

ASSEMBLY BILL NO. 5—COMMITTEE OF THE WHOLE

JULY 21, 2003

Declared an Emergency Measure

SUMMARY—Makes technical corrections to certain measures approved by 72nd Session of Nevada Legislature. (BDR S-10)

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 statutes; making technical corrections to certain measures approved by the 72nd Session of the Nevada Legislature; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Section 1 of Assembly Bill No. 192 of the 72nd
2 Session of the Nevada Legislature is hereby amended to read as
3 follows:
4 *Section 1.* Chapter 482 of NRS is hereby amended by
5 adding thereto a new section to read as follows:
6 1. With respect to any special license plate that is issued
7 pursuant to NRS 482.3667 to 482.3825, inclusive, and for
8 which an additional fee is imposed for the issuance of the
9 special license plate to generate financial support for a
10 charitable organization:
11 (a) The Director shall, at the request of the charitable
12 organization that is benefited by the particular special license
13 plate:
14 (1) Order the design and preparation of souvenir
15 license plates, the design of which must be substantially
16 similar to the particular special license plate; and



1 (2) Issue such souvenir license plates, for a fee
2 established pursuant to NRS 482.3825, only to the charitable
3 organization that is benefited by the particular special license
4 plate. The charitable organization may resell such souvenir
5 license plates at a price determined by the charitable
6 organization.

7 (b) The Department may, except as otherwise provided in
8 this paragraph and after ~~approving the final design of~~ the
9 particular special license plate ~~[]~~ *is approved for issuance*,
10 issue the special license plate for a trailer or other type of
11 vehicle that is not a passenger car or light commercial
12 vehicle, excluding motorcycles and vehicles required to be
13 registered with the Department pursuant to NRS 706.801 to
14 706.861, inclusive, upon application by a person who is
15 entitled to license plates pursuant to NRS 482.265 and who
16 otherwise complies with the requirements for registration and
17 licensing pursuant to this chapter. The Department may not
18 issue a special license plate for such other types of vehicles if
19 the Department determines that the design or manufacture of
20 the plate for those other types of vehicles would not be
21 feasible. In addition, if the Department incurs additional costs
22 to manufacture a special license plate for such other types of
23 vehicles, including, without limitation, costs associated with
24 the purchase, manufacture or modification of dies or other
25 equipment necessary to manufacture the special license plate
26 for such other types of vehicles, those additional costs must
27 be paid from private sources without any expense to the State
28 of Nevada.

29 2. As used in this section, "charitable organization"
30 means a particular cause, charity or other entity that receives
31 money from the imposition of an additional fee in connection
32 with the issuance of a special license plate pursuant to NRS
33 482.3667 to 482.3825, inclusive. The term includes the
34 successor, if any, of a charitable organization.

35 **Sec. 2.** Section 2 of Assembly Bill No. 388 of the 72nd
36 Session of the Nevada Legislature is hereby amended to read as
37 follows:

38 Sec. 2. Chapter 287 of NRS is hereby amended by
39 adding thereto a new section to read as follows:

40 1. A local government employer and any employee
41 organization that is recognized by the employer pursuant to
42 chapter 288 of NRS may, by written agreement between
43 themselves or with other local government employers and
44 employee organizations, establish a trust fund to provide
45 health and welfare benefits to active and retired employees of



1 the participating employers and the dependents of those
2 employees.

3 2. All contributions made to a trust fund established
4 pursuant to this section must be held in trust and used:

5 (a) To provide, from principal or income, or both, for the
6 benefit of the participating employees and their dependents,
7 medical, hospital, dental, vision, death, disability or accident
8 benefits, or any combination thereof, and any other benefit
9 appropriate for an entity that qualifies as a voluntary
10 employees' beneficiary association under Section 501(c)(9)
11 of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(9),
12 as amended; and

13 (b) To pay any reasonable administrative expenses
14 incident to the provision of these benefits and the
15 administration of the trust.

16 3. The basis on which contributions are to be made to
17 the trust must be specified in a collective bargaining
18 agreement between each participating local government
19 employer and employee organization or in a written
20 participation agreement between the employer and employee
21 organization, jointly, and the trust.

