

ASSEMBLY BILL NO. 457—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE LEGISLATIVE COMMISSION)

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions governing reports required to be submitted by various entities. (BDR 1-937)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 reports; revising provisions relating to reports submitted by certain entities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 This bill revises provisions relating to reports required to be submitted by
2 various governmental entities. **Section 1** of this bill eliminates the requirement for
3 the Court Administrator to submit a separate report relating to certain statistics
4 regarding specialty court programs, and instead requires such statistics to be
5 included in the annual report on court statistics. **Section 1** also eliminates the
6 requirement for the Court Administrator to submit a report containing statistics on
7 cases relating to competency, convictions and malpractice of certain licensed
8 medical professionals. **Sections 15 and 16** of this bill eliminate the requirement
9 that court clerks submit such case statistics to the Office of Court Administrator.
10 **Section 2** of this bill eliminates the requirement that the Supreme Court submit a
11 report containing statistics on the use of arbitration and alternative dispute
12 resolution in the court system.

13 **Section 3** of this bill eliminates the requirements that the Central Repository for
14 Nevada Records of Criminal History submit: (1) an annual report to the Governor
15 containing statistical data relating to crime in this State; and (2) an annual report to
16 the Director of the Legislative Counsel Bureau containing statistical data about
17 domestic violence in this State.

18 **Section 8** of this bill eliminates the requirement that the Director of the
19 Department of Administration submit a semiannual report detailing the royalties
20 charged for the use of The Great Seal of the State of Nevada on medallions.

21 **Section 9** of this bill eliminates the requirement that the Administrator of the
22 Office of Economic Development submit a biennial report evaluating the
23 effectiveness of the programs relating to zones for economic development



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24 established pursuant to chapter 274 of NRS. **Section 10** of this bill eliminates the
25 requirement that the Employment Security Division of the Department of
26 Employment, Training and Rehabilitation submit a biennial report relating to the
27 use of the Old-Age and Survivors Insurance System. **Section 11** of this bill
28 eliminates the requirement that the Committee on Local Government Finance file a
29 biennial report relating to the fiscal impact on counties and incorporated cities of
30 the formula used for tax distribution.

31 **Section 13** of this bill eliminates the requirement that the Division of Public
32 and Behavioral Health of the Department of Health and Human Services submit a
33 report relating to complaints received and disciplinary action taken by the Division.

34 **Section 14** of this bill eliminates the requirement that the Board for the
35 Regulation of Liquefied Petroleum Gas submit a biennial report of the Board's
36 receipts and expenditures and any complaints received by the Board.

37 **Section 17** of this bill eliminates the requirement that the Real Estate Division
38 of the Department of Business and Industry submit a biennial report relating to
39 complaints received and disciplinary action taken by the Division.

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

1 **Section 1.** NRS 1.360 is hereby amended to read as follows:

2 1.360 Under the direction of the Supreme Court, the Court
3 Administrator shall:

4 1. Examine the administrative procedures employed in the
5 offices of the judges, clerks, court reporters and employees of all
6 courts of this State and make recommendations, through the Chief
7 Justice, for the improvement of those procedures;

8 2. Examine the condition of the dockets of the courts and
9 determine the need for assistance by any court;

10 3. Make recommendations to and carry out the directions of the
11 Chief Justice relating to the assignment of district judges where
12 district courts are in need of assistance;

13 4. Develop a uniform system for collecting and compiling
14 statistics and other data regarding the operation of the State Court
15 System and transmit that information to the Supreme Court so that
16 proper action may be taken in respect thereto;

17 5. Prepare and submit a budget of state appropriations
18 necessary for the maintenance and operation of the State Court
19 System and make recommendations in respect thereto;

20 6. Develop procedures for accounting, internal auditing,
21 procurement and disbursement for the State Court System;

22 7. Collect statistical and other data and make reports relating to
23 the expenditure of all public money for the maintenance and
24 operation of the State Court System and the offices connected
25 therewith;

26 8. Compile statistics from the information required to be
27 maintained by the clerks of the district courts pursuant to NRS 3.275



1 regarding criminal and civil cases and make reports as to the cases
2 filed in the district courts;

3 9. Formulate and submit to the Supreme Court
4 recommendations of policies or proposed legislation for the
5 improvement of the State Court System;

6 10. On or before January 1 of each year, submit to the Director
7 of the Legislative Counsel Bureau a written report ~~{compiling}~~ :

8 *(a) Compiling* the information submitted to the Court
9 Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the
10 immediately preceding fiscal year; *and*

11 *(b) Concerning:*

12 *(1) The distribution of money deposited in the special*
13 *account created by NRS 176.0613 to assist with funding and*
14 *establishing specialty court programs;*

15 *(2) The current status of any specialty court programs to*
16 *which money from the account was allocated since the last report;*

17 *(3) Statistics compiled from information required to be*
18 *maintained by clerks of the district courts pursuant to NRS 3.275*
19 *concerning specialty courts, including, without limitation, the*
20 *number of participants in such programs, the nature of the*
21 *criminal charges that were filed against participants, the number*
22 *of participants who have completed the programs and the*
23 *disposition of the cases; and*

24 *(4) Such other related information as the Court*
25 *Administrator deems appropriate; and*

26 11. ~~{On or before January 1 of each odd-numbered year,~~
27 ~~submit to the Director of the Legislative Counsel Bureau a written~~
28 ~~report concerning:~~

29 ~~—(a) The distribution of money deposited in the special account~~
30 ~~created pursuant to NRS 176.0613 to assist with funding and~~
31 ~~establishing specialty court programs;~~

32 ~~—(b) The current status of any specialty court programs to which~~
33 ~~money from the account was allocated since the last report;~~

34 ~~—(c) Statistics compiled from information required to be~~
35 ~~maintained by clerks of the district courts pursuant to NRS 3.275~~
36 ~~concerning specialty courts, including, without limitation, the~~
37 ~~number of participants in such programs, the nature of the criminal~~
38 ~~charges that were filed against participants, the number of~~
39 ~~participants who have completed the programs and the disposition~~
40 ~~of the cases; and~~

41 ~~—(d) Such other related information as the Court Administrator~~
42 ~~deems appropriate;~~

43 ~~12. On or before February 15 of each odd-numbered year,~~
44 ~~submit to the Governor and to the Director of the Legislative~~
45 ~~Counsel Bureau for transmittal to the next regular session of the~~



~~Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and~~

~~13.]~~ Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 2. NRS 38.255 is hereby amended to read as follows:

38.255 1. The rules adopted by the Supreme Court pursuant to NRS 38.253 to provide guidelines for the establishment by a district court of a program must include provisions for a:

(a) Mandatory program for the arbitration of civil actions pursuant to NRS 38.250.

(b) Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds \$50,000 per plaintiff, exclusive of attorney's fees, interest and court costs.

(c) Voluntary program for the use of binding arbitration in all civil actions.

2. The rules must provide that the district court of any judicial district whose population is 100,000 or more:

(a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of subsection 1.

(b) May set fees and charge parties for arbitration if the amount in issue exceeds \$50,000 per plaintiff, exclusive of attorney's fees, interest and court costs.

↳ The rules may provide for similar programs for the other judicial districts.

