

Amendment No. 293

Senate Amendment to Senate Bill No. 252 (BDR 52-843)

Proposed by: Senate Committee on Commerce and Labor**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) ***green bold italic underlining*** is new language proposed 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 that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

DP/RBL



Date: 4/20/2009

S.B. No. 252—Revises provisions relating to solicitations of charitable donations.
(BDR 52-843)



SENATE BILL NO. 252—SENATORS PARKS, COPENING,
WOODHOUSE, HORSFORD, WIENER; CARE AND LEE

MARCH 16, 2009

JOINT SPONSORS: ASSEMBLYMEN ANDERSON, SEGERBLOM, KOIVISTO; ATKINSON,
BUCKLEY, DONDERO LOOP, MANENDO, MCCLAIN, OHRENSCHALL AND
PIERCE

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to solicitations of charitable donations.
(BDR 52-843)FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for
Term of Imprisonment in County or City Jail or Detention
Facility.
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 solicitation of charitable donations; requiring a person
soliciting donations for a charitable, nonprofit or religious entity to
make certain disclosures; and providing other matters properly relating
thereto.**Legislative Counsel's Digest:**

1 This bill requires certain disclosures to be made by a person who solicits contributions for
2 or on behalf of a charitable, nonprofit or religious organization. If the organization benefits
3 law enforcement officers or professional firefighters, the person must also disclose the
4 percentage of total contributions that benefits law enforcement officers or professional
5 firefighters in this State. ~~[(NRS 598.1305)]~~ ***upon request***.

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

1 **Section 1.** ~~[(NRS 598.1305 is hereby amended to read as follows:~~
2 ~~598.1305 1. A person representing that he is conducting or executing a~~
3 ~~solicitation for or on behalf of a charitable or nonprofit organization or an~~
4 ~~organization which is established for and serving bona fide religious purposes~~
5 ~~shall disclose:~~
6 ~~(a) The full, legal name of the organization;~~
7 ~~(b) The state in which the organization was formed;~~

~~(c) The purpose of the organization; and~~

~~(d) If the organization purports to benefit law enforcement officers or professional firefighters, the percentage of total contributions that benefits law enforcement officers or professional firefighters in this State.~~

~~2. A person, in planning, conducting or executing a solicitation for or on behalf of a charitable organization, shall not:~~

~~(a) Make any claim or representation concerning a contribution which directly, or by implication, has the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances; or~~

~~(b) Omit any material fact deemed to be equivalent to a false, misleading or deceptive claim or representation if the omission, when considering what has been said or implied, has or would have the capacity, tendency or effect of deceiving or misleading a person acting reasonably under the circumstances.~~

~~[2.] 3. Notwithstanding any other provisions of this chapter, the Attorney General has primary jurisdiction to investigate and prosecute a violation of this section.~~

~~[3.] 4. Except as otherwise provided in NRS 41.480 and 41.485, a violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.~~

~~[4.] 5. As used in this section:~~

~~(a) "Charitable organization" means any person who, directly or indirectly, solicits contributions and who:~~

~~(1) The Secretary of the Treasury has determined to be tax exempt pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code; or~~

~~(2) Is, or holds himself out to be, established for a charitable purpose.~~

~~The term does not include an organization which is established for and serving bona fide religious purposes.~~

~~(b) "Law enforcement officer" means:~~

~~(1) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive; and~~

~~(2) Any person upon whom powers equivalent to some or all of the powers described in subparagraph (1) are conferred by any other state, a territory or possession of the United States, the District of Columbia or the Federal Government;~~

~~whether that person actively exercises those powers or has retired from service.~~

~~(c) "Professional firefighter" means any person who is or has been employed as a professional full-time salaried firefighter in this State or any other state, a territory or possession of the United States, the District of Columbia or the Federal Government.~~

~~(d) "Solicitation" means a request for a contribution to a charitable organization that is made by:~~

~~(1) Mail;~~

~~(2) Commercial carrier;~~

~~(3) Telephone, facsimile or other electronic device; or~~

~~(4) A face-to-face meeting.~~

~~The term includes solicitations which are made from a location within this State and solicitations which are made from a location outside of this State to persons located in this State. (Deleted by amendment.)~~

Sec. 2. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person representing that he is conducting or executing a solicitation for or on behalf of a charitable or nonprofit organization or an organization which is established for and serving bona fide religious purposes shall disclose:

1 (a) The full, legal name of the organization;
2 (b) The state in which the organization was formed;
3 (c) The purpose of the organization;
4 (d) If applicable, the fact that the person is employed by a company that is in
5 the business of fundraising and the full, legal name and address of that company;
6 and
7 (e) If the organization represents that it benefits law enforcement officers or
8 professional firefighters, the percentage of total contributions that benefits law
9 enforcement officers or professional firefighters in this State upon request.
10 2. As used in this section:
11 (a) "Charitable organization" means any person who:
12 (1) The Secretary of the Treasury has determined to be tax exempt
13 pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code; or
14 (2) Is, or holds himself out to be, established for a charitable purpose.
15 ↪ The term does not include an organization which is established for and serving
16 bona fide religious purposes.
17 (b) "Law enforcement officer" means:
18 (1) Any person upon whom some or all of the powers of a peace officer
19 are conferred pursuant to NRS 289.150 to 289.360, inclusive; and
20 (2) Any person upon whom powers equivalent to some or all of the
21 powers described in subparagraph (1) are conferred by any other state, a territory
22 or possession of the United States, the District of Columbia or the Federal
23 Government,
24 ↪ whether that person actively exercises those powers or has retired from service.
25 (c) "Professional firefighter" means any person who is or has been employed
26 as a full-time salaried professional firefighter in this State or any other state, a
27 territory or possession of the United States, the District of Columbia or the
28 Federal Government.
29 (d) "Solicitation" means a request for a contribution that is made by
30 telephone. The term includes requests which are made from a location within this
31 State and requests which are made from a location outside of this State to persons
32 located in this State.