

Amendment No. 815

Assembly Amendment to Senate Bill No. 338 First Reprint

(BDR 7-728)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
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Amend the bill as a whole by renumbering sections 57 and 58 as sections 66 and 67 and adding new sections designated sections 57 through 65, following sec. 56, to read as follows:

“**Sec. 57.** Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local government shall require a business entity which:

(a) Buys or leases land from the local government;

(b) Enters into a contract to provide any good or service to the local government;

(c) Applies to the local government for a change to the zoning of land; or

(d) Transacts any other business with the local government,

JCB/RBL

Date: 5/24/2005

S.B. No. 338—Makes various changes concerning business associations.

↪ *to submit a disclosure to the local government which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.*

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 58. NRS 294A.112 is hereby amended to read as follows:

294A.112 1. A person shall not:

- (a) Make a contribution in the name of another person;
- (b) Knowingly allow his name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;
- (c) Knowingly assist a person to make a contribution in the name of another person; or
- (d) Knowingly accept a contribution made by a person in the name of another person.

2. A business entity that makes a contribution to a candidate shall disclose to the candidate receiving the contribution the name of each person who holds an ownership interest of 1 percent or more in the business entity.

3. As used in this section ~~[, “make”]~~ :

(a) “Business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

(b) “**Make** a contribution in the name of another person” includes, without limitation:

~~[(a)]~~ (1) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

~~[(b)]~~ (2) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 59. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

↪ report each campaign contribution in excess of \$100 he receives during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

↪ report each campaign contribution in excess of \$100 he received during the period and contributions received during the period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from his nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

↪ report each campaign contribution in excess of \$100 he received during the period and contributions received during the reporting period from a contributor which cumulatively exceed \$100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions that he receives on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 5 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this

section shall file a copy of each report with the Secretary of State within 10 working days after he receives the report.

8. The name and address of the contributor *and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity*, and the date on which the contribution was received must be included on the report for each contribution in excess of \$100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

9. As used in this section, "business entity" means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 60. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which he receives contributions in excess of \$10,000, list each of the contributions that he receives and the expenditures in excess of \$100 made in that year.

(b) Each year after the year in which he received contributions in excess of \$10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions that he received and the expenditures in excess of \$100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor ***and, if the contributor is a business entity, the name and address of each person who holds an ownership interest of 1 percent or more in the business entity***, and the date on which the contribution was received must be included on the list for each contribution in excess of \$100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(1) On the date it was mailed if it was sent by certified mail.

(2) On the date it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, except the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after he receives the report.

6. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 61. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Land Registrar shall require a business entity which enters into a contract to buy or lease land owned by the State to submit a disclosure to the State Land Registrar setting forth the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 62. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chief shall require a business entity which enters into a contract to provide any good or service to a using agency to submit a disclosure to the Chief which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership,

business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 63. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A using agency shall require a business entity which enters into a performance contract with the using agency to submit a disclosure to the using agency which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 64. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public body shall require a business entity which enters into a contract to conduct a public work for the public body to submit a disclosure to the public body which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.

Sec. 65. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents shall require a business entity which:

(a) Buys or leases land from the System;

(b) Enters into a contract to provide any good or service to the System;

(c) Transacts any other business with the System,

↪ to submit a disclosure to the Board of Regents which includes the name of any person who holds an ownership interest of 1 percent or more in the business entity. The disclosure must be made available for public inspection upon request.

2. As used in this section, “business entity” means a corporation, partnership, proprietorship, limited-liability company, business association, joint venture, limited-liability partnership, business trust and their equivalents organized under the laws of this State or another jurisdiction and any other type of entity that engages in business, whether or not for profit.”.

Amend sec. 58, page 42, lines 29 and 30, by deleting:

~~“organized or qualified to do business pursuant to the laws of this State.”~~ and inserting:

“organized or qualified to do business pursuant to the laws of this State.”.

Amend the title of the bill, sixteenth line, after “associations;” by inserting:

“requiring a business entity that transacts business with a governmental entity to disclose the names of certain owners of the business entity in certain circumstances;”.