

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R081-13

**NOTICE OF PUBLIC WORKSHOP – DATE CHANGE
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
The Office of the Secretary of State, Commercial Recordings Division**

The Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705 is proposing the adoption and amendment of regulations pertaining to Chapters 76, 77, 78, 80, 82, 86, 87, 87A, 88, 88A, and 89 of the Nevada Administrative Code. A public workshop has been set for **8:30 A.M., on Wednesday, November 20, 2013** at the Legislative Building, 401 Carson Street, Room 2134, Carson City, Nevada, with teleconferencing to Room 4412E of the Grant Sawyer Building, 555 East Washington Avenue, Suite 4400, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

R068-13: Adopting provisions relating to filing a Charitable Solicitation Registration Statement for certain Chapter 82 entities and adopting certain requirements for solicitation disclosures.

R077-13: Adopting provisions governing the process by which an individual or entity may register a willingness to serve as a registered agent for an entity; governing the publication and updating of the list of such individuals and entities by the Secretary of State and other matters properly relating thereto.

R078-13: Adopting provision relating to the selection of an alternative due date for filing certain required lists with the Secretary of State.

R079-13: Adopting provisions governing commercial registered agents and commercial registered agent registration statements; revising provisions governing written materials produced by or at the direction of registered agents.

R080-13: Revising provisions relating to the institution of proceedings against certain persons conducting business in Nevada for the recovery of certain fines.

R081-13: Adopting provisions relating to the procedures for the imposition of penalties on persons who conduct business in Nevada and willfully fail or neglect to obtain or renew a state business license; requiring a person claiming exemption from the state business license to annually submit a claim for said exemption that contains certain required information.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Commercial Recordings Division, Secretary of State's Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5708. A reasonable fee for copying may be charged. Persons wishing to comment upon the proposed regulations may appear at the scheduled workshop or present their comments in writing prior to the date of the Public Workshop by submitting such comments to the Secretary of State, Commercial Recordings Division, 101 North Carson Street, Suite 3, Carson City, Nevada 89701. This Notice of Public

Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations. Pursuant to NRS 241.020, this notice has been provided to the Director of the Legislative Counsel Bureau and will be posted on the Internet website maintained by the Legislative Counsel Bureau <http://www.leg.state.nv.us/App/Notice/A/> and posted at the following locations:

- The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701
- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- Secretary of State – Reno Office, 500 Damonte Ranch Parkway, Suite 657A, Reno, Nevada 89521
- Secretary of State – Las Vegas Office, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislature Building, 401 South Carson Street, Carson City, Nevada 89701
- Secretary of State Website: www.nvsos.gov
- Director of Legislative Counsel Bureau: <http://www.leg.state.nv.us/App/Notice/A/>

Date: October 29, 2013

NOTICE OF INTENT TO ACT UPON A REGULATION – DATE CHANGE

**Notice of Hearing for the Adoption of Regulations
The Office of the Secretary of State, Commercial Recordings Division**

The Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5708, will hold a public hearing at **1:00 p.m., on Tuesday, December 3, 2013**, at the Legislative Building, 401 South Carson Street, Room 2134, Carson City, Nevada, with teleconferencing to Room 4412E of the Grant Sawyer Building, 555 East Washington Avenue, Suite 4400, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapters 76, 77, 78, 80, 82, 86, 87, 87A, 88, 88A, and 89 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The purpose of the proposed regulations is to codify standards and procedures for various commercial recording functions.
2. These proposed regulations pertain to the following subjects:
 - **R068-13**: Adopting provisions relating to filing a Charitable Solicitation Registration Statement for certain Chapter 82 entities and adopting certain requirements for solicitation disclosures.
 - **R077-13**: Adopting provisions governing the process by which an individual or entity may register a willingness to serve as a registered agent for an entity; governing the publication and updating of the list of such individuals and entities by the Secretary of State.
 - **R078-13**: Adopting provision relating to the selection of an alternative due date for filing certain required lists with the Secretary of State.
 - **R079-13**: Adopting provisions governing commercial registered agents and commercial registered agent registration statements; revising provisions governing written materials produce by or at the direction of registered agents.
 - **R080-13**: Revising provisions relating to the institution of proceedings against certain persons conducting business in Nevada for the recovery of certain fines.
 - **R081-13**: Adopting provisions relating to the procedures for the imposition of penalties on persons who conduct business in Nevada and willfully fail or neglect to obtain or renew a state business license; requiring a person claiming exemption from the state business license to annually submit a claim for said exemption that contains certain required information.
3. These proposed regulations have no adverse, beneficial, immediate or long-term economic effects on business.
4. Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