22 4. The trust must be administered by a board of trustees
23 on which participating local government employers and
24 employee organizations are equally represented. The
25 agreement that establishes the trust must:

26 (a) Set forth the powers and duties of the board of
27 trustees, which must not be inconsistent with the provisions
28 of this section;

29 (b) Establish a procedure for resolving expeditiously any
30 deadlock that arises among the members of the board of
31 trustees; and

32 (c) Provide for an audit of the trust, at least annually, the
33 results of which must be reported to each participating
34 employer and employee organization.

35 *5. The provisions of paragraphs (b) and (c) of*
36 *subsection 2 of section 1 of Senate Bill No. 28 of the 72nd*
37 *Session of the Nevada Legislature apply to a trust fund*
38 *established pursuant to this section by the governing body of*
39 *a school district.*

40 6. As used in this section:

41 (a) "Employee organization" has the meaning ascribed to
42 it in NRS 288.040.

43 (b) "Local government employer" has the meaning
44 ascribed to it in NRS 288.060.



1 **Sec. 3.** Section 16 of Assembly Bill No. 490 of the 72nd
2 Session of the Nevada Legislature is hereby amended to read as
3 follows:

4 Sec. 16. 1. The Commissioner shall collect an
5 assessment pursuant to this section from each:

6 (a) Escrow ~~agent~~ *agency* that is supervised pursuant to
7 chapter 645A of NRS;

8 (b) Mortgage broker that is supervised pursuant to chapter
9 645B of NRS; and

10 (c) Mortgage banker that is supervised pursuant to chapter
11 645E of NRS.

12 2. The Commissioner shall determine the total amount
13 of all assessments to be collected from the entities identified
14 in subsection 1, but that amount must not exceed the amount
15 necessary to recover the cost of legal services provided by the
16 Attorney General to the Commissioner and to the Division.
17 The total amount of all assessments collected must be
18 reduced by any amounts collected by the Commissioner from
19 an entity for the recovery of the costs of legal services
20 provided by the Attorney General in a specific case.

21 3. The Commissioner shall collect from each entity
22 identified in subsection 1 an assessment that is based on:

23 (a) An equal basis; or

24 (b) Any other reasonable basis adopted by the
25 Commissioner.

26 4. The assessment required by this section is in addition
27 to any other assessment, fee or cost required by law to be paid
28 by an entity identified in subsection 1.

29 5. Money collected by the Commissioner pursuant to
30 this section must be deposited in the Fund for Mortgage
31 Lending created by section 17 of this act.

32 **Sec. 4.** Section 45 of Assembly Bill No. 490 of the 72nd
33 Session of the Nevada Legislature is hereby amended to read as
34 follows:

35 Sec. 45. NRS 645B.670 is hereby amended to read as
36 follows:

37 645B.670 Except as otherwise provided in
38 NRS 645B.690:

39 1. For each violation committed by an applicant *for a*
40 *license issued pursuant to this chapter*, whether or not he is
41 issued a license, the Commissioner may impose upon the
42 applicant an administrative fine of not more than \$10,000, if
43 the applicant:

44 (a) Has knowingly made or caused to be made to the
45 Commissioner any false representation of material fact;



1 (b) Has suppressed or withheld from the Commissioner
2 any information which the applicant possesses and which, if
3 submitted by him, would have rendered the applicant
4 ineligible to be licensed pursuant to the provisions of this
5 chapter; or

6 (c) Has violated any provision of this chapter, a regulation
7 adopted pursuant to this chapter or an order of the
8 Commissioner in completing and filing his application for a
9 license or during the course of the investigation of his
10 application for a license.