3. The rules must exclude the following from any program of mandatory arbitration:

(a) Actions in which the amount in issue, excluding attorney's fees, interest and court costs, is more than \$50,000 or less than the maximum jurisdictional amounts specified in NRS 4.370 and 73.010;

(b) Class actions;

(c) Actions in equity;

(d) Actions concerning the title to real estate;

(e) Probate actions;

(f) Appeals from courts of limited jurisdiction;

(g) Actions for declaratory relief;

(h) Actions involving divorce or problems of domestic relations;

(i) Actions brought for relief based on any extraordinary writs;

(j) Actions for the judicial review of an administrative decision;

(k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action or pursuant to



1 rules adopted by the Supreme Court, have submitted the controversy
2 to arbitration or any other alternative method for resolving a dispute;

3 (l) Actions that present unusual circumstances that constitute
4 good cause for removal from the program;

5 (m) Actions in which any of the parties is incarcerated; and

6 (n) Actions submitted to mediation pursuant to rules adopted by
7 the Supreme Court.

8 4. The rules must include:

9 (a) Provisions for the payment of fees to an arbitrator who is
10 appointed to hear a case pursuant to the rules. The rules must
11 provide that an arbitrator must be compensated at a rate of \$100 per
12 hour, to a maximum of \$1,000 per case, unless otherwise authorized
13 by the arbitration commissioner for good cause shown.

14 (b) Guidelines for the award of attorney's fees and maximum
15 limitations on the costs to the parties of the arbitration.

16 (c) Disincentives to appeal.

17 (d) Provisions for trial upon the exercise by either party of the
18 party's right to a trial anew after the arbitration.

19 ~~§5. The Supreme Court shall, on or before February 1 of each
20 odd numbered year, submit a report to the Director of the
21 Legislative Counsel Bureau for transmittal to the Chairs of the
22 Assembly and Senate Standing Committees on Judiciary. The report
23 must include, for the period since the previous such report, if any:~~

24 ~~—(a) A listing of the number of actions which were submitted to
25 arbitration or other alternative methods of resolving disputes
26 pursuant to NRS 38.250 or 38.258 and their manner of disposition;~~

27 ~~—(b) A statement of the amount of money collected in each
28 judicial district pursuant to NRS 19.0315 and a summary of the
29 manner in which the fees were expended; and~~

30 ~~—(c) Any recommendations for legislation or other information
31 regarding the programs on arbitration deemed relevant by the
32 Supreme Court.†~~

33 **Sec. 3.** NRS 179A.075 is hereby amended to read as follows:

34 179A.075 1. The Central Repository for Nevada Records of
35 Criminal History is hereby created within the General Services
36 Division of the Department.

37 2. Each agency of criminal justice and any other agency
38 dealing with crime or delinquency of children shall:

39 (a) Collect and maintain records, reports and compilations of
40 statistical data required by the Department; and

41 (b) Submit the information collected to the Central Repository
42 in the manner approved by the Director of the Department.

43 3. Each agency of criminal justice shall submit the information
44 relating to records of criminal history that it creates or issues, and
45 any information in its possession relating to the DNA profile of a



1 person from whom a biological specimen is obtained pursuant to
2 NRS 176.09123 or 176.0913, to the Division. The information must
3 be submitted to the Division:

- 4 (a) Through an electronic network;
- 5 (b) On a medium of magnetic storage; or
- 6 (c) In the manner prescribed by the Director of the Department,
7 within the period prescribed by the Director of the Department. If
8 an agency has submitted a record regarding the arrest of a person
9 who is later determined by the agency not to be the person who
10 committed the particular crime, the agency shall, immediately upon
11 making that determination, so notify the Division. The Division
12 shall delete all references in the Central Repository relating to that
13 particular arrest.

14 4. The Division shall, in the manner prescribed by the Director
15 of the Department:

16 (a) Collect, maintain and arrange all information submitted to it
17 relating to:

- 18 (1) Records of criminal history; and
- 19 (2) The DNA profile of a person from whom a biological
20 specimen is obtained pursuant to NRS 176.09123 or 176.0913.

21 (b) When practicable, use a record of the personal identifying
22 information of a subject as the basis for any records maintained
23 regarding him or her.

24 (c) Upon request, provide the information that is contained in
25 the Central Repository to the State Disaster Identification Team of
26 the Division of Emergency Management of the Department.

27 (d) Upon request, provide, in paper or electronic form, the
28 information that is contained in the Central Repository to a
29 multidisciplinary team to review the death of the victim of a crime
30 that constitutes domestic violence organized or sponsored by the
31 Attorney General pursuant to NRS 228.495.

32 5. The Division may:

33 (a) Disseminate any information which is contained in the
34 Central Repository to any other agency of criminal justice;

35 (b) Enter into cooperative agreements with repositories of the
36 United States and other states to facilitate exchanges of information
37 that may be disseminated pursuant to paragraph (a); and

38 (c) Request of and receive from the Federal Bureau of
39 Investigation information on the background and personal history of
40 any person whose record of fingerprints the Central Repository
41 submits to the Federal Bureau of Investigation and:

42 (1) Who has applied to any agency of the State of Nevada or
43 any political subdivision thereof for a license which it has the power
44 to grant or deny;



1 (2) With whom any agency of the State of Nevada or any
2 political subdivision thereof intends to enter into a relationship of
3 employment or a contract for personal services;

4 (3) Who has applied to any agency of the State of Nevada or
5 any political subdivision thereof to attend an academy for training
6 peace officers approved by the Peace Officers' Standards and
7 Training Commission;

8 (4) For whom such information is required to be obtained
9 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170,
10 432B.198, 433B.183, 449.123 and 449.4329; or

11 (5) About whom any agency of the State of Nevada or any
12 political subdivision thereof is authorized by law to have accurate
13 personal information for the protection of the agency or the persons
14 within its jurisdiction.

15 ➤ To request and receive information from the Federal Bureau of
16 Investigation concerning a person pursuant to this subsection, the
17 Central Repository must receive the person's complete set of
18 fingerprints from the agency or political subdivision and submit the
19 fingerprints to the Federal Bureau of Investigation for its report.

20 6. The Central Repository shall:

21 (a) Collect and maintain records, reports and compilations of
22 statistical data submitted by any agency pursuant to subsection 2.

23 (b) Tabulate and analyze all records, reports and compilations of
24 statistical data received pursuant to this section.

25 (c) Disseminate to federal agencies engaged in the collection of
26 statistical data relating to crime information which is contained in
27 the Central Repository.

28 (d) Investigate the criminal history of any person who:

29 (1) Has applied to the Superintendent of Public Instruction
30 for the issuance or renewal of a license;

31 (2) Has applied to a county school district, charter school or
32 private school for employment; or

33 (3) Is employed by a county school district, charter school or
34 private school,

35 ➤ and notify the superintendent of each county school district, the
36 governing body of each charter school and the Superintendent of
37 Public Instruction, or the administrator of each private school, as
38 appropriate, if the investigation of the Central Repository indicates
39 that the person has been convicted of a violation of NRS 200.508,
40 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
41 any offense involving moral turpitude.

42 (e) Upon discovery, notify the superintendent of each county
43 school district, the governing body of each charter school or the
44 administrator of each private school, as appropriate, by providing



1 the superintendent, governing body or administrator with a list of all
2 persons:

3 (1) Investigated pursuant to paragraph (d); or

4 (2) Employed by a county school district, charter school or
5 private school whose fingerprints were sent previously to the
6 Central Repository for investigation,

7 who the Central Repository's records indicate have been
8 convicted of a violation of NRS 200.508, 201.230, 453.3385,
9 453.339 or 453.3395, or convicted of a felony or any offense
10 involving moral turpitude since the Central Repository's initial
11 investigation. The superintendent of each county school district, the
12 governing body of a charter school or the administrator of each
13 private school, as applicable, shall determine whether further
14 investigation or action by the district, charter school or private
15 school, as applicable, is appropriate.

