of any person or persons exercising
30 the power or authority of a general partner in furtherance of any
31 unlawful conduct is subject to the penalty set forth in NRS 225.084.

32 9. The Secretary of State may allow a foreign limited
33 partnership to select an alternative due date for filing the initial list
34 required by this section.

35 10. The Secretary of State may adopt regulations to administer
36 the provisions of subsection 9.

37 **Sec. 13.** NRS 88.395 is hereby amended to read as follows:

38 88.395 1. A limited partnership shall, on or before the last
39 day of the first month after the filing of its certificate of limited
40 partnership with the Secretary of State or, if the limited partnership
41 has selected an alternative due date pursuant to subsection 10, on or
42 before that alternative due date, and annually thereafter on or before
43 the last day of the month in which the anniversary date of the filing
44 of its certificate of limited partnership occurs or, if applicable, on or
45 before the last day of the month in which the anniversary date of the



1 alternative due date occurs in each year, file with the Secretary of
2 State, on a form furnished by the Secretary of State, a list that
3 contains:

- 4 (a) The name of the limited partnership;
- 5 (b) The file number of the limited partnership, if known;
- 6 (c) The names of all of its general partners;
- 7 (d) The address, either residence or business, of each general
8 partner; and

9 (e) The signature of a general partner of the limited partnership,
10 or some other person specifically authorized by the limited
11 partnership to sign the list, certifying that the list is true, complete
12 and accurate.

13 ↪ Each list filed pursuant to this subsection must be accompanied
14 by a declaration under penalty of perjury that the limited partnership
15 ~~has complied~~ *is in compliance* with the provisions of chapter 76 of
16 NRS, that the limited partnership acknowledges that pursuant to
17 NRS 239.330, it is a category C felony to knowingly offer any false
18 or forged instrument for filing in the Office of the Secretary of State,
19 and that none of the general partners identified in the list has been
20 identified in the list with the fraudulent intent of concealing the
21 identity of any person or persons exercising the power or authority
22 of a general partner in furtherance of any unlawful conduct.

23 2. Except as otherwise provided in subsection 3, a limited
24 partnership shall, upon filing:

25 (a) The initial list required by subsection 1, pay to the Secretary
26 of State a fee of \$125.

27 (b) Each annual list required by subsection 1, pay to the
28 Secretary of State a fee of \$125.

29 3. A registered limited-liability limited partnership shall, upon
30 filing:

31 (a) The initial list required by subsection 1, pay to the Secretary
32 of State a fee of \$125.

33 (b) Each annual list required by subsection 1, pay to the
34 Secretary of State a fee of \$175.

35 4. If a general partner of a limited partnership resigns and the
36 resignation is not reflected on the annual or amended list of general
37 partners, the limited partnership or the resigning general partner
38 shall pay to the Secretary of State a fee of \$75 to file the resignation.

39 5. The Secretary of State shall, 90 days before the last day for
40 filing each annual list required by subsection 1, provide to each
41 limited partnership which is required to comply with the provisions
42 of this section, and which has not become delinquent, a notice of the
43 fee due pursuant to the provisions of subsection 2 or 3, as
44 appropriate, and a reminder to file the annual list required pursuant



1 to subsection 1. Failure of any limited partnership to receive a notice
2 does not excuse it from the penalty imposed by NRS 88.400.

3 6. If the list to be filed pursuant to the provisions of subsection
4 1 is defective or the fee required by subsection 2 or 3 is not paid, the
5 Secretary of State may return the list for correction or payment.

6 7. An annual list for a limited partnership not in default that is
7 received by the Secretary of State more than 90 days before its due
8 date shall be deemed an amended list for the previous year and does
9 not satisfy the requirements of subsection 1 for the year to which the
10 due date is applicable.

11 8. A filing made pursuant to this section does not satisfy the
12 provisions of NRS 88.355 and may not be substituted for filings
13 submitted pursuant to NRS 88.355.

14 9. A person who files with the Secretary of State a list required
15 by subsection 1 which identifies a general partner with the
16 fraudulent intent of concealing the identity of any person or persons
17 exercising the power or authority of a general partner in furtherance
18 of any unlawful conduct is subject to the penalty set forth in
19 NRS 225.084.

20 10. The Secretary of State may allow a limited partnership to
21 select an alternative due date for filing the initial list required by
22 subsection 1.

23 11. The Secretary of State may adopt regulations to administer
24 the provisions of subsection 10.

25 **Sec. 14.** NRS 88.591 is hereby amended to read as follows:

26 88.591 1. Each foreign limited partnership doing business in
27 this State shall, on or before the last day of the first month after the
28 filing of its application for registration as a foreign limited
29 partnership with the Secretary of State or, if the foreign limited
30 partnership has selected an alternative due date pursuant to
31 subsection 9, on or before that alternative due date, and annually
32 thereafter on or before the last day of the month in which the
33 anniversary date of its qualification to do business in this State
34 occurs in each year or, if applicable, on or before the last day of the
35 month in which the anniversary date of the alternative due date
36 occurs in each year, file with the Secretary of State a list, on a form
37 furnished by the Secretary of State, that contains:

38 (a) The name of the foreign limited partnership;
39 (b) The file number of the foreign limited partnership, if known;
40 (c) The names of all its general partners;
41 (d) The address, either residence or business, of each general
42 partner; and

43 (e) The signature of a general partner of the foreign limited
44 partnership, or some other person specifically authorized by the



1 foreign limited partnership to sign the list, certifying that the list is
2 true, complete and accurate.

3 2. Each list filed pursuant to this section must be accompanied
4 by a declaration under penalty of perjury that:

5 (a) The foreign limited partnership ~~has complied~~ *is in*
6 *compliance* with the provisions of chapter 76 of NRS;

7 (b) The foreign limited partnership acknowledges that pursuant
8 to NRS 239.330, it is a category C felony to knowingly offer any
9 false or forged instrument for filing in the Office of the Secretary of
10 State; and

11 (c) None of the general partners identified in the list has been
12 identified in the list with the fraudulent intent of concealing the
13 identity of any person or persons exercising the power or authority
14 of a general partner in furtherance of any unlawful conduct.