11 2. For each violation committed by a ~~licensee,~~
12 *mortgage broker*, the Commissioner may impose upon the
13 ~~licensee~~ *mortgage broker* an administrative fine of not more
14 than \$10,000, may suspend, revoke or place conditions upon
15 his license, or may do both, if the ~~licensee,~~ *mortgage*
16 *broker*, whether or not acting as such:

17 (a) Is insolvent;

18 (b) Is grossly negligent or incompetent in performing any
19 act for which he is required to be licensed pursuant to the
20 provisions of this chapter;

21 (c) Does not conduct his business in accordance with law
22 or has violated any provision of this chapter, a regulation
23 adopted pursuant to this chapter or an order of the
24 Commissioner;

25 (d) Is in such financial condition that he cannot continue
26 in business with safety to his customers;

27 (e) Has made a material misrepresentation in connection
28 with any transaction governed by this chapter;

29 (f) Has suppressed or withheld from a client any material
30 facts, data or other information relating to any transaction
31 governed by the provisions of this chapter which the
32 ~~licensee~~ *mortgage broker* knew or, by the exercise of
33 reasonable diligence, should have known;

34 (g) Has knowingly made or caused to be made to the
35 Commissioner any false representation of material fact or has
36 suppressed or withheld from the Commissioner any
37 information which the ~~licensee~~ *mortgage broker* possesses
38 and which, if submitted by him, would have rendered the
39 ~~licensee~~ *mortgage broker* ineligible to be licensed pursuant
40 to the provisions of this chapter;

41 (h) Has failed to account to persons interested for all
42 money received for a trust account;

43 (i) Has refused to permit an examination by the
44 Commissioner of his books and affairs or has refused or
45 failed, within a reasonable time, to furnish any information or



1 make any report that may be required by the Commissioner
2 pursuant to the provisions of this chapter or a regulation
3 adopted pursuant to this chapter;

4 (j) Has been convicted of, or entered a plea of nolo
5 contendere to, a felony or any crime involving fraud,
6 misrepresentation or moral turpitude;

7 (k) Has refused or failed to pay, within a reasonable time,
8 any fees, assessments, costs or expenses that the ~~licensee~~
9 **mortgage broker** is required to pay pursuant to this chapter or
10 a regulation adopted pursuant to this chapter;

11 (l) Has failed to satisfy a claim made by a client which
12 has been reduced to judgment;

13 (m) Has failed to account for or to remit any money of a
14 client within a reasonable time after a request for an
15 accounting or remittal;

16 (n) Has commingled the money or other property of a
17 client with his own or has converted the money or property of
18 others to his own use;

19 (o) Has engaged in any other conduct constituting a
20 deceitful, fraudulent or dishonest business practice;

21 (p) Has repeatedly violated the policies and procedures of
22 the mortgage broker;

23 (q) Has failed to exercise reasonable supervision over the
24 activities of a mortgage agent as required by NRS 645B.460;

25 (r) Has instructed a mortgage agent to commit an act that
26 would be cause for the revocation of the license of the
27 mortgage broker, whether or not the mortgage agent commits
28 the act;

29 (s) Has employed a person as a mortgage agent or
30 authorized a person to be associated with the ~~licensee~~
31 **mortgage broker** as a mortgage agent at a time when the
32 ~~licensee~~ **mortgage broker** knew or, in light of all the
33 surrounding facts and circumstances, reasonably should have
34 known that the person:

35 (1) Had been convicted of, or entered a plea of nolo
36 contendere to, a felony or any crime involving fraud,
37 misrepresentation or moral turpitude; or

38 (2) Had a financial services license or registration
39 suspended or revoked within the immediately preceding 10
40 years; or

41 (t) Has not conducted verifiable business as a mortgage
42 broker for 12 consecutive months, except in the case of a new
43 applicant. The Commissioner shall determine whether a
44 mortgage broker is conducting business by examining the
45 monthly reports of activity submitted by the ~~licensee~~



1 *mortgage broker* or by conducting an examination of the
2 ~~licensee.~~ *mortgage broker.*

3 3. *For each violation committed by a mortgage agent,*
4 *the Commissioner may impose upon the mortgage agent an*
5 *administrative fine of not more than \$10,000, may suspend,*
6 *revoke or place conditions upon his license, or may do both,*
7 *if the mortgage agent, whether or not acting as such:*

8 (a) *Is grossly negligent or incompetent in performing*
9 *any act for which he is required to be licensed pursuant to*
10 *the provisions of this chapter;*

11 (b) *Has made a material misrepresentation in*
12 *connection with any transaction governed by this chapter;*

13 (c) *Has suppressed or withheld from a client any*
14 *material facts, data or other information relating to any*
15 *transaction governed by the provisions of this chapter which*
16 *the mortgage agent knew or, by the exercise of reasonable*
17 *diligence, should have known;*