16 (f) Investigate the criminal history of each person who submits
17 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
18 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,
19 449.122, 449.123 or 449.4329.

20 (g) ~~On or before July 1 of each year, prepare and present to the~~
21 ~~Governor a printed annual report containing the statistical data~~
22 ~~relating to crime received during the preceding calendar year.~~
23 ~~Additional reports may be presented to the Governor throughout the~~
24 ~~year regarding specific areas of crime if they are approved by the~~
25 ~~Director of the Department.~~

26 ~~(h) On or before July 1 of each year, prepare and submit to the~~
27 ~~Director of the Legislative Counsel Bureau for submission to the~~
28 ~~Legislature, or to the Legislative Commission when the Legislature~~
29 ~~is not in regular session, a report containing statistical data about~~
30 ~~domestic violence in this State.~~

31 ~~(i) Identify and review the collection and processing of~~
32 ~~statistical data relating to criminal justice and the delinquency of~~
33 ~~children by any agency identified in subsection 2 and make~~
34 ~~recommendations for any necessary changes in the manner of~~
35 ~~collecting and processing statistical data by any such agency.~~

36 7. The Central Repository may:

37 (a) In the manner prescribed by the Director of the Department,
38 disseminate compilations of statistical data and publish statistical
39 reports relating to crime or the delinquency of children.

40 (b) Charge a reasonable fee for any publication or special report
41 it distributes relating to data collected pursuant to this section. The
42 Central Repository may not collect such a fee from an agency of
43 criminal justice, any other agency dealing with crime or the
44 delinquency of children which is required to submit information
45 pursuant to subsection 2 or the State Disaster Identification Team of



1 the Division of Emergency Management of the Department. All
2 money collected pursuant to this paragraph must be used to pay for
3 the cost of operating the Central Repository.

4 (c) In the manner prescribed by the Director of the Department,
5 use electronic means to receive and disseminate information
6 contained in the Central Repository that it is authorized to
7 disseminate pursuant to the provisions of this chapter.

8 8. As used in this section:

9 (a) "Personal identifying information" means any information
10 designed, commonly used or capable of being used, alone or in
11 conjunction with any other information, to identify a person,
12 including, without limitation:

13 (1) The name, driver's license number, social security
14 number, date of birth and photograph or computer-generated image
15 of a person; and

16 (2) The fingerprints, voiceprint, retina image and iris image
17 of a person.

18 (b) "Private school" has the meaning ascribed to it in
19 NRS 394.103.

20 **Sec. 4.** NRS 179A.175 is hereby amended to read as follows:

21 179A.175 1. The Director of the Department shall establish
22 within the Central Repository a program for reporting crimes that
23 manifest evidence of prejudice based on race, color, religion,
24 national origin, physical or mental disability, sexual orientation or
25 gender identity or expression.

26 2. The program must be designed to collect, compile and
27 analyze statistical data about crimes that manifest evidence of
28 prejudice based on race, color, religion, national origin, physical or
29 mental disability, sexual orientation or gender identity or
30 expression. The Director shall adopt guidelines for the collection of
31 the statistical data, including, but not limited to, the criteria to
32 establish the presence of prejudice.

33 3. The Central Repository shall include in ~~its annual report to~~
34 ~~the Governor pursuant to subsection 6 of NRS 179A.075, and in~~
35 any ~~other~~ appropriate report ~~+~~ an independent section relating
36 solely to the analysis of crimes that manifest evidence of prejudice
37 based on race, color, religion, national origin, physical or mental
38 disability, sexual orientation or gender identity or expression.

39 4. Data acquired pursuant to this section must be used only for
40 research or statistical purposes and must not contain any information
41 that may reveal the identity of an individual victim of a crime.

42 5. As used in this section, "gender identity or expression" has
43 the meaning ascribed to it in NRS 193.0148.



1 **Sec. 5.** NRS 179A.350 is hereby amended to read as follows:

2 179A.350 1. The Repository for Information Concerning
3 Orders for Protection Against Domestic Violence is hereby created
4 within the Central Repository.

5 2. Except as otherwise provided in subsection 6, the Repository
6 for Information Concerning Orders for Protection Against Domestic
7 Violence must contain a complete and systematic record of all
8 temporary and extended orders for protection against domestic
9 violence issued or registered in the State of Nevada, in accordance
10 with regulations adopted by the Director of the Department,
11 including, without limitation, any information received pursuant to
12 NRS 33.095. Information received by the Central Repository
13 pursuant to NRS 33.095 must be entered in the Repository for
14 Information Concerning Orders for Protection Against Domestic
15 Violence not later than 8 hours after it is received by the Central
16 Repository.

17 3. The information in the Repository for Information
18 Concerning Orders for Protection Against Domestic Violence must
19 be accessible by computer at all times to each agency of criminal
20 justice.

21 4. On or before ~~February 15~~ *July 1* of each year, the Director
22 of the Department shall submit to the Director of the Legislative
23 Counsel Bureau a written report concerning all temporary and
24 extended orders for protection against domestic violence issued
25 pursuant to NRS 33.020 during the previous calendar year that were
26 transmitted to the Repository for Information Concerning Orders for
27 Protection Against Domestic Violence. The report must include,
28 without limitation, information for each court that issues temporary
29 or extended orders for protection against domestic violence
30 concerning:

31 (a) The total number of temporary and extended orders that were
32 granted by the court pursuant to NRS 33.020 during the calendar
33 year to which the report pertains;

34 (b) The number of temporary and extended orders that were
35 granted to women;

36 (c) The number of temporary and extended orders that were
37 granted to men;

38 (d) The number of temporary and extended orders that were
39 vacated or expired;

40 (e) The number of temporary orders that included a grant of
41 temporary custody of a minor child; and

42 (f) The number of temporary and extended orders that were
43 served on the adverse party.



1 5. The information provided pursuant to subsection 4 must
2 include only aggregate information for statistical purposes and must
3 exclude any identifying information relating to a particular person.

4 6. The Repository for Information Concerning Orders for
5 Protection Against Domestic Violence must not contain any
6 information concerning an event that occurred before October 1,
7 1998.

8 **Sec. 6.** NRS 213.10885 is hereby amended to read as follows:

9 213.10885 1. The Board shall adopt by regulation specific
10 standards for each type of convicted person to assist the Board in
11 determining whether to grant or revoke parole. The regulations must
12 include standards for determining whether to grant or revoke the
13 parole of a convicted person:

14 (a) Who committed a capital offense.

15 (b) Who was sentenced to serve a term of imprisonment for life.

16 (c) Who was convicted of a sexual offense involving the use or
17 threat of use of force or violence.

18 (d) Who was convicted as a habitual criminal.

19 (e) Who is a repeat offender.

20 (f) Who was convicted of any other type of offense.

21 ➔ The standards must be based upon objective criteria for
22 determining the person's probability of success on parole.

23 2. In establishing the standards, the Board shall consider the
24 information on decisions regarding parole that is compiled and
25 maintained pursuant to NRS 213.10887 and all other factors which
26 are relevant in determining the probability that a convicted person
27 will live and remain at liberty without violating the law if parole is
28 granted or continued. The other factors the Board considers must
29 include, but are not limited to:

30 (a) The severity of the crime committed;

31 (b) The criminal history of the person;

32 (c) Any disciplinary action taken against the person while
33 incarcerated;

34 (d) Any previous parole violations or failures;

35 (e) Any potential threat to society or to the convicted person;
36 and

37 (f) The length of his or her incarceration.