15 3. Upon filing:

16 (a) The initial list required by this section, the foreign limited
17 partnership shall pay to the Secretary of State a fee of \$125.

18 (b) Each annual list required by this section, the foreign limited
19 partnership shall pay to the Secretary of State a fee of \$125.

20 4. If a general partner of a foreign limited partnership resigns
21 and the resignation is not reflected on the annual or amended list of
22 general partners, the foreign limited partnership or the resigning
23 general partner shall pay to the Secretary of State a fee of \$75 to file
24 the resignation of the general partner.

25 5. The Secretary of State shall, 90 days before the last day for
26 filing each annual list required by subsection 1, provide to each
27 foreign limited partnership, which is required to comply with the
28 provisions of NRS 88.591 to 88.5945, inclusive, and which has not
29 become delinquent, a notice of the fee due pursuant to subsection 3
30 and a reminder to file the list required pursuant to subsection 1.
31 Failure of any foreign limited partnership to receive a notice does
32 not excuse it from the penalty imposed by the provisions of NRS
33 88.591 to 88.5945, inclusive.

34 6. If the list to be filed pursuant to the provisions of subsection
35 1 is defective or the fee required by subsection 3 is not paid, the
36 Secretary of State may return the list for correction or payment.

37 7. An annual list for a foreign limited partnership not in default
38 which is received by the Secretary of State more than 90 days before
39 its due date shall be deemed an amended list for the previous year
40 and does not satisfy the requirements of subsection 1 for the year to
41 which the due date is applicable.

42 8. A person who files with the Secretary of State a list required
43 by this section which identifies a general partner with the fraudulent
44 intent of concealing the identity of any person or persons exercising



1 the power or authority of a general partner in furtherance of any
2 unlawful conduct is subject to the penalty set forth in NRS 225.084.

3 9. The Secretary of State may allow a foreign limited
4 partnership to select an alternative due date for filing the initial list
5 required by this section.

6 10. The Secretary of State may adopt regulations to administer
7 the provisions of subsection 9.

8 **Sec. 15.** NRS 88A.600 is hereby amended to read as follows:

9 88A.600 1. A business trust formed pursuant to this chapter
10 shall, on or before the last day of the first month after the filing of
11 its certificate of trust with the Secretary of State or, if the business
12 trust has selected an alternative due date pursuant to subsection 8,
13 on or before that alternative due date, and annually thereafter on or
14 before the last day of the month in which the anniversary date of the
15 filing of its certificate of trust with the Secretary of State occurs, file
16 with the Secretary of State or, if applicable, on or before the last day
17 of the month in which the anniversary date of the alternative due
18 date occurs in each year, on a form furnished by the Secretary of
19 State, a list signed by at least one trustee, or by some other person
20 specifically authorized by the business trust to sign the list, that
21 contains the name and street address of at least one trustee. Each list
22 filed pursuant to this subsection must be accompanied by a
23 declaration under penalty of perjury that:

24 (a) The business trust ~~has complied~~ *is in compliance* with the
25 provisions of chapter 76 of NRS;

26 (b) The business trust acknowledges that pursuant to NRS
27 239.330, it is a category C felony to knowingly offer any false or
28 forged instrument for filing in the Office of the Secretary of State;
29 and

30 (c) None of the trustees identified in the list has been identified
31 in the list with the fraudulent intent of concealing the identity of any
32 person or persons exercising the power or authority of a trustee in
33 furtherance of any unlawful conduct.

34 2. Upon filing:

35 (a) The initial list required by subsection 1, the business trust
36 shall pay to the Secretary of State a fee of \$125.

37 (b) Each annual list required by subsection 1, the business trust
38 shall pay to the Secretary of State a fee of \$125.

39 3. If a trustee of a business trust resigns and the resignation is
40 not reflected on the annual or amended list of trustees, the business
41 trust or the resigning trustee shall pay to the Secretary of State a fee
42 of \$75 to file the resignation.

43 4. The Secretary of State shall, 90 days before the last day for
44 filing each annual list required by subsection 1, provide to each
45 business trust which is required to comply with the provisions of



1 NRS 88A.600 to 88A.660, inclusive, and which has not become
2 delinquent, a notice of the fee due pursuant to subsection 2 and a
3 reminder to file the list required pursuant to subsection 1. Failure of
4 a business trust to receive a notice does not excuse it from the
5 penalty imposed by law.

6 5. An annual list for a business trust not in default which is
7 received by the Secretary of State more than 90 days before its due
8 date shall be deemed an amended list for the previous year.

9 6. A person who files with the Secretary of State an initial list
10 or annual list required by subsection 1 which identifies a trustee
11 with the fraudulent intent of concealing the identity of any person or
12 persons exercising the power or authority of a trustee in furtherance
13 of any unlawful conduct is subject to the penalty set forth in
14 NRS 225.084.

15 7. For the purposes of this section, a person who is a beneficial
16 owner is not deemed to exercise actual control of the daily
17 operations of a business trust based solely on the fact that the person
18 is a beneficial owner.

19 8. The Secretary of State may allow a business trust to select
20 an alternative due date for filing the initial list required by
21 subsection 1.

22 9. The Secretary of State may adopt regulations to administer
23 the provisions of subsection 8.

24 **Sec. 16.** NRS 88A.732 is hereby amended to read as follows:

25 88A.732 1. Each foreign business trust doing business in this
26 State shall, on or before the last day of the first month after the filing
27 of its application for registration as a foreign business trust with the
28 Secretary of State or, if the foreign business trust has selected an
29 alternative due date pursuant to subsection 10, on or before that
30 alternative due date, and annually thereafter on or before the last day
31 of the month in which the anniversary date of its qualification to do
32 business in this State occurs in each year or, if applicable, on or
33 before the last day of the month in which the anniversary date of the
34 alternative due date occurs in each year, file with the Secretary of
35 State a list, on a form furnished by the Secretary of State, that
36 contains:

37 (a) The name of the foreign business trust;

38 (b) The file number of the foreign business trust, if known;

39 (c) The name of at least one of its trustees;

40 (d) The address, either residence or business, of the trustee listed
41 pursuant to paragraph (c); and

42 (e) The signature of a trustee of the foreign business trust, or
43 some other person specifically authorized by the foreign business
44 trust to sign the list, certifying that the list is true, complete and
45 accurate.



