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SB 436, Introduced by the Senate Judiciary March 24, 2003, amended and Passed by the Senate April 24, 2003; and scheduled to be heard by the Assembly Judiciary on May 5, 2003

The following sections are found on Pages 147, 148 & 149 (the last three pages) of this lengthy bill:

Sec. 263 NRS 602.020 Contents and requirements of certificate and renewal certificate.
Proposes to remove street address requirement for natural person, and use mailing address only.
Proposes to remove street address requirement for each partner who is a natural person, and use mailing address only.
Proposes to remove the street address requirement for a trustee of a trust, and use mailing address only.
Proposes to replace the signature requirement for an artificial person from "a person required to sign the annual filing" to a person "authorized to sign the annual filing whether or not listed therein"
Proposes to remove the notarial requirement for the person(s) signing the certificate.

We strongly object to these changes!
How can the county clerk's office provide the public with information needed to serve a lawsuit, if necessary, if a street address is not required by law? Only an artificial person, on file with the Secretary of State, will have a resident agent available for accepting service in the case of a lawsuit. The removal of the notarial requirement compromises the credibility of the document.
These changes will eliminate the protection provided to the public when doing business with any firm that is not a legal entity on file with the Secretary of State of Nevada.

The following statement can be found at the beginning of the printed version of NRS 602. Currently this is found in Volume 31.

*The purpose of the fictitious name statute "is to prevent fraud and to inform the public of the true identity of those with whom the public conducts business."
Brad Assocs. v. Nevada Fed Fin. Corp., 109 Nev. 145, 848 P.2d 1064 (1993)*

Sec. 265 NRS 602.055 Certificate of termination.

Proposes to remove the notarial requirement.

We strongly object to this change! The removal of the notarial requirement compromises the credibility of the document. As with the original certificate, the removal of the notarial requirement will make it very difficult to provide the public with accurate ownership information as required of the county clerk by NRS 602.

Our office has contacted each of the Nevada county clerks regarding this bill, who have indicated their support of the above position regarding SB 436. Only the Clark County Clerk expressed some concern regarding this position as it relates to future electronic filings, but we believe those concerns will be addressed in NRS 720, the statute covering digital signatures.

ASSEMBLY JUDICIARY

DATE: 5/5/03 ROOM: 3138 EXHIBIT K

SUBMITTED BY: Amy Horrey

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Anderson, Bernie Assemblyman

From: Harvey, Amy [AHarvey@MAIL.co.washoe.nv.us]
Sent: Monday, May 05, 2003 10:26 AM
To: 'banderson@asm.state.nv.us'
Subject: re: SB436

Mr. Chairman,

We are listening to your hearing on the above bill. The memo you received by fax (e-mail) was from our office, Washoe County Clerk.

I don't know why it wasn't signed but it is our position.

We would simply like to have both the physical and mailing address on the certificate as well as keep the notary requirement for the reasons stated.

Thank you for your consideration.

Amy Harvey
County Clerk

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