38 3. In determining whether to grant parole to a convicted
39 person, the Board shall not consider whether the person has
40 appealed the judgment of imprisonment for which the person is
41 being considered for parole.

42 4. The standards adopted by the Board must provide for a
43 greater punishment for a convicted person who has a history of
44 repetitive criminal conduct or who commits a serious crime, with a
45 violent crime considered the most serious, than for a convicted



1 person who does not have a history of repetitive crimes and did not
2 commit a serious crime.

3 5. The Board shall make available to the public a sample of the
4 form the Board uses in determining the probability that a convicted
5 person will live and remain at liberty without violating the law if
6 parole is granted or continued.

7 6. On or before January 1 of each ~~even-numbered~~ *odd-*
8 *numbered* year, the Board shall review comprehensively the
9 standards adopted by the Board. The review must include a
10 determination of whether the standards are effective in predicting
11 the probability that a convicted person will live and remain at liberty
12 without violating the law if parole is granted or continued. If a
13 standard is found to be ineffective, the Board shall not use
14 that standard in its decisions regarding parole and shall adopt
15 revised standards as soon as practicable after the review.

16 7. The Board shall report to each regular session of the
17 Legislature:

18 (a) The number and percentage of the Board's decisions that
19 conflicted with the standards;

20 (b) The results and conclusions from the Board's review
21 pursuant to subsection 6; and

22 (c) Any changes in the Board's standards, policies, procedures,
23 programs or forms that have been or will be made as a result of the
24 review.

25 **Sec. 7.** NRS 213.10887 is hereby amended to read as follows:

26 213.10887 1. The Board shall compile and maintain detailed
27 information concerning all decisions regarding parole. The
28 information must include, but is not limited to:

29 (a) The Board's reasons for each decision to grant, deny, revoke
30 or continue parole.

31 (b) The number of decisions made by the Board granting parole,
32 denying parole, revoking parole and continuing parole.

33 2. The Board shall ~~organize~~ :

34 (a) *Organize* and tabulate the information compiled pursuant to
35 this section at regular intervals, which must not exceed 3 months ~~†~~
36 ; and

37 (b) *Publish such information on its Internet website.*

38 **Sec. 8.** NRS 235.016 is hereby amended to read as follows:

39 235.016 1. The Director shall set and collect a royalty for the
40 use of The Great Seal of the State of Nevada from the mint which
41 produces the medallions or bars. The amount of the royalty must be:

42 (a) Based on the usual and customary fee charged as a
43 commission by dealers of similar medallions or bars; and

44 (b) Adjusted at least once each year to ensure it is competitive
45 with the usual and customary fee.



1 2. ~~The Director shall report every 6 months to the Legislature,~~
2 ~~if it is in session, or to the Interim Finance Committee, if the~~
3 ~~Legislature is not in session. The report must contain:~~

4 ~~—(a) The amount of the royalties being charged; and~~

5 ~~—(b) The information used to determine the usual and customary~~
6 ~~fee charged by dealers.~~

7 ~~—3. The money collected pursuant to this section must be~~
8 ~~deposited in the Account for the Division of Minerals created~~
9 ~~pursuant to NRS 513.103.~~

10 **Sec. 9.** NRS 274.090 is hereby amended to read as follows:

11 274.090 1. The Executive Director of the Office of Economic
12 Development shall serve as Administrator.

13 2. The Administrator shall:

14 (a) Administer this chapter.

15 (b) ~~Submit reports evaluating the effectiveness of the programs~~
16 ~~established pursuant to this chapter together with any suggestions~~
17 ~~for legislation to the Legislature by February 1 of every odd-~~
18 ~~numbered year. The reports must contain statistics concerning initial~~
19 ~~and current population, employment, per capita income, corporate~~
20 ~~income and the construction of housing for each specially benefited~~
21 ~~zone.~~

22 ~~—(c) Adopt all necessary regulations to carry out the provisions~~
23 ~~of this chapter.~~

24 **Sec. 10.** NRS 287.230 is hereby amended to read as follows:

25 287.230 The state agency shall ~~;~~

26 ~~1. Make~~ *make* studies concerning the problem of Old-Age and
27 Survivors Insurance protection for employees of the State and local
28 governments and their instrumentalities and concerning the
29 operation of agreements made and plans approved under NRS
30 287.050 to 287.240, inclusive.

31 ~~2. Submit a report to the Legislature at the beginning of each~~
32 ~~regular session covering the administration and operation of NRS~~
33 ~~287.050 to 287.240, inclusive, during the preceding biennium,~~
34 ~~including such recommendations for amendments as it considers~~
35 ~~proper.~~

36 **Sec. 11.** NRS 365.550 is hereby amended to read as follows:

37 365.550 1. Except as otherwise provided in subsection 2, the
38 receipts of the tax levied pursuant to NRS 365.180 must be allocated
39 monthly by the Department to the counties using the following
40 formula:

41 (a) Determine the average monthly amount each county received
42 in the Fiscal Year ending on June 30, 2003, and allocate to each
43 county that amount, or if the total amount to be allocated is less than
44 that amount, allocate to each county a percentage of the total
45 amount to be allocated that is equal to the percentage of the total



1 amount allocated to that county in the Fiscal Year ending on
2 June 30, 2003;

3 (b) If the total amount to be allocated is greater than the average
4 monthly amount all counties received in the Fiscal Year ending on
5 June 30, 2003, determine for each county an amount from the total
6 amount to be allocated using the following formula:

7 (1) Multiply the county's percentage share of the total state
8 population by 2;

9 (2) Add the percentage determined pursuant to subparagraph
10 (1) to the county's percentage share of total mileage of improved
11 roads or streets maintained by the county or an incorporated city
12 located within the county;

13 (3) Divide the sum of the percentages determined pursuant to
14 subparagraph (2) by 3; and

15 (4) Multiply the total amount to be allocated by the
16 percentage determined pursuant to subparagraph (3);

17 (c) Identify each county for which the amount determined
18 pursuant to paragraph (b) is greater than the amount allocated to the
19 county pursuant to paragraph (a) and:

20 (1) Subtract the amount determined pursuant to paragraph (a)
21 from the amount determined pursuant to paragraph (b); and

22 (2) Add the amounts determined pursuant to subparagraph
23 (1) for all counties;

24 (d) Identify each county for which the amount determined
25 pursuant to paragraph (b) is less than or equal to the amount
26 allocated to the county pursuant to paragraph (a) and:

27 (1) Subtract the amount determined pursuant to paragraph (b)
28 from the amount determined pursuant to paragraph (a); and

29 (2) Add the amounts determined pursuant to subparagraph
30 (1) for all counties;

31 (e) Subtract the amount determined pursuant to subparagraph (2)
32 of paragraph (d) from the amount determined pursuant to
33 subparagraph (2) of paragraph (c);

34 (f) Divide the amount determined pursuant to subparagraph (1)
35 of paragraph (c) for each county by the sum determined pursuant to
36 subparagraph (2) of paragraph (c) for all counties to determine each
37 county's percentage share of the sum determined pursuant to
38 subparagraph (2) of paragraph (c); and

39 (g) In addition to the allocation made pursuant to paragraph (a),
40 allocate to each county that is identified pursuant to paragraph (c) a
41 percentage of the total amount determined pursuant to paragraph (e)
42 that is equal to the percentage determined pursuant to paragraph (f).

43 2. At the end of each fiscal year, the Department shall:

44 (a) Determine the total amount to be allocated to all counties
45 pursuant to subsection 1 for the current fiscal year; and



1 (b) Use the proceeds of the tax paid by a dealer, supplier or user
2 for June of the current fiscal year to allocate to each county an
3 amount determined pursuant to subsection 3.