1 2. Each list required to be filed pursuant to this section must be
2 accompanied by a declaration under penalty of perjury that:

3 (a) The foreign business trust ~~has complied~~ *is in compliance*
4 with the provisions of chapter 76 of NRS;

5 (b) The foreign business trust acknowledges that pursuant to
6 NRS 239.330, it is a category C felony to knowingly offer any false
7 or forged instrument for filing in the Office of the Secretary of
8 State; and

9 (c) None of the trustees identified in the list has been identified
10 in the list with the fraudulent intent of concealing the identity of any
11 person or persons exercising the power or authority of a trustee in
12 furtherance of any unlawful conduct.

13 3. Upon filing:

14 (a) The initial list required by this section, the foreign business
15 trust shall pay to the Secretary of State a fee of \$125.

16 (b) Each annual list required by this section, the foreign business
17 trust shall pay to the Secretary of State a fee of \$125.

18 4. If a trustee of a foreign business trust resigns and the
19 resignation is not reflected on the annual or amended list of trustees,
20 the foreign business trust or the resigning trustee shall pay to the
21 Secretary of State a fee of \$75 to file the resignation.

22 5. The Secretary of State shall, 90 days before the last day for
23 filing each annual list required by subsection 1, provide to each
24 foreign business trust which is required to comply with the
25 provisions of NRS 88A.732 to 88A.738, inclusive, and which has
26 not become delinquent, a notice of the fee due pursuant to
27 subsection 3 and a reminder to file the list required pursuant to
28 subsection 1. Failure of any foreign business trust to receive a notice
29 does not excuse it from the penalty imposed by the provisions of
30 NRS 88A.732 to 88A.738, inclusive.

31 6. If the list to be filed pursuant to the provisions of subsection
32 1 is defective or the fee required by subsection 3 is not paid, the
33 Secretary of State may return the list for correction or payment.

34 7. An annual list for a foreign business trust not in default
35 which is received by the Secretary of State more than 90 days before
36 its due date shall be deemed an amended list for the previous year
37 and does not satisfy the requirements of subsection 1 for the year to
38 which the due date is applicable.

39 8. A person who files with the Secretary of State a list required
40 by this section which identifies a trustee with the fraudulent intent of
41 concealing the identity of any person or persons exercising the
42 power or authority of a trustee in furtherance of any unlawful
43 conduct is subject to the penalty set forth in NRS 225.084.

44 9. For the purposes of this section, a person who is a beneficial
45 owner is not deemed to exercise actual control of the daily



1 operations of a foreign business trust based solely on the fact that
2 the person is a beneficial owner.

3 10. The Secretary of State may allow a foreign business trust to
4 select an alternative due date for filing the initial list required by this
5 section.

6 11. The Secretary of State may adopt regulations to administer
7 the provisions of subsection 10.

8 **Sec. 17.** NRS 89.250 is hereby amended to read as follows:

9 89.250 1. Except as otherwise provided in subsection 2, a
10 professional association shall, on or before the last day of the first
11 month after the filing of its articles of association with the Secretary
12 of State or, if the professional association has selected an alternative
13 due date pursuant to subsection 7, on or before that alternative due
14 date, and annually thereafter on or before the last day of the month
15 in which the anniversary date of its organization occurs in each year
16 or, if applicable, on or before the last day of the month in which the
17 anniversary date of the alternative due date occurs in each year, file
18 with the Secretary of State a list showing the names and addresses,
19 either residence or business, of all members and employees in the
20 professional association and certifying that all members and
21 employees are licensed to render professional service in this State.

22 2. A professional association organized and practicing pursuant
23 to the provisions of this chapter and NRS 623.349 shall, on or
24 before the last day of the first month after the filing of its articles of
25 association with the Secretary of State or, if the professional
26 association has selected an alternative due date pursuant to
27 subsection 7, on or before that alternative due date, and annually
28 thereafter on or before the last day of the month in which the
29 anniversary date of its organization occurs in each year or, if
30 applicable, on or before the last day of the month in which the
31 anniversary date of the alternative due date occurs in each year, file
32 with the Secretary of State a list:

33 (a) Showing the names and addresses, either residence or
34 business, of all members and employees of the professional
35 association who are licensed or otherwise authorized by law to
36 render professional service in this State;

37 (b) Certifying that all members and employees who render
38 professional service are licensed or otherwise authorized by law to
39 render professional service in this State; and

40 (c) Certifying that all members who are not licensed to render
41 professional service in this State do not render professional service
42 on behalf of the professional association except as authorized by
43 law.

44 3. Each list filed pursuant to this section must be:



1 (a) Made on a form furnished by the Secretary of State and must
2 not contain any fiscal or other information except that expressly
3 called for by this section.

4 (b) Signed by the chief executive officer of the professional
5 association or by some other person specifically authorized by the
6 chief executive officer to sign the list.

7 (c) Accompanied by a declaration under penalty of perjury that:

8 (1) The professional association ~~has complied~~ *is in*
9 *compliance* with the provisions of chapter 76 of NRS;

10 (2) The professional association acknowledges that pursuant
11 to NRS 239.330, it is a category C felony to knowingly offer any
12 false or forged instrument for filing in the Office of the Secretary of
13 State; and

14 (3) None of the members or employees identified in the list
15 has been identified in the list with the fraudulent intent of
16 concealing the identity of any person or persons exercising the
17 power or authority of a member or employee in furtherance of any
18 unlawful conduct.