18 (d) *Has knowingly made or caused to be made to the*
19 *Commissioner any false representation of material fact or*
20 *has suppressed or withheld from the Commissioner any*
21 *information which the mortgage agent possesses and which,*
22 *if submitted by him, would have rendered the mortgage*
23 *agent ineligible to be licensed pursuant to the provisions of*
24 *this chapter;*

25 (e) *Has been convicted of, or entered a plea of nolo*
26 *contendere to, a felony or any crime involving fraud,*
27 *misrepresentation or moral turpitude;*

28 (f) *Has failed to account for or to remit any money of a*
29 *client within a reasonable time after a request for an*
30 *accounting or remittal;*

31 (g) *Has commingled the money or other property of a*
32 *client with his own or has converted the money or property*
33 *of others to his own use;*

34 (h) *Has engaged in any other conduct constituting a*
35 *deceitful, fraudulent or dishonest business practice;*

36 (i) *Has repeatedly violated the policies and procedures*
37 *of the mortgage broker with whom he is associated or by*
38 *whom he is employed; or*

39 (j) *Has violated any provision of this chapter, a*
40 *regulation adopted pursuant to this chapter or an order of*
41 *the Commissioner or has assisted or offered to assist*
42 *another person to commit such a violation.*



1 **Sec. 5.** Section 3 of Assembly Bill No. 493 of the 72nd
2 Session of the Nevada Legislature is hereby amended to read as
3 follows:

4 Sec. 3. 1. On a quarterly or other regular basis, the
5 Commissioner shall collect an assessment pursuant to this
6 section from each:

7 (a) Check-cashing service or deferred deposit service that
8 is supervised pursuant to chapter 604 of NRS;

9 ~~(b) Escrow agent that is supervised pursuant to chapter~~
10 ~~645A of NRS;~~

11 ~~—(c) Mortgage broker that is supervised pursuant to chapter~~
12 ~~645B of NRS;~~

13 ~~—(d) Mortgage company that is supervised pursuant to~~
14 ~~chapter 645E of NRS;~~

15 ~~—(e)~~ Collection agency that is supervised pursuant to
16 chapter 649 of NRS;

17 ~~(f)~~ (c) Bank that is supervised pursuant to chapters 657
18 to 668, inclusive, of NRS;

19 ~~(g)~~ (d) Trust company that is supervised pursuant to
20 chapter 669 of NRS;

21 ~~(h)~~ (e) Development corporation that is supervised
22 pursuant to chapter 670 of NRS;

23 ~~(i)~~ (f) Corporation for economic revitalization and
24 diversification that is supervised pursuant to chapter 670A of
25 NRS;

26 ~~(j)~~ (g) Person engaged in the business of selling or
27 issuing checks or of receiving for transmission or transmitting
28 money or credits that is supervised pursuant to chapter 671 of
29 NRS;

30 ~~(k)~~ (h) Savings and loan association that is supervised
31 pursuant to chapter 673 of NRS;

32 ~~(l)~~ (i) Person engaged in the business of lending that is
33 supervised pursuant to chapter 675 of NRS;

34 ~~(m)~~ (j) Person engaged in the business of debt adjusting
35 that is supervised pursuant to chapter 676 of NRS;

36 ~~(n)~~ (k) Thrift company that is supervised pursuant to
37 chapter 677 of NRS; and

38 ~~(o)~~ (l) Credit union that is supervised pursuant to
39 chapter 678 of NRS.

40 2. The Commissioner shall determine the total amount
41 of all assessments to be collected from the entities identified
42 in subsection 1, but that amount must not exceed the amount
43 necessary to recover the cost of legal services provided by the
44 Attorney General to the Commissioner and to the Division.
45 The total amount of all assessments collected must be



1 reduced by any amounts collected by the Commissioner from
2 an entity for the recovery of the costs of legal services
3 provided by the Attorney General in a specific case.