4 3. If the total amount to be allocated to all the counties
5 determined pursuant to paragraph (a) of subsection 2:

6 (a) Does not exceed the total amount that was received by all the
7 counties for the Fiscal Year ending on June 30, 2003, the
8 Department shall adjust the final monthly allocation to be made to
9 each county so that each county is allocated a percentage of the total
10 amount to be allocated that is equal to the percentage of the total
11 amount allocated to that county in the Fiscal Year ending on
12 June 30, 2003.

13 (b) Exceeds the total amount that was received by all counties
14 for the Fiscal Year ending on June 30, 2003, the Department shall:

15 (1) Identify the total amount allocated to each county for the
16 Fiscal Year ending on June 30, 2003, and the total amount for the
17 current fiscal year determined pursuant to paragraph (a) of
18 subsection 2;

19 (2) Apply the formula set forth in paragraph (b) of subsection
20 1 using the amounts in subparagraph (1), instead of the monthly
21 amounts, to determine the total allocations to be made to the
22 counties for the current fiscal year; and

23 (3) Adjust the final monthly allocation to be made to each
24 county to ensure that the total allocations for the current fiscal year
25 equal the amounts determined pursuant to subparagraph (2).

26 4. Of the money allocated to each county pursuant to the
27 provisions of subsections 1, 2 and 3:

28 (a) An amount equal to that part of the allocation which
29 represents 1.25 cents of the tax per gallon must be used exclusively
30 for the service and redemption of revenue bonds issued pursuant to
31 NRS 373.131, for the construction, maintenance and repair of
32 county roads, and for the purchase of equipment for that
33 construction, maintenance and repair, under the direction of the
34 boards of county commissioners of the several counties, and must
35 not be used to defray expenses of administration.

36 (b) An amount equal to that part of the allocation which
37 represents 2.35 cents of the tax per gallon must be allocated to the
38 county, if there are no incorporated cities in the county, or, if there
39 is at least one incorporated city in the county, allocated monthly by
40 the Department to the county and each incorporated city in the
41 county using, except as otherwise provided in paragraph (c), the
42 following formula:

43 (1) Determine the average monthly amount the county and
44 each incorporated city in the county received in the fiscal year
45 ending on June 30, 2005, and allocate to the county and each



1 incorporated city in the county that amount, or if the total amount to
2 be allocated is less than that amount, allocate to the county and each
3 incorporated city in the county a percentage of the total amount to
4 be allocated that is equal to the percentage of the total amount
5 allocated to that county or incorporated city, as applicable, in the
6 fiscal year ending on June 30, 2005.

7 (2) If the total amount to be allocated is greater than the
8 average monthly amount the county and all incorporated cities
9 within the county received in the fiscal year ending on June 30,
10 2005, determine for the county and each incorporated city in the
11 county an amount from the total amount to be allocated using the
12 following formula:

13 (I) One-fourth in proportion to total area.

14 (II) One-fourth in proportion to population.

15 (III) One-fourth in proportion to the total mileage of
16 improved roads and streets maintained by the county or incorporated
17 city in the county, as applicable.

18 (IV) One-fourth in proportion to vehicle miles of travel
19 on improved roads and streets maintained by the county or
20 incorporated city in the county, as applicable.

21 ➤ For the purpose of applying the formula, the area of the county
22 excludes the area included in any incorporated city.

23 (3) Identify whether the county or any incorporated city in
24 the county had an amount determined pursuant to subparagraph (2)
25 that was greater than the amount allocated to the county or
26 incorporated city, as applicable, pursuant to subparagraph (1) and, if
27 so:

28 (I) Subtract the amount determined pursuant to
29 subparagraph (1) from the amount determined pursuant to
30 subparagraph (2); and

31 (II) Add the amounts determined pursuant to sub-
32 subparagraph (I) for the county and all incorporated cities in the
33 county.

34 (4) Identify whether the county or any incorporated city in
35 the county had an amount determined pursuant to subparagraph (2)
36 that was less than or equal to the amount determined for the county
37 or incorporated city, as applicable, pursuant to subparagraph (1)
38 and, if so:

39 (I) Subtract the amount determined pursuant to
40 subparagraph (2) from the amount determined pursuant to
41 subparagraph (1); and

42 (II) Add the amounts determined pursuant to sub-
43 subparagraph (I) for the county and all incorporated cities in the
44 county.



1 (5) Subtract the amount determined pursuant to sub-
2 subparagraph (II) of subparagraph (4) from the amount determined
3 pursuant to sub-subparagraph (II) of subparagraph (3).

4 (6) Divide the amount determined pursuant to sub-
5 subparagraph (I) of subparagraph (3) for the county and each
6 incorporated city in the county by the sum determined pursuant to
7 sub-subparagraph (II) of subparagraph (3) for the county and all
8 incorporated cities in the county to determine the county's and each
9 incorporated city's percentage share of the sum determined pursuant
10 to sub-subparagraph (II) of subparagraph (3).

11 (7) In addition to the allocation made pursuant to
12 subparagraph (1), allocate to the county and each incorporated city
13 in the county that is identified pursuant to subparagraph (3) a
14 percentage of the total amount determined pursuant to subparagraph
15 (5) that is equal to the percentage determined pursuant to
16 subparagraph (6).

17 (c) At the end of each fiscal year, the Department shall:

18 (1) Determine the total amount to be allocated to a county
19 and each incorporated city within the county pursuant to paragraph
20 (b) for the current fiscal year; and

21 (2) Use the amount equal to that part of the allocation which
22 represents 2.35 cents per gallon of the proceeds of the tax paid by a
23 dealer, supplier or user for June of the current fiscal year to allocate
24 to a county and each incorporated city in the county an amount
25 determined pursuant to paragraph (d).

26 (d) If the total amount to be allocated to a county and all
27 incorporated cities in the county determined pursuant to
28 subparagraph (1) of paragraph (c):

29 (1) Does not exceed the total amount that was received by
30 the county and all the incorporated cities in the county for the fiscal
31 year ending on June 30, 2005, the Department shall adjust the final
32 monthly amount allocated to the county and each incorporated city
33 in the county so that the county and each incorporated city is
34 allocated a percentage of the total amount to be allocated that is
35 equal to the percentage of the total amount allocated to that county
36 or incorporated city, as applicable, in the fiscal year ending on
37 June 30, 2005.

38 (2) Exceeds the total amount that was received by the county
39 and all incorporated cities in the county for the fiscal year ending on
40 June 30, 2005, the Department shall:

41 (I) Identify the total amount allocated to the county and
42 each incorporated city in the county for the fiscal year ending on
43 June 30, 2005, and the total amount for the current fiscal year
44 determined pursuant to subparagraph (1) of paragraph (c);



* A B 4 5 7 R 1 *

1 (II) Apply the formula set forth in subparagraph (2) of
2 paragraph (b) using the amounts in sub-subparagraph (I), instead of
3 the monthly amounts, to determine the total allocations to be made
4 to the county and the incorporated cities in the county for the current
5 fiscal year; and

6 (III) Adjust the final monthly allocation to be made to the
7 county and each incorporated city in the county to ensure that the
8 total allocations for the current fiscal year equal the amounts
9 determined pursuant to sub-subparagraph (II).