19 4. Upon filing:

20 (a) The initial list required by this section, the professional
21 association shall pay to the Secretary of State a fee of \$125.

22 (b) Each annual list required by this section, the professional
23 association shall pay to the Secretary of State a fee of \$125.

24 5. A person who files with the Secretary of State an initial list
25 or annual list required by this section which identifies a member or
26 an employee of a professional association with the fraudulent intent
27 of concealing the identity of any person or persons exercising the
28 power or authority of a member or employee in furtherance of any
29 unlawful conduct is subject to the penalty set forth in NRS 225.084.

30 6. For the purposes of this section, a person is not deemed to
31 exercise actual control of the daily operations of a professional
32 association based solely on the fact that the person holds an
33 ownership interest in the professional association.

34 7. The Secretary of State may allow a professional association
35 to select an alternative due date for filing the initial list required by
36 this section.

37 8. The Secretary of State may adopt regulations to administer
38 the provisions of subsection 7.

39 **Sec. 18.** NRS 240.015 is hereby amended to read as follows:

40 240.015 1. Except as otherwise provided in this section, a
41 person appointed as a notary public must:

42 (a) During the period of his or her appointment, be a citizen of
43 the United States or lawfully admitted for permanent residency in
44 the United States as verified by the United States Citizenship and
45 Immigration Services.



- 1 (b) Be a resident of this State.
- 2 (c) Be at least 18 years of age.
- 3 (d) Possess his or her civil rights.

4 2. If a person appointed as a notary public ceases to be lawfully
5 admitted for permanent residency in the United States during his or
6 her appointment, the person shall, within 90 days after his or her
7 lawful admission has expired or is otherwise terminated, submit to
8 the Secretary of State evidence that the person is lawfully
9 readmitted for permanent residency as verified by the United States
10 Citizenship and Immigration Services. If the person fails to submit
11 such evidence within the prescribed time, the person's appointment
12 expires by operation of law.

13 3. The Secretary of State may appoint a person who resides in
14 an adjoining state as a notary public if the person:

15 (a) Maintains a place of business in the State of Nevada that is
16 ~~licensed pursuant to~~ *in compliance with* chapter 76 of NRS and
17 any applicable business licensing requirements of the local
18 government where the business is located; or

19 (b) Is regularly employed at an office, business or facility
20 located within the State of Nevada by an employer licensed to do
21 business in this State.

22 ↪ If such a person ceases to maintain a place of business in this
23 State or regular employment at an office, business or facility located
24 within this State, the Secretary of State may suspend the person's
25 appointment. The Secretary of State may reinstate an appointment
26 suspended pursuant to this subsection if the notary public submits to
27 the Secretary of State, before his or her term of appointment as a
28 notary public expires, the information required pursuant to
29 subsection 2 of NRS 240.030.

30 **Sec. 19.** NRS 240.030 is hereby amended to read as follows:

31 240.030 1. Each person applying for appointment as a notary
32 public must:

33 (a) At the time the applicant submits his or her application, pay
34 to the Secretary of State \$35.

35 (b) Take and subscribe to the oath set forth in Section 2 of
36 Article 15 of the Constitution of the State of Nevada as if the
37 applicant were a public officer.

38 (c) Submit to the Secretary of State proof satisfactory to the
39 Secretary of State that the applicant has enrolled in and successfully
40 completed a course of study provided pursuant to NRS 240.018.

41 (d) Enter into a bond to the State of Nevada in the sum of
42 \$10,000, to be filed with the clerk of the county in which the
43 applicant resides or, if the applicant is a resident of an adjoining
44 state, with the clerk of the county in this State in which the applicant
45 maintains a place of business or is employed. The applicant must



1 submit to the Secretary of State a certificate issued by the
2 appropriate county clerk which indicates that the applicant filed the
3 bond required pursuant to this paragraph.

4 (e) If required by the Secretary of State, submit:

5 (1) A complete set of the fingerprints of the applicant and
6 written permission authorizing the Secretary of State to forward the
7 fingerprints to the Central Repository for Nevada Records of
8 Criminal History for submission to the Federal Bureau of
9 Investigation for its report; and

10 (2) A fee established by regulation of the Secretary of State
11 which must not exceed the sum of the amounts charged by the
12 Central Repository for Nevada Records of Criminal History and the
13 Federal Bureau of Investigation for processing the fingerprints.

14 2. In addition to the requirements set forth in subsection 1, an
15 applicant for appointment as a notary public who resides in an
16 adjoining state must submit to the Secretary of State with the
17 application:

18 (a) An affidavit setting forth the adjoining state in which the
19 applicant resides, the applicant's mailing address and the address of
20 the applicant's place of business or employment that is located
21 within the State of Nevada;

22 (b) A copy of the applicant's state business license issued
23 pursuant to chapter 76 of NRS , *if any*, and any business license
24 required by the local government where the business is located, if
25 the applicant is self-employed; and

26 (c) Unless the applicant is self-employed, a copy of the state
27 business license of the applicant's employer, *if any*, a copy of any
28 business license of the applicant's employer that is required by the
29 local government where the business is located and an affidavit
30 from the applicant's employer setting forth the facts which show
31 that the employer regularly employs the applicant at an office,
32 business or facility which is located within the State of Nevada.

33 3. In completing an application, bond, oath or other document
34 necessary to apply for appointment as a notary public, an applicant
35 must not be required to disclose his or her residential address or
36 telephone number on any such document which will become
37 available to the public.

38 4. The bond, together with the oath, must be filed and recorded
39 in the office of the county clerk of the county in which the applicant
40 resides when the applicant applies for the appointment or, if the
41 applicant is a resident of an adjoining state, with the clerk of the
42 county in this State in which the applicant maintains a place
43 of business or is employed. On a form provided by the Secretary of
44 State, the county clerk shall immediately certify to the Secretary of
45 State that the required bond and oath have been filed and recorded.



1 Upon receipt of the application, fee and certification that the
2 required bond and oath have been filed and recorded, the Secretary
3 of State shall issue a certificate of appointment as a notary public to
4 the applicant.

