

Amendment No. 693

Assembly Amendment to Senate Bill No. 36 First Reprint	(BDR 7-368)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/BJF



Date: 5/8/2015

S.B. No. 36—Revises provisions governing state business licenses. (BDR 7-368)



SENATE BILL NO. 36—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF FORESTRY)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing state business licenses. (BDR 7-368)

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; providing that a person is not required to obtain a state business license if the sole activity in this State of the person's business is to respond to a request for vehicles or equipment in response to certain emergencies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a state business license and pay a fee before conducting business within this State, unless exempted from the business license requirement. (NRS 76.100) Existing law further prohibits a person from entering into a contract with the State of Nevada unless he or she holds a state business license. (NRS 353.007) **Section 1** of this bill provides that a person is deemed not to be conducting business in this State, and thus is not required to obtain a state business license, if the sole activity of the person's business in this State is to provide, on a short-term basis, vehicles or equipment in response to a wildland fire, a flood, an earthquake or another emergency. **Section 2** of this bill authorizes such a person to enter into a contract with the State of Nevada without obtaining a state business license. **Section 3 of this bill provides that this bill becomes effective upon passage and approval.**

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

Section 1. NRS 76.100 is hereby amended to read as follows:

76.100 1. A person shall not conduct a business in this State unless and until the person obtains a state business license issued by the Secretary of State. If the person is:

(a) An entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license at the time of filing the initial or annual list.

(b) Not an entity required to file an initial or annual list with the Secretary of State pursuant to this title, the person must obtain the state business license before conducting a business in this State.

2. An application for a state business license must:

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

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

(c) Be accompanied by a fee in the amount of \$200; and

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

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

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

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

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

(c) A general partner of a limited partnership.

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

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

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

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

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

6. For the purposes of this chapter, a person ~~shall~~:

(a) Shall be deemed to conduct a business in this State if a business for which the person is responsible:

~~(a)~~ *(1)* Is organized pursuant to this title, other than a business organized pursuant to:

~~(1)~~ *(I)* Chapter 82 or 84 of NRS; or

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

~~(b)~~ *(2)* Has an office or other base of operations in this State;

~~(c)~~ *(3)* Has a registered agent in this State; or

~~(d)~~ *(4)* Pays wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid ~~3~~;

(b) Shall be deemed not to conduct a business in this State if the business for which the person is responsible:

(1) Is not organized pursuant to this title;

(2) Does not have an office or base of operations in this State;

(3) Does not have a registered agent in this State;

(4) Does not pay wages or other remuneration to a natural person who performs in this State any of the duties for which he or she is paid, other than wages or other remuneration paid to a natural person for performing duties in connection with an activity described in subparagraph (5); and

1 *(5) Is conducting activity in this State solely to provide vehicles or*
2 *equipment on a short-term basis in response to a wildland fire, a flood, an*
3 *earthquake or another emergency.*

4 7. As used in this section, “registered agent” has the meaning ascribed to it in
5 NRS 77.230.

6 **Sec. 2.** NRS 353.007 is hereby amended to read as follows:

7 353.007 1. ~~1A~~ *Except as otherwise provided in subsection 2, a person*
8 *shall not enter into a contract with the State of Nevada unless the person is a holder*
9 *of a state business license issued pursuant to chapter 76 of NRS.*

10 2. *A person who is not a holder of a state business license may enter into a*
11 *contract with the State of Nevada if the business for which the person is*
12 *responsible:*

13 (a) *Is not organized pursuant to title 7 of NRS;*

14 (b) *Does not have an office or base of operations in this State;*

15 (c) *Does not have a registered agent in this State;*

16 (d) *Does not pay wages or other remuneration to a natural person who*
17 *performs in this State any of the duties for which he or she is paid, other than*
18 *wages or other remuneration paid to a natural person for performing duties in*
19 *connection with an activity described in paragraph (e); and*

20 (e) *Is conducting activity in this State solely to provide vehicles or equipment*
21 *on a short-term basis in response to a wildland fire, a flood, an earthquake or*
22 *another emergency.*

23 ~~2-3~~ 3. The provisions of this section apply to all offices, departments,
24 divisions, boards, commissions, institutions, agencies or any other units of:

25 (a) The Legislative, Executive and Judicial Departments of the State
26 Government;

27 (b) The Nevada System of Higher Education; and

28 (c) The Public Employees’ Retirement System.

29 **Sec. 3.** This act becomes effective ~~on July 1, 2015,~~ upon passage and
30 approval.