10 5. The amount allocated to the counties and incorporated cities
11 pursuant to subsections 1 to 4, inclusive, must be remitted monthly.
12 The State Controller shall draw his or her warrants payable to the
13 county treasurer of each of the several counties and the city treasurer
14 of each of the several incorporated cities, as applicable, and the
15 State Treasurer shall pay the warrants out of the proceeds of the tax
16 levied pursuant to NRS 365.180.

17 6. The formula computations must be made as of July 1 of each
18 year by the Department of Motor Vehicles, based on estimates
19 which must be furnished by the Department of Transportation and,
20 if applicable, any adjustments to the estimates determined to be
21 appropriate by the Committee pursuant to subsection 10. Except as
22 otherwise provided in subsection 10, the determination made by the
23 Department of Motor Vehicles is conclusive.

24 7. The Department of Transportation shall complete:

25 (a) The estimates of the total mileage of improved roads or
26 streets maintained by each county and incorporated city on or before
27 August 31 of each year.

28 (b) A physical audit of the information submitted by each
29 county and incorporated city pursuant to subsection 8 at least once
30 every 10 years.

31 8. Each county and incorporated city shall, not later than
32 March 1 of each year, submit a list to the Department of
33 Transportation setting forth:

34 (a) Each improved road or street that is maintained by the
35 county or city; and

36 (b) The beginning and ending points and the total mileage of
37 each of those improved roads or streets.

38 ➤ Each county and incorporated city shall, at least 10 days before
39 the list is submitted to the Department of Transportation, hold a
40 public hearing to identify and determine the improved roads and
41 streets maintained by the county or city.

42 9. If a county or incorporated city does not agree with the
43 estimates prepared by the Department of Transportation pursuant to
44 subsection 7, the county or incorporated city may request that the
45 Committee examine the estimates and recommend an adjustment to



1 the estimates. Such a request must be submitted to the Committee
2 not later than October 15.

3 10. The Committee shall hold a public hearing and review any
4 request it receives pursuant to subsection 9 and determine whether
5 an adjustment to the estimates is appropriate on or before
6 December 31 of the year it receives a request pursuant to subsection
7 9. Any determination made by the Committee pursuant to this
8 subsection is conclusive.

9 11. The Committee shall monitor the fiscal impact of the
10 formula set forth in this section on counties and incorporated cities.

11 ~~Biennially, the Committee shall prepare a report concerning its~~
12 ~~findings and recommendations regarding that fiscal impact and~~
13 ~~submit the report on or before February 15 of each odd numbered~~
14 ~~year to the Director of the Legislative Counsel Bureau for~~
15 ~~transmittal to the Senate and Assembly Committees on Taxation of~~
16 ~~the Nevada Legislature for their review.]~~

17 12. As used in this section:

18 (a) "Committee" means the Committee on Local Government
19 Finance created pursuant to NRS 354.105.

20 (b) "Construction, maintenance and repair" includes the
21 acquisition, operation or use of any material, equipment or facility
22 that is used exclusively for the construction, maintenance or repair
23 of a county or city road and is necessary for the safe and efficient
24 use of that road, including, without limitation:

25 (1) Grades and regrades;

26 (2) Graveling, oiling, surfacing, macadamizing and paving;

27 (3) Sweeping, cleaning and sanding roads and removing
28 snow from a road;

29 (4) Crosswalks and sidewalks;

30 (5) Culverts, catch basins, drains, sewers and manholes;

31 (6) Inlets and outlets;

32 (7) Retaining walls, bridges, overpasses, underpasses,
33 tunnels and approaches;

34 (8) Artificial lights and lighting equipment, parkways,
35 control of vegetation and sprinkling facilities;

36 (9) Rights-of-way;

37 (10) Grade and traffic separators;

38 (11) Fences, cattle guards and other devices to control access
39 to a county or city road;

40 (12) Signs and devices for the control of traffic; and

41 (13) Facilities for personnel and the storage of equipment
42 used to construct, maintain or repair a county or city road.

43 (c) "Improved road or street" means a road or street that is, at
44 least:



1 (1) Aligned and graded to allow reasonably convenient use
2 by a motor vehicle; and

3 (2) Drained sufficiently by a longitudinal and transverse
4 drainage system to prevent serious impairment of the road or street
5 by surface water.

6 (d) "Total mileage of an improved road or street" means the
7 total mileage of the length of an improved road or street, without
8 regard to the width of that road or street or the number of lanes it
9 has for vehicular traffic.

10 **Sec. 12.** NRS 417.105 is hereby amended to read as follows:

11 417.105 1. ~~Each year on~~ *On* or before October 1 ~~of each~~
12 *even-numbered year*, the Department shall review the reports
13 submitted pursuant to NRS 333.3368 and 338.13846.

14 2. In carrying out the provisions of subsection 1, the
15 Department shall seek input from:

16 (a) The Purchasing Division of the Department of
17 Administration.

18 (b) The State Public Works Board of the State Public Works
19 Division of the Department of Administration.

20 (c) The Office of Economic Development.

21 (d) Groups representing the interests of veterans of the Armed
22 Forces of the United States.

23 (e) The business community.

24 (f) Local businesses owned by veterans with service-connected
25 disabilities.

26 3. After performing the duties described in subsections 1 and 2,
27 the Department shall make recommendations to the Legislative
28 Commission regarding the continuation, modification, promotion or
29 expansion of the preferences for local businesses owned by veterans
30 with service-connected disabilities which are described in NRS
31 333.3366 and 338.13844.

32 4. As used in this section:

33 (a) "Business owned by a veteran with a service-connected
34 disability" has the meaning ascribed to it in NRS 338.13841.

35 (b) "Local business" has the meaning ascribed to it in
36 NRS 333.3363.

37 (c) "Veteran with a service-connected disability" has the
38 meaning ascribed to it in NRS 338.13843.

39 **Sec. 13.** NRS 432A.190 is hereby amended to read as follows:

40 432A.190 1. The Division may deny an application for a
41 license to operate a child care facility or may suspend or revoke
42 such a license upon any of the following grounds:

43 (a) Violation by the applicant or licensee or an employee of the
44 applicant or licensee of any of the provisions of this chapter or of



1 any other law of this State or of the standards and other regulations
2 adopted thereunder.

3 (b) Aiding, abetting or permitting the commission of any illegal
4 act.

5 (c) Conduct inimical to the public health, morals, welfare and
6 safety of the people of the State of Nevada in the maintenance and
7 operation of the child care facility for which a license is issued.

8 (d) Conduct or practice detrimental to the health or safety of the
9 occupants or employees of the child care facility, or the clients of
10 the outdoor youth program.

11 (e) Conviction of any crime listed in subsection 2 of NRS
12 432A.170 committed by the applicant or licensee or an employee of
13 the applicant or licensee, or by a resident of the child care facility or
14 participant in the outdoor youth program who is 18 years of age or
15 older.

16 (f) Failure to comply with the provisions of NRS 432A.178.

17 (g) Substantiation of a report of child abuse or neglect made
18 against the applicant or licensee.

19 (h) Conduct which is found to pose a threat to the health or
20 welfare of a child or which demonstrates that the applicant or
21 licensee is otherwise unfit to work with children.

22 (i) Violation by the applicant or licensee of the provisions of
23 NRS 432A.1755 by continuing to employ a person, allowing a
24 resident who is 18 years of age or older, other than a resident who
25 remains under the jurisdiction of a court pursuant to NRS 432B.594,
26 to continue to reside in the child care facility or allowing a
27 participant in an outdoor youth program to continue to participate in
28 the program if the employee, or the resident or participant who is 18
29 years of age or older, has been convicted of a crime listed in
30 subsection 2 of NRS 432A.170 or has had a substantiated report of
31 child abuse or neglect made against him or her.