5 5. The term of a notary public commences on the effective date
6 of the bond required pursuant to paragraph (d) of subsection 1. A
7 notary public shall not perform a notarial act after the effective date
8 of the bond unless the notary public has been issued a certificate of
9 appointment.

10 6. Except as otherwise provided in this subsection, the
11 Secretary of State shall charge a fee of \$10 for each duplicate or
12 amended certificate of appointment which is issued to a notary. If
13 the notary public does not receive an original certificate of
14 appointment, the Secretary of State shall provide a duplicate
15 certificate of appointment without charge if the notary public
16 requests such a duplicate within 60 days after the date on which the
17 original certificate was issued.

18 **Sec. 20.** NRS 240.031 is hereby amended to read as follows:

19 240.031 A notary public who is a resident of an adjoining state
20 shall submit to the Secretary of State annually, within 30 days
21 before the anniversary date of his or her appointment as a notary
22 public, a copy of the state business license of the place of
23 employment of the notary public in the State of Nevada issued
24 pursuant to chapter 76 of NRS, *if any*, a copy of any license
25 required by the local government where the business is located and
26 the information required pursuant to subsection 2 of NRS 240.030.

27 **Sec. 21.** NRS 240.192 is hereby amended to read as follows:

28 240.192 1. Each person applying for appointment as an
29 electronic notary public must:

30 (a) At the time of application, be a notarial officer in this State
31 and have been a notarial officer in this State for not less than 4
32 years;

33 (b) Submit to the Secretary of State an electronic application
34 pursuant to subsection 2;

35 (c) Pay to the Secretary of State an application fee of \$50;

36 (d) Take and subscribe to the oath set forth in Section 2 of
37 Article 15 of the Constitution of the State of Nevada as if the
38 applicant were a public officer;

39 (e) Submit to the Secretary of State proof satisfactory to the
40 Secretary of State that the applicant has successfully completed a
41 course of study provided pursuant to NRS 240.195; and

42 (f) Enter into a bond to the State of Nevada in the sum of
43 \$10,000, to be filed with the clerk of the county in which the
44 applicant resides or, if the applicant is a resident of an adjoining
45 state, with the clerk of the county in this State in which the applicant



1 maintains a place of business or is employed. The applicant must
2 submit to the Secretary of State a certificate issued by the
3 appropriate county clerk which indicates that the applicant filed the
4 bond required pursuant to this paragraph.

5 2. The application for an appointment as an electronic notary
6 public must be submitted as an electronic document and must
7 contain, without limitation, the following information:

8 (a) The applicant's full legal name, and the name to be used for
9 appointment, if different.

10 (b) The county in which the applicant resides.

11 (c) The electronic mail address of the applicant.

12 (d) A description of the technology or device, approved by the
13 Secretary of State, that the applicant intends to use to create his or
14 her electronic signature in performing electronic notarial acts.

15 (e) The electronic signature of the applicant.

16 (f) Any other information requested by the Secretary of State.

17 3. An applicant for appointment as an electronic notary public
18 who resides in an adjoining state, in addition to the requirements set
19 forth in subsections 1 and 2, must submit to the Secretary of State
20 with the application:

21 (a) An affidavit setting forth the adjoining state in which the
22 applicant resides, the applicant's mailing address and the address of
23 the applicant's place of business or employment that is located
24 within the State of Nevada;

25 (b) A copy of the applicant's state business license issued
26 pursuant to chapter 76 of NRS, *if any*, and any business license
27 required by the local government where the applicant's business is
28 located, if the applicant is self-employed; and

29 (c) Unless the applicant is self-employed, a copy of the state
30 business license of the applicant's employer issued pursuant to
31 chapter 76 of NRS, *if any*, a copy of any business license of the
32 applicant's employer that is required by the local government where
33 the business is located and an affidavit from the applicant's
34 employer setting forth the facts which show that the employer
35 regularly employs the applicant at an office, business or facility
36 which is located within the State of Nevada.

37 4. In completing an application, bond, oath or other document
38 necessary to apply for appointment as an electronic notary public, an
39 applicant must not be required to disclose his or her residential
40 address or telephone number on any such document which will
41 become available to the public.

42 5. The bond, together with the oath, must be filed and recorded
43 in the office of the county clerk of the county in which the applicant
44 resides when the applicant applies for appointment or, if the
45 applicant is a resident of an adjoining state, with the clerk of the



1 county in this State in which the applicant maintains a place of
2 business or is employed. On a form provided by the Secretary of
3 State, the county clerk shall immediately certify to the Secretary of
4 State that the required bond and oath have been filed and recorded.
5 Upon receipt of the application, fee and certification that the
6 required bond and oath have been filed and recorded, the Secretary
7 of State shall issue a certificate of appointment as an electronic
8 notary public to the applicant.

9 6. The term of an electronic notary public commences on the
10 effective date of the bond required pursuant to paragraph (f) of
11 subsection 1. An electronic notary public shall not perform an
12 electronic notarial act after the effective date of the bond unless the
13 electronic notary public has been issued a certificate of appointment
14 pursuant to subsection 5.

15 7. Except as otherwise provided in this subsection, the
16 Secretary of State shall charge a fee of \$10 for each duplicate or
17 amended certificate of appointment which is issued to an electronic
18 notary public. If the electronic notary public does not receive an
19 original certificate of appointment, the Secretary of State shall
20 provide a duplicate certificate of appointment without charge if the
21 electronic notary public requests such a duplicate within 60 days
22 after the date on which the original certificate was issued.

