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Secretary of State

STATE OF NEVADA

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Securities Administrator

RENEE L. PARKER
Chief Deputy Secretary
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SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

PAMELA A. RUCKEL
Deputy Secretary for
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RONDA L. MOORE
Deputy Secretary
for Elections



OFFICE OF THE
SECRETARY OF STATE

April 28, 2003

Senator Mark Amodei, Chair
Senate Judiciary Committee
Capitol Complex
Carson City, NV 89701

Re: Proposed Amendment on Assembly Bill 92

Dear Chairman Amodei,

In preparation for your April 29, 2003 hearing on Assembly Bill 92, we enclose a copy of our proposed amendment to Assembly Bill 92.

The proposed amendment will standardize the fees for Utility filings pursuant to Chapter 105 of the Nevada Revised Statutes and Federal Tax Lien filings and search requests pursuant to Chapter 108 of the Nevada Revised Statutes with the fees as prescribed by Revised Article 9 of the Uniform Commercial Code and the Model Rules as prescribed by the International Association of Corporation Administrators. These fees were overlooked in our legislation last legislative session.

If you have any questions concerning the foregoing or require additional information, please do not hesitate to contact me at 684-5711. We remain available to answer any questions posed by the members of the Committee concerning the above.

Respectfully Submitted,

DEAN HELLER
Secretary of State

A handwritten signature in black ink, appearing to read "Scott W. Anderson", written over the typed name and title.

Scott W. Anderson
Deputy, Commercial Recordings Division

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EXHIBIT C Committee on Judiciary

Date: 4-29-03 Page 1 of 4

PROPOSED AMENDMENT TO A.B. 92
OFFERED BY SECRETARY OF STATE DEAN HELLER

April 29, 2003

Amend NRS 105.070 to read as follows:

1. The secretary of state or county recorder shall mark any security instrument and any statement of change, merger or consolidation presented for filing with the day and hour of filing and the file number assigned to it. This mark is, in the absence of other evidence, conclusive proof of the time and fact of presentation for filing.

2. The secretary of state or county recorder shall retain and file all security instruments and statements of change, merger or consolidation presented for filing.

3. The uniform fee for filing and indexing a security instrument, or a supplement or amendment thereto, and a statement of change, merger or consolidation, and for stamping a copy of those documents furnished by the secured party or the public utility, to show the date and place of filing is [~~\$15 if the document is in the standard form prescribed by the secretary of state and otherwise is \$20, plus \$1 for each additional debtor or trade name.~~]

(a) Twenty dollars if the record is communicated in writing and consists of one or two pages;

(b) Forty dollars if the record is communicated in writing and consists of more than two pages, and \$1 for each page over 20 pages;

(c) Ten dollars if the record is communicated by another medium authorized by filing-office rule; and

(d) One dollar for each additional debtor, trade name or reference to another name under which business is done.

Amend NRS 105.080 to read as follows:

Upon the request of any person, the secretary of state shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective security instrument naming a particular public utility, and if there is, giving the date and hour of filing of the instrument and the names and addresses of each secured party. The uniform fee for such a certificate is [~~\$15 if the request for the certificate is in the standard form prescribed by the secretary of state and otherwise is \$20~~] *(a) Twenty dollars if the request is communicated in writing; and*

(b) Fifteen dollars if the request is communicated by another medium authorized by filing-office rule.

Upon request the secretary of state or a county recorder shall furnish a copy of any filed security instrument upon payment of the statutory fee for copies.

Amend NRS 108.831 to read as follows:

1. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection 2 is presented to the filing officer who is:

(a) The secretary of state, he shall cause the notice to be marked, held and indexed in accordance with the provisions of NRS 104.9519 as if the notice were a financing statement within the meaning of the Uniform Commercial Code.

(b) Any other officer described in NRS 108.827, he shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or enter it in an alphabetical index showing the name of the person named in the notice and the date of receipt.

2. If a certificate of release, nonattachment, discharge or subordination of any federal lien is presented to the secretary of state for filing he shall:

(a) Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, except that the notice of lien to which the certificate relates must not be removed from the files; and

(b) Cause a certificate of discharge or subordination to be held, marked and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

3. If a refiled notice of federal lien referred to in subsection 1 or any of the certificates or notices referred to in subsection 2 is presented for filing with any other filing officer specified in NRS 108.827, he shall enter the refiled notice or the certificate with the date of filing in any alphabetical index of liens.

4. Upon request of any person, the filing officer shall issue his certificate showing whether there is on file, on the date and hour stated therein, any active notice of lien or certificate or notice affecting any lien filed under NRS 108.825 to 108.837, inclusive, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The certificate must state that it reveals active liens only. The fee for a certificate is: ~~[\$15 if the statement is in the standard form prescribed by the secretary of state and otherwise is \$20].~~ (a) *Twenty dollars if the request is communicated in writing; and*

(b) *Fifteen dollars if the request is communicated by another medium authorized by filing-office rule.*

Upon request the filing officer shall furnish a copy of any notice of federal lien or notice or certificate affecting a federal lien for the statutory fee for copies.