32 2. In addition to the provisions of subsection 1, the Division
33 may revoke a license to operate a child care facility if, with respect
34 to that facility, the licensee that operates the facility, or an agent or
35 employee of the licensee:

36 (a) Is convicted of violating any of the provisions of
37 NRS 202.470;

38 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
39 244.360, 244.3603 or 268.4124; or

40 (c) Is ordered by the appropriate governmental agency to correct
41 a violation of a building, safety or health code or regulation but fails
42 to correct the violation.

43 3. The Division shall maintain a log of any complaints that it
44 receives relating to activities for which the Division may revoke the



1 license to operate a child care facility pursuant to subsection 2. The
2 Division shall provide to a child care facility:

3 (a) A summary of a complaint against the facility if the
4 investigation of the complaint by the Division either substantiates
5 the complaint or is inconclusive;

6 (b) A report of any investigation conducted with respect to the
7 complaint; and

8 (c) A report of any disciplinary action taken against the facility.

9 ➔ The facility shall make the information available to the public
10 pursuant to NRS 432A.178.

11 4. In addition to any other disciplinary action, the Division may
12 impose an administrative fine for a violation of any provision of this
13 chapter or any regulation adopted pursuant thereto. The Division
14 shall afford to any person so fined an opportunity for a hearing. Any
15 money collected for the imposition of such a fine must be credited
16 to the State General Fund.

17 ~~5. On or before February 1 of each odd-numbered year, the~~
18 ~~Division shall submit to the Director of the Legislative Counsel~~
19 ~~Bureau a written report setting forth, for the previous biennium:~~

20 ~~—(a) Any complaints included in the log maintained by the~~
21 ~~Division pursuant to subsection 3; and~~

22 ~~—(b) Any disciplinary actions taken by the Division pursuant to~~
23 ~~subsection 2.~~

24 **Sec. 14.** NRS 590.505 is hereby amended to read as follows:

25 590.505 1. The Board may adopt a seal for its own use which
26 must have imprinted thereon the words “Board for the Regulation of
27 Liquefied Petroleum Gas.” The care and custody of the seal is the
28 responsibility of the Secretary-Treasurer of the Board.

29 2. The Board may appoint an Executive Secretary and may
30 employ or, pursuant to NRS 333.700, contract with such other
31 technical, clerical or investigative personnel as it deems necessary.
32 The Board shall fix the compensation of the Executive Secretary
33 and all other employees and independent contractors. Such
34 compensation must be paid out of the money of the Board. The
35 Board may require the Executive Secretary and any other employees
36 and independent contractors to give a bond to the Board for the
37 faithful performance of their duties, the premiums on the bond being
38 paid out of the money of the Board.

39 3. In carrying out the provisions of NRS 590.465 to 590.645,
40 inclusive, and holding its regular or special meetings, the Board:

41 (a) Shall adopt written policies setting forth procedures and
42 methods of operation for the Board.

43 (b) May adopt such regulations as it deems necessary.

44 4. ~~The Board shall submit to the Legislature and the Governor~~
45 ~~a biennial report before September 1 of each even-numbered year;~~



~~1 covering the biennium ending June 30 of that year, of its
2 transactions during the preceding biennium, including a complete
3 statement of the receipts and expenditures of the Board during the
4 period and any complaints received by the Board.~~

5 ~~5.1~~ The Board shall keep accurate records, minutes and audio
6 recordings or transcripts of all meetings and, except as otherwise
7 provided in NRS 241.035, the records, minutes, audio recordings
8 and transcripts so kept must be open to public inspection at all
9 reasonable times. A copy of the minutes or audio recordings must be
10 made available to a member of the public upon request at no charge
11 pursuant to NRS 241.035. The Board shall also keep a record of all
12 applications for licenses and licenses issued by it. The record of
13 applications and licenses is a public record.

14 **Sec. 15.** NRS 630.307 is hereby amended to read as follows:

15 630.307 1. Except as otherwise provided in subsection 2, any
16 person may file with the Board a complaint against a physician,
17 perfusionist, physician assistant or practitioner of respiratory care on
18 a form provided by the Board. The form may be submitted in
19 writing or electronically. If a complaint is submitted anonymously,
20 the Board may accept the complaint but may refuse to consider the
21 complaint if the lack of the identity of the complainant makes
22 processing the complaint impossible or unfair to the person who is
23 the subject of the complaint.

24 2. Any licensee, medical school or medical facility that
25 becomes aware that a person practicing medicine, perfusion or
26 respiratory care in this State has, is or is about to become engaged in
27 conduct which constitutes grounds for initiating disciplinary action
28 shall file a written complaint with the Board within 30 days after
29 becoming aware of the conduct.

30 3. Except as otherwise provided in subsection 4, any hospital,
31 clinic or other medical facility licensed in this State, or medical
32 society, shall report to the Board any change in the privileges of a
33 physician, perfusionist, physician assistant or practitioner of
34 respiratory care to practice while the physician, perfusionist,
35 physician assistant or practitioner of respiratory care is under
36 investigation and the outcome of any disciplinary action taken by
37 that facility or society against the physician, perfusionist, physician
38 assistant or practitioner of respiratory care concerning the care of a
39 patient or the competency of the physician, perfusionist, physician
40 assistant or practitioner of respiratory care within 30 days after the
41 change in privileges is made or disciplinary action is taken.

42 4. A hospital, clinic or other medical facility licensed in this
43 State, or medical society, shall report to the Board within 5 days
44 after a change in the privileges of a physician, perfusionist,



1 physician assistant or practitioner of respiratory care to practice that
2 is based on:

3 (a) An investigation of the mental, medical or psychological
4 competency of the physician, perfusionist, physician assistant or
5 practitioner of respiratory care; or

6 (b) Suspected or alleged substance abuse in any form by the
7 physician, perfusionist, physician assistant or practitioner of
8 respiratory care.

9 5. The Board shall report any failure to comply with subsection
10 3 or 4 by a hospital, clinic or other medical facility licensed in this
11 State to the Division of Public and Behavioral Health of the
12 Department of Health and Human Services. If, after a hearing, the
13 Division of Public and Behavioral Health determines that any such
14 facility or society failed to comply with the requirements of this
15 subsection, the Division may impose an administrative fine of not
16 more than \$10,000 against the facility or society for each such
17 failure to report. If the administrative fine is not paid when due, the
18 fine must be recovered in a civil action brought by the Attorney
19 General on behalf of the Division.

20 6. The clerk of every court shall report to the Board any
21 finding, judgment or other determination of the court that a
22 physician, perfusionist, physician assistant or practitioner of
23 respiratory care:

24 (a) Is mentally ill;

25 (b) Is mentally incompetent;

26 (c) Has been convicted of a felony or any law governing
27 controlled substances or dangerous drugs;

28 (d) Is guilty of abuse or fraud under any state or federal program
29 providing medical assistance; or

30 (e) Is liable for damages for malpractice or negligence,

31 ➔ within 45 days after such a finding, judgment or determination is
32 made.

33 7. ~~On or before January 15 of each year, the clerk of each~~
34 ~~court shall submit to the Office of Court Administrator created~~
35 ~~pursuant to NRS 1.320 a written report compiling the information~~
36 ~~that the clerk reported during the previous year to the Board~~
37 ~~regarding physicians pursuant to paragraph (e) of subsection 6.~~

38 ~~8.~~ The Board shall retain all complaints filed with the Board
39 pursuant to this section for at least 10 years, including, without
40 limitation, any complaints not acted upon.