23 **Sec. 22.** NRS 240A.170 is hereby amended to read as follows:

24 240A.170 1. A registrant ~~required to obtain a state business~~
25 ~~license issued by the Secretary of State pursuant to chapter 76 of~~
26 ~~NRS shall:~~

27 ~~—(a) Obtain] shall obtain~~ a state business license ~~before offering~~
28 ~~a document preparation service; and~~

29 ~~—(b) Maintain a state business license during the period of the~~
30 ~~registrant's registration as a document preparation service.] in~~
31 ~~compliance with chapter 76 of NRS.~~

32 2. Each registrant shall display conspicuously in the
33 registrant's place of business a copy of:

34 (a) The state business license issued to the registrant or the
35 registrant's employer, as applicable, by the Secretary of State
36 pursuant to chapter 76 of NRS ~~;~~, *if any*; and

37 (b) Any business license issued to the registrant or the
38 registrant's employer, as applicable, by a local government in this
39 State.

40 **Sec. 23.** NRS 240A.180 is hereby amended to read as follows:

41 240A.180 1. Before providing any services to a client or
42 presenting a client with the contract required by NRS 240A.190, a
43 registrant must:



1 (a) Furnish the client with a written form of disclosure meeting
2 the requirements of this section, with a copy for the client to retain;
3 and

4 (b) Require the client to read and sign the disclosure,
5 acknowledging that the client has read and understands it.

6 2. The disclosure must be written in English and, if different,
7 the language in which the registrant transacts business with the
8 client and must include:

9 (a) The full name, business address and telephone number and
10 registration number of the registrant.

11 (b) The name and business address of the registrant's agent for
12 service of process, if any, in this State.

13 (c) A statement that the registrant is not an attorney authorized
14 to practice in this State and is prohibited from providing legal advice
15 or legal representation to any person.

16 (d) Unless the registrant is an attorney licensed to practice in
17 another state or other jurisdiction, a statement that any
18 communication between the client and the registrant is not protected
19 from disclosure by any privilege.

20 (e) A statement that the registrant has posted or filed with the
21 Secretary of State a cash bond or surety bond, stating the amount of
22 the bond and any identifying number of the bond.

23 (f) The expiration date of:

24 (1) The state business license issued to the registrant or the
25 registrant's employer, as applicable, by the Secretary of State
26 pursuant to chapter 76 of NRS ~~§~~, *if any*; and

27 (2) Any business license issued to the registrant or the
28 registrant's employer, as applicable, by a local government in this
29 State.

30 **Sec. 24.** NRS 244.335 is hereby amended to read as follows:

31 244.335 1. Except as otherwise provided in subsections 2, 3
32 and 4, and NRS 244.33501, a board of county commissioners may:

33 (a) Except as otherwise provided in NRS 244.331 to 244.3345,
34 inclusive, 598D.150 and 640C.100, regulate all character of lawful
35 trades, callings, industries, occupations, professions and business
36 conducted in its county outside of the limits of incorporated cities
37 and towns.

38 (b) Except as otherwise provided in NRS 244.3359 and 576.128,
39 fix, impose and collect a license tax for revenue or for regulation, or
40 for both revenue and regulation, on such trades, callings, industries,
41 occupations, professions and business.

42 2. The county license boards have the exclusive power in their
43 respective counties to regulate entertainers employed by an
44 entertainment by referral service and the business of conducting a
45 dancing hall, escort service, entertainment by referral service or



1 gambling game or device permitted by law, outside of an
2 incorporated city. The county license boards may fix, impose and
3 collect license taxes for revenue or for regulation, or for both
4 revenue and regulation, on such employment and businesses.

5 3. A board of county commissioners shall not require that a
6 person who is licensed as a contractor pursuant to chapter 624 of
7 NRS obtain more than one license to engage in the business of
8 contracting or pay more than one license tax related to engaging in
9 the business of contracting, regardless of the number of
10 classifications or subclassifications of licensing for which the person
11 is licensed pursuant to chapter 624 of NRS.

12 4. The board of county commissioners or county license board
13 shall not require a person to obtain a license or pay a license tax on
14 the sole basis that the person is a professional. As used in this
15 subsection, "professional" means a person who:

16 (a) Holds a license, certificate, registration, permit or similar
17 type of authorization issued by a regulatory body as defined in NRS
18 622.060 or who is regulated pursuant to the Nevada Supreme Court
19 Rules; and

20 (b) Practices his or her profession for any type of compensation
21 as an employee.

22 5. The county license board shall provide upon request an
23 application for a state business license pursuant to chapter 76 of
24 NRS. No license to engage in any type of business may be granted
25 unless the applicant for the license ~~;~~

26 ~~—(a) Signs an affidavit affirming that the business has complied~~
27 ~~with the provisions of chapter 76 of NRS; or~~

28 ~~—(b) Provides~~ *provides* to the county license board the entity
29 number of the applicant assigned by the Secretary of State which the
30 county may use to validate that the applicant is currently in good
31 standing with the State . ~~[and has complied with the provisions of~~
32 ~~chapter 76 of NRS.]~~

33 6. No license to engage in business as a seller of tangible
34 personal property may be granted unless the applicant for the
35 license:

36 (a) Presents written evidence that:

37 (1) The Department of Taxation has issued or will issue a
38 permit for this activity, and this evidence clearly identifies the
39 business by name; or

40 (2) Another regulatory agency of the State has issued or will
41 issue a license required for this activity; or

42 (b) Provides to the county license board the entity number of the
43 applicant assigned by the Secretary of State which the county may
44 use to validate that the applicant is currently in good standing with
45 the State and has complied with the provisions of paragraph (a).



1 7. Any license tax levied for the purposes of NRS 244.3358 or
2 244A.597 to 244A.655, inclusive, constitutes a lien upon the real
3 and personal property of the business upon which the tax was levied
4 until the tax is paid. The lien has the same priority as a lien for
5 general taxes. The lien must be enforced:

6 (a) By recording in the office of the county recorder, within 6
7 months after the date on which the tax became delinquent or was
8 otherwise determined to be due and owing, a notice of the tax lien
9 containing the following:

- 10 (1) The amount of tax due and the appropriate year;
11 (2) The name of the record owner of the property;
12 (3) A description of the property sufficient for identification;

13 and

14 (4) A verification by the oath of any member of the board of
15 county commissioners or the county fair and recreation board; and

16 (b) By an action for foreclosure against the property in the same
17 manner as an action for foreclosure of any other lien, commenced
18 within 2 years after the date of recording of the notice of the tax
19 lien, and accompanied by appropriate notice to other lienholders.