4 3. The Commissioner shall collect from each entity
5 identified in subsection 1 an assessment that is based on:

6 (a) A portion of the total amount of all assessments as
7 determined pursuant to subsection 2, such that the assessment
8 collected from an entity identified in subsection 1 shall bear
9 the same relation to the total amount of all assessments as the
10 total assets of that entity bear to the total of all assets of all
11 entities identified in subsection 1; or

12 (b) Any other reasonable basis adopted by the
13 Commissioner.

14 4. The assessment required by this section is in addition
15 to any other assessment, fee or cost required by law to be paid
16 by an entity identified in subsection 1.

17 5. Money collected by the Commissioner pursuant to
18 this section must be deposited in the State Treasury pursuant
19 to the provisions of section 2 of this act.

20 **Sec. 6.** Section 15 of Assembly Bill No. 541 of the 72nd
21 Session of the Nevada Legislature is hereby amended to read as
22 follows:

23 Sec. 15. Chapter 294A of NRS is hereby amended by
24 adding thereto a new section to read as follows:

25 ~~The Secretary of State [and a city clerk] shall not request~~
26 ~~or require a candidate, person, group of persons, committee or~~
27 ~~political party to list each of the expenditures or campaign~~
28 ~~expenses of \$100 or less on a form designed and provided~~
29 ~~pursuant to [NRS 294A.125, 294A.200, 294A.210, 294A.220,~~
30 ~~294A.280, 294A.360 or 294A.362.]~~ *section 1 of Assembly*
31 *Bill No. 529 of the 72nd Session of the Nevada Legislature.*

32 **Sec. 7.** Section 4 of Assembly Bill No. 555 of the 72nd
33 Session of the Nevada Legislature is hereby amended to read as
34 follows:

35 Sec. 4. 1. There is hereby appropriated from the State
36 General Fund to the State Board of Examiners for
37 reimbursement to any department, commission or agency of
38 the State of Nevada, including the Judicial Branch of
39 government, which receives part or all of its funding from the
40 State General Fund, for the difference between the maximum
41 amount allowed in sections 1, 2 and 3 of this act and the
42 amount budgeted for that purpose:

43 For the Fiscal Year 2004-2005 \$874,112

44 2. There is hereby appropriated from the State Highway
45 Fund to the State Board of Examiners for reimbursement to a



1 state agency which receives part or all of its funding from the
2 State Highway Fund, for the difference between the
3 maximum amount allowed in sections 1, 2 and 3 of this act
4 and the amount budgeted for that purpose:

5 For the Fiscal Year 2004-2005 \$19,188

6 3. The State Board of Examiners, upon the
7 recommendation of the Director of the Department of
8 Administration, may allocate and disburse from the
9 appropriate fund to various departments, commissions and
10 agencies of the State of Nevada, out of the money
11 appropriated by this section such sums of money as may from
12 time to time be required, which, when added to the money
13 otherwise appropriated or available, equals the amount of
14 money required to pay the salaries of the ~~classified~~
15 *unclassified* employees of the respective departments,
16 commissions and agencies under the adjusted pay plan.

17 **Sec. 8.** Senate Bill No. 78 of the 72nd Session of the Nevada
18 Legislature is hereby amended by adding thereto a new section to be
19 designated as sec. 7.5, immediately following sec. 7, to read as
20 follows:

21 Sec. 7.5. Notwithstanding any law to the contrary, any
22 regulations adopted pursuant to the amendatory provisions of
23 Chapter 418, Statutes of Nevada 2001, at page 2120, before
24 July 1, 2003, that were originally set to:

25 1. Expire by limitation on June 30, 2003, are hereby
26 extended and shall remain effective through June 30, 2009; or

27 2. Become effective on July 1, 2003, are hereby delayed
28 and shall become effective on July 1, 2009,
29 unless amended or repealed before that date.

30 **Sec. 9.** Section 8 of Senate Bill No. 78 of the 72nd Session of
31 the Nevada Legislature is hereby amended to read as follows:

32 Sec. 8. 1. This section and section 7.5 of this act
33 become effective on June 30, 2003.

34 2. Sections 1, 3, 5, 6 and 7 of this act become effective
35 on July 1, 2003.

36 3. Sections 1 and 3 of this act expire by limitation on
37 June 30, 2009.

38 4. Sections 2 and 4 of this act become effective on
39 July 1, 2009.