41 **Sec. 16.** NRS 633.533 is hereby amended to read as follows:

42 633.533 1. Except as otherwise provided in subsection 2, any
43 person may file with the Board a complaint against an osteopathic
44 physician or physician assistant on a form provided by the Board.
45 The form may be submitted in writing or electronically. If a



1 complaint is submitted anonymously, the Board may accept the
2 complaint but may refuse to consider the complaint if the lack of the
3 identity of the complainant makes processing the complaint
4 impossible or unfair to the person who is the subject of the
5 complaint.

6 2. Any licensee, medical school or medical facility that
7 becomes aware that a person practicing osteopathic medicine or
8 practicing as a physician assistant in this State has, is or is about to
9 become engaged in conduct which constitutes grounds for initiating
10 disciplinary action shall file a written complaint with the Board
11 within 30 days after becoming aware of the conduct.

12 3. Except as otherwise provided in subsection 4, any hospital,
13 clinic or other medical facility licensed in this State, or medical
14 society, shall file a written report with the Board of any change in
15 the privileges of an osteopathic physician or physician assistant to
16 practice while the osteopathic physician or physician assistant is
17 under investigation, and the outcome of any disciplinary action
18 taken by the facility or society against the osteopathic physician or
19 physician assistant concerning the care of a patient or the
20 competency of the osteopathic physician or physician assistant,
21 within 30 days after the change in privileges is made or disciplinary
22 action is taken.

23 4. A hospital, clinic or other medical facility licensed in this
24 State, or medical society, shall report to the Board within 5 days
25 after a change in the privileges of an osteopathic physician or
26 physician assistant that is based on:

27 (a) An investigation of the mental, medical or psychological
28 competency of the osteopathic physician or physician assistant; or

29 (b) Suspected or alleged substance abuse in any form by the
30 osteopathic physician or physician assistant.

31 5. The Board shall report any failure to comply with subsection
32 3 or 4 by a hospital, clinic or other medical facility licensed in this
33 State to the Division of Public and Behavioral Health of the
34 Department of Health and Human Services. If, after a hearing, the
35 Division determines that any such facility or society failed to
36 comply with the requirements of this subsection, the Division may
37 impose an administrative fine of not more than \$10,000 against the
38 facility or society for each such failure to report. If the
39 administrative fine is not paid when due, the fine must be recovered
40 in a civil action brought by the Attorney General on behalf of the
41 Division.

42 6. The clerk of every court shall report to the Board any
43 finding, judgment or other determination of the court that an
44 osteopathic physician or physician assistant:

45 (a) Is mentally ill;



- 1 (b) Is mentally incompetent;
- 2 (c) Has been convicted of a felony or any law governing
- 3 controlled substances or dangerous drugs;
- 4 (d) Is guilty of abuse or fraud under any state or federal program
- 5 providing medical assistance; or
- 6 (e) Is liable for damages for malpractice or negligence,
- 7 within 45 days after the finding, judgment or determination.

8 ~~17. On or before January 15 of each year, the clerk of every~~
9 ~~court shall submit to the Office of Court Administrator created~~
10 ~~pursuant to NRS 1.320 a written report compiling the information~~
11 ~~that the clerk reported during the previous year to the Board~~
12 ~~regarding osteopathic physicians and physician assistants pursuant~~
13 ~~to paragraph (e) of subsection 6.~~

14 **Sec. 17.** NRS 645.633 is hereby amended to read as follows:

15 645.633 1. The Commission may take action pursuant to
16 NRS 645.630 against any person subject to that section who is
17 guilty of any of the following acts:

18 (a) Willfully using any trade name, service mark or insigne of
19 membership in any real estate organization of which the licensee is
20 not a member, without the legal right to do so.

21 (b) Violating any order of the Commission, any agreement with
22 the Division, any of the provisions of this chapter, chapter 116, 119,
23 119A, 119B, 645A or 645C of NRS or any regulation adopted
24 pursuant thereto.

25 (c) Paying a commission, compensation or a finder's fee to any
26 person for performing the services of a broker, broker-salesperson
27 or salesperson who has not secured a license pursuant to this
28 chapter. This subsection does not apply to payments to a broker who
29 is licensed in his or her state of residence.

30 (d) A conviction of, or the entry of a plea of guilty, guilty but
31 mentally ill or nolo contendere to:

32 (1) A felony relating to the practice of the licensee, property
33 manager or owner-developer; or

34 (2) Any crime involving fraud, deceit, misrepresentation or
35 moral turpitude.

36 (e) Guaranteeing, or having authorized or permitted any person
37 to guarantee, future profits which may result from the resale of real
38 property.

39 (f) Failure to include a fixed date of expiration in any written
40 brokerage agreement or failure to leave a copy of such a brokerage
41 agreement or any property management agreement with the client.

42 (g) Accepting, giving or charging any undisclosed commission,
43 rebate or direct profit on expenditures made for a client.



1 (h) Gross negligence or incompetence in performing any act for
2 which the person is required to hold a license pursuant to this
3 chapter, chapter 119, 119A or 119B of NRS.

4 (i) Any other conduct which constitutes deceitful, fraudulent or
5 dishonest dealing.

6 (j) Any conduct which took place before the person became
7 licensed which was in fact unknown to the Division and which
8 would have been grounds for denial of a license had the Division
9 been aware of the conduct.

10 (k) Knowingly permitting any person whose license has been
11 revoked or suspended to act as a real estate broker, broker-
12 salesperson or salesperson, with or on behalf of the licensee.

13 (l) Recording or causing to be recorded a claim pursuant to the
14 provisions of NRS 645.8701 to 645.8811, inclusive, that is
15 determined by a district court to be frivolous and made without
16 reasonable cause pursuant to NRS 645.8791.

17 2. The Commission may take action pursuant to NRS 645.630
18 against a person who is subject to that section for the suspension or
19 revocation of a real estate broker's, broker-salesperson's or
20 salesperson's license issued by any other jurisdiction.

21 3. The Commission may take action pursuant to NRS 645.630
22 against any person who:

23 (a) Holds a permit to engage in property management issued
24 pursuant to NRS 645.6052; and

25 (b) In connection with any property for which the person has
26 obtained a property management agreement pursuant to
27 NRS 645.6056:

28 (1) Is convicted of violating any of the provisions of
29 NRS 202.470;

30 (2) Has been notified in writing by the appropriate
31 governmental agency of a potential violation of NRS 244.360,
32 244.3603 or 268.4124, and has failed to inform the owner of the
33 property of such notification; or

34 (3) Has been directed in writing by the owner of the property
35 to correct a potential violation of NRS 244.360, 244.3603 or
36 268.4124, and has failed to correct the potential violation, if such
37 corrective action is within the scope of the person's duties pursuant
38 to the property management agreement.

39 4. The Division shall maintain a log of any complaints that it
40 receives relating to activities for which the Commission may take
41 action against a person holding a permit to engage in property
42 management pursuant to subsection 3.

43 ~~§5. On or before February 1 of each odd numbered year, the~~
44 ~~Division shall submit to the Director of the Legislative Counsel~~
45 ~~Bureau a written report setting forth, for the previous biennium:~~



1 ~~—(a) Any complaints included in the log maintained by the~~
2 ~~Division pursuant to subsection 4; and~~
3 ~~—(b) Any disciplinary actions taken by the Commission pursuant~~
4 ~~to subsection 3.]~~

5 **Sec. 18.** (Deleted by amendment.)

6 **Sec. 19.** This act becomes effective on July 1, 2015.

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* A B 4 5 7 R 1 *