5. There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.
6. The proposed regulations are not required pursuant to federal law.
7. The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulations do not establish a new fee or increase any existing fee.

Persons wishing to comment upon the proposed action of the Secretary of State's office may appear at the scheduled Public Hearing or may address their comments, data, views or arguments, in written form to the Secretary of State's office at the following: Commercial Recordings Division, 101 North Carson Street, Suite 3, Carson City, Nevada 89701. Written submissions must be received by the Secretary of State on or before **close of business of 5:00pm on Monday, November 25, 2013**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Secretary of State may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended, and repealed will be available at the Secretary of State's office at 101 North Carson Street, Suite 3, Carson City, Nevada, the Secretary of State's Reno office at 500 Damonte Ranch Pkwy, Suite 657-A, Reno, Nevada, and the Secretary of State's Las Vegas office at 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us/>. Pursuant to NRS 241.020, this notice has been provided to the Director of the Legislative Counsel Bureau and will be posted on the Internet website maintained by the Legislative Counsel Bureau <http://www.leg.state.nv.us/App/Notice/A/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the following locations:

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- The State Library, 100 North Stewart Street, Carson City, Nevada 89701

- Secretary of State – Reno Office, 500 Damonte Ranch Parkway, Suite 657A, Reno, Nevada 89521
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- Director of the Legislative Counsel Bureau: <http://www.leg.state.nv.us/App/Notice/A/>

Date: October 29, 2013

SMALL BUSINESS IMPACT STATEMENT

PROPOSED REGULATIONS OF THE OFFICE OF THE SECRETARY OF STATE

(LCB File No. R081-13)

Pursuant to NRS 233B.0608, the Secretary of State is required to determine whether a proposed regulation is likely to: (a) Impose a direct and significant economic burden upon a small business; or (b) Directly restrict the formation, operation or expansion of a small business.

The proposed regulation applies to the sole proprietors, partnerships and other non-entity persons that may be conducting business in Nevada without obtaining and maintaining a State Business License. These persons are operating in violation of state law. These provisions clarify the procedures for referring a matter to the district attorney or Attorney General for the institution of proceedings against certain persons conducting business in Nevada for the recovery of certain fines. The regulation adds the same regulatory provisions to non-entities as are in regulation for entities doing business in Nevada. The regulation also clarifies the information required in the annual claim of exemption from the State Business license and clarifies the provisions relating to claims for exemption from the State Business License for motion picture companies. In preparation for the 2013 Regular Session of the 2013 Nevada Legislature, discussions were had with complaint small businesses, the Nevada Registered Agent Association and the State Bar Association that in addition to business entities created pursuant to Title 7 of the NRS, that those sole proprietors, partnerships and other non-entity persons doing business in Nevada must meet the State Business License requirements of NRS Title 7 and should have the same penalties for failing to do so, thus leveling the playing field for all businesses in Nevada as it relates to Secretary of State filing requirements. Only those conducting business in contravention to State law that do not remedy the deficiency after notice and reasonable opportunity to remedy will be affected by this regulation and will not be affected any greater than with the provisions already in law. This regulation does not impose any direct and significant economic burden upon a small business that is not already in State law, nor do they directly restrict the formation, operation or expansion of a small business.

Method of analysis: The regulation text was compared to the text of the SB 60 of the 2013 Regular Session of the Nevada Legislature to determine if it imposed any requirements beyond those required by statute. Additionally, discussions were had with interested parties during the legislative process. The Nevada Registered Agents Association (NRAA) and the Business Law Section of the State Bar Association were given drafts of the proposed regulation. No comments were received on the effect on small business.