40 **Sec. 10.** Section 1.3 of Senate Bill No. 147 of the 72nd
41 Session of the Nevada Legislature is hereby amended to read as
42 follows:

43 Sec. 1.3. 1. A list of each public officer who is
44 required to file a statement of financial disclosure ~~pursuant~~
45 ~~to NRS 281.561 or section 1.7 of this act~~ must be submitted



electronically to the Commission and to the Secretary of State, in a form prescribed by the Commission, on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the Commission, a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 11. Section 2 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature is hereby amended to read as follows:

Sec. 2. NRS 281.431 is hereby amended to read as follows:

281.431 As used in NRS 281.411 to 281.581, inclusive, and ~~sections 1.3 and 1.7~~ *section 1.3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 281.432 to 281.4375, inclusive, have the meanings ascribed to them in those sections.

Sec. 12. Section 9 of Senate Bill No. 183 of the 72nd Session of the Nevada Legislature is hereby amended to read as follows:

Sec. 9. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall provide coverage for colorectal cancer screening in accordance with:

1. The guidelines concerning colorectal cancer screening which are published by the American Cancer Society; or



1 2. *Other guidelines or reports concerning colorectal*
2 *cancer screening which are published by nationally*
3 *recognized professional organizations and which include*
4 *current or prevailing supporting scientific data.*

5 **Sec. 13.** Section 1 of Senate Bill No. 233 of the 72nd Session
6 of the Nevada Legislature is hereby amended to read as follows:

7 Section 1. NRS 349.986 is hereby amended to read as
8 follows:

9 349.986 The State Board of Finance shall issue general
10 obligation bonds of the State of Nevada in the face amount of
11 not more than ~~[\$86,000,000]~~ *\$90,000,000* to support the
12 purposes of the program. The net proceeds from the sale of
13 the bonds must be deposited in the Fund. The bonds must be
14 redeemed through the Consolidated Bond Interest and
15 Redemption Fund.

16 **Sec. 14.** Section 35 of Senate Bill No. 250 of the 72nd Session
17 of the Nevada Legislature is hereby amended to read as follows:

18 Sec. 35. ~~[[H]]~~ *Except as otherwise provided in section 5*
19 *of Senate Bill No. 332 of the 72nd Session of the Nevada*
20 *Legislature, in* addition to the other requirements for
21 licensure, an applicant for a license to practice medicine shall
22 cause to be submitted to the Board a certificate of completion
23 of progressive postgraduate training from the residency
24 program where the applicant received training.

25 **Sec. 15.** Section 52 of Senate Bill No. 250 of the 72nd Session
26 of the Nevada Legislature is hereby amended to read as follows:

27 Sec. 52. NRS 630.301 is hereby amended to read as
28 follows:

29 630.301 The following acts, among others, constitute
30 grounds for initiating disciplinary action or denying licensure:

31 1. Conviction of a felony ~~[[H]]~~ *relating to the practice of*
32 *medicine or the ability to practice medicine.* A plea of nolo
33 contendere is a conviction for the purposes of this subsection.

34 2. Conviction of violating any of the provisions of NRS
35 616D.200, 616D.220, 616D.240, 616D.300, 616D.310 or
36 616D.350 to 616D.440, inclusive.

37 3. The revocation, suspension, modification or limitation
38 of the license to practice any type of medicine by any other
39 jurisdiction or the surrender of the license or discontinuing
40 the practice of medicine while under investigation by any
41 licensing authority, a medical facility, a branch of the Armed
42 Services of the United States, an insurance company, an
43 agency of the Federal Government or an employer.



* A B 5 *

1 4. Malpractice, which may be evidenced by claims
2 settled against a practitioner, but only if such malpractice is
3 established by a preponderance of the evidence.

4 5. The engaging by a practitioner in any sexual activity
5 with a patient who is currently being treated by the
6 practitioner.

7 6. Disruptive behavior with physicians, hospital
8 personnel, patients, members of the families of patients or
9 any other persons if the behavior interferes with patient care
10 or has an adverse impact on the quality of care rendered to a
11 patient.

12 7. The engaging in conduct that violates the trust of a
13 patient and exploits the relationship between the physician
14 and the patient for financial or other personal gain.

