

Amendment No. 88

Senate Amendment to Senate Bill No. 154

(BDR 10-725)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: No 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"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

DY/BAW



Date: 4/6/2015

S.B. No. 154—Revises provisions relating to common-interest communities.

(BDR 10-725)



SENATE BILL NO. 154—SENATORS HARRIS, HARDY, ROBERSON, FARLEY,
GOICOECHEA; ATKINSON, GUSTAVSON AND SETTELMAYER (BY REQUEST)

FEBRUARY 16, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to common-interest communities.
(BDR 10-725)

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 common-interest communities; requiring the adoption of regulations concerning continuing education requirements for community managers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations governing the issuance of certificates for community managers. (NRS 116A.410) This bill specifies that the Commission must adopt regulations for the renewal of such certificates, including certain regulations for the satisfaction of continuing education requirements.

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

Section 1. NRS 116A.410 is hereby amended to read as follows:
116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:
(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. The regulations must include, without limitation, provisions that:
(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:
(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;
(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and
(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.

(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Receives an offer of employment as a community manager from an association or its agent; and

(II) Has management experience determined to be sufficient by the executive board of the association or its agent making the offer in sub-subparagraph (I). The executive board or its agent must have sole discretion to make the determination required in this sub-subparagraph.

(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association, or its agent, which offered the person employment as described in subparagraph (2).

(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act within the 1-year period.

(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:

(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act; and

(II) Has not been the subject of any disciplinary action pursuant to this chapter or chapter 116 of NRS or any regulations adopted pursuant thereto.

(6) Provide that a temporary certificate described in subparagraph (1) or (2) and a certificate described in subparagraph (5):

(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and

(II) Must not be treated as a limited, restricted or provisional form of a certificate.

(b) May require applicants to pass an examination in order to obtain a certificate other than a temporary certificate described in paragraph (a). If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

(c) Must establish a procedure for a person who was previously issued a certificate and who no longer holds a certificate to reapply for and obtain a new certificate without undergoing any period of supervision under another community manager, regardless of the length of time that has passed since the person last acted as a community manager.

(d) May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

(e) Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

(f) Must establish rules of practice and procedure for conducting disciplinary hearings.

(g) Must establish the qualifications for the renewal of a certificate, including, without limitation, the hours of continuing education required to obtain such a renewal. The regulations must include, without limitation, provisions that:

1 (1) *Require the certificate to be renewed biennially.*

2 (2) *Authorize the satisfaction of not more than 5 of the required hours of*
3 *continuing education, which must be designated as instruction relating to the*
4 *provisions of this chapter and chapter 116 of NRS and any regulations adopted*
5 *pursuant thereto, in increments of 1 hour, within the 2 years immediately*
6 *preceding the date on which the certificate expires by:*

7 *(I) Observation of a disciplinary hearing conducted by the*
8 *Commission, the hours of attendance at which may be used to fulfill any hours of*
9 *instruction relating to federal, state or local laws and regulations applicable to*
10 *the management of a common-interest community the Commission may require;*
11 *or*

12 *(II) With the permission of the parties involved, attendance as an*
13 *observer at any mediation, ~~for~~ arbitration or other process of alternative dispute*
14 *resolution arising from a claim which is within the jurisdiction of the Division.*

15 2. The Division may collect a fee for the issuance of a certificate in an amount
16 not to exceed the administrative costs of issuing the certificate.

17 3. As used in this section, "management experience" means experience in a
18 position in business or government, including, without limitation, in the military:

19 (a) In which the person holding the position was required, as part of holding
20 the position, to engage in one or more management activities, including, without
21 limitation, supervision of personnel, development of budgets or financial plans,
22 protection of assets, logistics, management of human resources, development or
23 training of personnel, public relations, or protection or maintenance of facilities;
24 and

25 (b) Without regard to whether the person holding the position has any
26 experience managing or otherwise working for an association.

27 **Sec. 2.** This act becomes effective:

28 1. Upon passage and approval for the purpose of adopting regulations and
29 performing any other preparatory administrative tasks that are necessary to carry
30 out the provisions of this act; and

31 2. On January 1, 2016, for all other purposes.