20 8. The board of county commissioners may delegate the
21 authority to enforce liens from taxes levied for the purposes of NRS
22 244A.597 to 244A.655, inclusive, to the county fair and recreation
23 board. If the authority is so delegated, the board of county
24 commissioners shall revoke or suspend the license of a business
25 upon certification by the county fair and recreation board that the
26 license tax has become delinquent, and shall not reinstate the license
27 until the tax is paid. Except as otherwise provided in NRS 239.0115
28 and 244.3357, all information concerning license taxes levied by an
29 ordinance authorized by this section or other information concerning
30 the business affairs or operation of any licensee obtained as a result
31 of the payment of such license taxes or as the result of any audit or
32 examination of the books by any authorized employee of a county
33 fair and recreation board of the county for any license tax levied for
34 the purpose of NRS 244A.597 to 244A.655, inclusive, is
35 confidential and must not be disclosed by any member, officer or
36 employee of the county fair and recreation board or the county
37 imposing the license tax unless the disclosure is authorized by the
38 affirmative action of a majority of the members of the appropriate
39 county fair and recreation board. Continuing disclosure may be so
40 authorized under an agreement with the Department of Taxation or
41 Secretary of State for the exchange of information concerning
42 taxpayers.

43 **Sec. 25.** NRS 268.095 is hereby amended to read as follows:

44 268.095 1. Except as otherwise provided in subsection 4 and
45 NRS 268.0951, the city council or other governing body of each



1 incorporated city in this State, whether organized under general law
2 or special charter, may:

3 (a) Except as otherwise provided in subsection 2 and NRS
4 268.0968 and 576.128, fix, impose and collect for revenues or for
5 regulation, or both, a license tax on all character of lawful trades,
6 callings, industries, occupations, professions and businesses
7 conducted within its corporate limits.

8 (b) Assign the proceeds of any one or more of such license taxes
9 to the county within which the city is situated for the purpose or
10 purposes of making the proceeds available to the county:

11 (1) As a pledge as additional security for the payment of any
12 general obligation bonds issued pursuant to NRS 244A.597 to
13 244A.655, inclusive;

14 (2) For redeeming any general obligation bonds issued
15 pursuant to NRS 244A.597 to 244A.655, inclusive;

16 (3) For defraying the costs of collecting or otherwise
17 administering any such license tax so assigned, of the county fair
18 and recreation board and of officers, agents and employees hired
19 thereby, and of incidentals incurred thereby;

20 (4) For operating and maintaining recreational facilities
21 under the jurisdiction of the county fair and recreation board;

22 (5) For improving, extending and bettering recreational
23 facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

24 (6) For constructing, purchasing or otherwise acquiring such
25 recreational facilities.

26 (c) Pledge the proceeds of any tax imposed on the revenues from
27 the rental of transient lodging pursuant to this section for the
28 payment of any general or special obligations issued by the city for
29 a purpose authorized by the laws of this State.

30 (d) Use the proceeds of any tax imposed pursuant to this section
31 on the revenues from the rental of transient lodging:

32 (1) To pay the principal, interest or any other indebtedness
33 on any general or special obligations issued by the city pursuant to
34 the laws of this State;

35 (2) For the expense of operating or maintaining, or both, any
36 facilities of the city; and

37 (3) For any other purpose for which other money of the city
38 may be used.

39 2. The city council or other governing body of an incorporated
40 city shall not require that a person who is licensed as a contractor
41 pursuant to chapter 624 of NRS obtain more than one license to
42 engage in the business of contracting or pay more than one license
43 tax related to engaging in the business of contracting, regardless of
44 the number of classifications or subclassifications of licensing for
45 which the person is licensed pursuant to chapter 624 of NRS.



1 3. The proceeds of any tax imposed pursuant to this section
2 that are pledged for the repayment of general obligations may be
3 treated as “pledged revenues” for the purposes of NRS 350.020.

4 4. The city council or other governing body of an incorporated
5 city shall not require a person to obtain a license or pay a license tax
6 on the sole basis that the person is a professional. As used in this
7 subsection, “professional” means a person who:

8 (a) Holds a license, certificate, registration, permit or similar
9 type of authorization issued by a regulatory body as defined in NRS
10 622.060 or who is regulated pursuant to the Nevada Supreme Court
11 Rules; and

12 (b) Practices his or her profession for any type of compensation
13 as an employee.

14 5. The city licensing agency shall provide upon request an
15 application for a state business license pursuant to chapter 76 of
16 NRS. No license to engage in any type of business may be granted
17 unless the applicant for the license ~~is~~:

18 ~~—(a) Signs an affidavit affirming that the business has complied~~
19 ~~with the provisions of chapter 76 of NRS; or~~

20 ~~—(b) Provides~~ *provides* to the city licensing agency the entity
21 number of the applicant assigned by the Secretary of State which the
22 city may use to validate that the applicant is currently in good
23 standing with the State and has complied with the provisions of
24 chapter 76 of NRS.

25 6. No license to engage in business as a seller of tangible
26 personal property may be granted unless the applicant for the
27 license:

28 (a) Presents written evidence that:

29 (1) The Department of Taxation has issued or will issue a
30 permit for this activity, and this evidence clearly identifies the
31 business by name; or

32 (2) Another regulatory agency of the State has issued or will
33 issue a license required for this activity; or

34 (b) Provides to the city licensing agency the entity number of
35 the applicant assigned by the Secretary of State which the city may
36 use to validate that the applicant is currently in good standing with
37 the State and has complied with the provisions of paragraph (a).

38 7. Any license tax levied under the provisions of this section
39 constitutes a lien upon the real and personal property of the business
40 upon which the tax was levied until the tax is paid. The lien has the
41 same priority as a lien for general taxes. The lien must be enforced:

42 (a) By recording in the office of the county recorder, within 6
43 months following the date on which the tax became delinquent or
44 was otherwise determined to be due and owing, a notice of the tax
45 lien containing the following:



- 1 (1) The amount of tax due and the appropriate year;
- 2 (2) The name of the record owner of the property;
- 3 (3) A description of the property sufficient for identification;
- 4 and

5 (4) A verification by the oath of any member of the board of
6 county commissioners or the county fair and recreation board; and

7 (b) By an action for foreclosure against such property in the
8 same manner as an action for foreclosure of any other lien,
9 commenced within 2 years after the date of recording of the notice
10 of the tax lien, and accompanied by appropriate notice to other
11 lienholders.

12 8. The city council or other governing body of each
13 incorporated city may delegate the power and authority to enforce
14 such liens to the county fair and recreation board. If the authority is
15 so delegated, the governing body shall revoke or suspend the license
16 of a business upon certification by the board that the license tax has
17 become delinquent, and shall not reinstate the license until the tax is
18 paid. Except as otherwise provided in NRS 239.0115 and 268.0966,
19 all information concerning license taxes levied by an ordinance
20 authorized by this section or other information concerning the
21 business affairs or operation of any licensee obtained as a result of
22 the payment of those license taxes or as the result of any audit or
23 examination of the books of the city by any authorized employee of
24 a county fair and recreation board for any license tax levied for the
25 purpose of NRS 244A.597 to 244A.655, inclusive, is confidential
26 and must not be disclosed by any member, official or employee of
27 the county fair and recreation board or the city imposing the license
28 tax unless the disclosure is authorized by the affirmative action of a
29 majority of the members of the appropriate county fair and
30 recreation board. Continuing disclosure may be so authorized under
31 an agreement with the Department of Taxation or the Secretary of
32 State for the exchange of information concerning taxpayers.

33 9. The powers conferred by this section are in addition and
34 supplemental to, and not in substitution for, and the limitations
35 imposed by this section do not affect the powers conferred by, any
36 other law. No part of this section repeals or affects any other law or
37 any part thereof, it being intended that this section provide a
38 separate method of accomplishing its objectives, and not an
39 exclusive one.

40 **Sec. 26.** NRS 424.099 is hereby amended to read as follows:

41 424.099 1. A foster care agency must:

42 (a) Be organized as a business entity that is registered with the
43 Secretary of State and ~~holds a valid~~ *be in compliance with*
44 *requirements relating to a* state business license pursuant to chapter
45 76 of NRS;



1 (b) Have a governing body, at least one member of which has
2 knowledge of and experience in the programs and services offered
3 by the foster care agency; and

4 (c) Operate under articles of incorporation.

5 2. The governing body of a foster care agency must have a
6 written constitution or bylaws which prescribe the responsibility for
7 the operation and maintenance of the foster care agency and which
8 must include, without limitation, provisions that:

9 (a) Define the qualifications for and types of membership on the
10 governing body;

11 (b) Specify the process for selecting members of the governing
12 body, the terms of office for the members and officers of the
13 governing body and orientation for new members of the governing
14 body;

15 (c) Specify how frequently the governing body must meet; and

16 (d) Specify prohibited conflicts of interest of members of the
17 governing body and employees, volunteers and independent
18 contractors of the foster care agency.

19 3. The governing body of a foster care agency shall appoint a
20 person to provide oversight of the foster care agency who meets the
21 qualifications described in NRS 424.115.

22 4. If the foster care agency is organized in another state, the
23 governing body must meet at least once each year within this State
24 or have a subcommittee whose members are residents of this State,
25 one of whom is a member of the governing body, which is
26 responsible to the governing body for ensuring that the foster care
27 agency complies with the provisions of this chapter and any
28 regulations adopted pursuant thereto.

29 **Sec. 27.** NRS 459.3824 is hereby amended to read as follows:

30 459.3824 1. The owner or operator of a facility shall pay to
31 the Division an annual fee based on the fiscal year. The annual fee
32 for each facility is the sum of a base fee set by the State
33 Environmental Commission and any additional fee imposed by the
34 Commission pursuant to subsection 2. The annual fee must be
35 prorated and may not be refunded.

36 2. The State Environmental Commission may impose an
37 additional fee upon the owner or operator of a facility in an amount
38 determined by the Commission to be necessary to enable the
39 Division to carry out its duties pursuant to NRS 459.380 to
40 459.3874, inclusive, and any regulations adopted pursuant thereto.
41 The additional fee must be based on a graduated schedule adopted
42 by the Commission which takes into consideration the quantity of
43 hazardous substances located at each facility.

44 3. After the payment of the initial annual fee, the Division shall
45 send the owner or operator of a facility a bill in July for the annual



1 fee for the fiscal year then beginning which is based on the
2 applicable reports for the preceding year.

3 4. The State Environmental Commission may modify the
4 amount of the annual fee required pursuant to this section and the
5 timing for payment of the annual fee:

6 (a) To include consideration of any fee paid to the Division for a
7 permit to construct a new process or commence operation of a new
8 process pursuant to NRS 459.3829; and

9 (b) If any regulations adopted pursuant to NRS 459.380 to
10 459.3874, inclusive, require such a modification.

11 5. The owner or operator of a facility shall submit, with any
12 payment required by this section, the business license number
13 assigned by the Secretary of State upon compliance by the owner
14 with the provisions of chapter 76 of NRS ~~H~~, *if any*.

15 6. All fees, fines, penalties and other money collected pursuant
16 to NRS 459.380 to 459.3874, inclusive, and any regulations adopted
17 pursuant thereto, other than a fine collected pursuant to subsection 3
18 of NRS 459.3834, must be deposited with the State Treasurer for
19 credit to the Account for Precaution Against Chemical Accidents,
20 which is hereby created in the State General Fund. All interest
21 earned on the money in the Account must be credited to the
22 Account.

23 **Sec. 28.** This act becomes effective on July 1, 2015.