15 8. The failure to offer appropriate procedures or studies,
16 to protest inappropriate denials by organizations for managed
17 care, to provide necessary services or to refer a patient to an
18 appropriate provider, when such a failure occurs with the
19 intent of positively influencing the financial well-being of the
20 practitioner or an insurer.

21 9. The engaging in conduct that brings the medical
22 profession into disrepute, including, without limitation,
23 conduct that violates any provision of a national code of
24 ethics adopted by the Board by regulation.

25 10. The engaging in sexual contact with the surrogate of
26 a patient or other key persons related to a patient, including,
27 without limitation, a spouse, parent or legal guardian, which
28 exploits the relationship between the physician and the patient
29 in a sexual manner.

30 **Sec. 16.** 1. Section 32 of Assembly Bill No. 55 of the 72nd
31 Session of the Nevada Legislature is hereby repealed.

32 2. Sections 12, 13 and 14 of Assembly Bill No. 493 of the 72nd
33 Session of the Nevada Legislature are hereby repealed.

34 3. Section 38 of Senate Bill No. 100 of the 72nd Session of the
35 Nevada Legislature is hereby repealed.

36 4. Sections 1.7, 3.7, 8.3, 8.7, 9 and 11 of Senate Bill No. 147 of
37 the 72nd Session of the Nevada Legislature are hereby repealed.

38 5. Section 4 of Senate Bill No. 200 of the 72nd Session of the
39 Nevada Legislature is hereby repealed.

40 6. Section 45 of Senate Bill No. 250 of the 72nd Session of the
41 Nevada Legislature is hereby repealed.

42 **Sec. 17.** 1. This section and sections 8 and 9 of this act
43 become effective upon passage and approval, but apply retroactively
44 to June 30, 2003.



- 1 2. Sections 1 to 5, inclusive, and 7 to 16, inclusive, of this act
- 2 become effective upon passage and approval.
- 3 3. Section 6 of this act becomes effective on January 1, 2004.

TEXT OF REPEALED SECTIONS

Section 32 of Assembly Bill No. 55 of the 72nd Session of the Nevada Legislature:

Sec. 32. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of ~~[a felony,]~~ any offense involving moral turpitude or any offense relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240, 616D.300, 616D.310, or 616D.350 to 616D.440, inclusive.

3. The revocation, suspension, modification or limitation of the license to practice any type of medicine by any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the Armed Services of the United States, an insurance company, an agency of the Federal Government or an employer.

4. Malpractice, which may be evidenced by claims settled against a practitioner.

5. The engaging by a practitioner in any sexual activity with a patient who is currently being treated by the practitioner.

6. Disruptive behavior with physicians, hospital personnel, patients, members of the families of patients or any other persons if the behavior interferes with patient care or has an adverse impact on the quality of care rendered to a patient.

7. The engaging in conduct that violates the trust of a patient and exploits the relationship between the physician and the patient for financial or other personal gain.

8. The failure to offer appropriate procedures or studies, to protest inappropriate denials by organizations for managed care, to provide necessary services or to refer a patient to an



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appropriate provider, when such a failure occurs with the intent of positively influencing the financial well-being of the practitioner or an insurer.

9. The engaging in conduct that brings the medical profession into disrepute, including, without limitation, conduct that violates any provision of a national code of ethics adopted by the Board by regulation.

10. The engaging in sexual contact with the surrogate of a patient or other key persons related to a patient, including, without limitation, a spouse, parent or legal guardian, which exploits the relationship between the physician and the patient in a sexual manner.

Section 12 of Assembly Bill No. 493 of the 72nd Session of the Nevada Legislature:

Sec. 12. NRS 645A.040 is hereby amended to read as follows:

645A.040 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal and paying the annual fee for the succeeding year.

2. The fees for the issuance or renewal of a license for an escrow agency are:

(a) For filing an application for an initial license, \$500 for the principal office and \$100 for each branch office. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.

(b) If the license is approved for issuance, \$200 for the principal office and \$100 for each branch office. The fee must be paid before issuance of the license.

(c) For filing an application for renewal, \$200 for the principal office and \$100 for each branch office.

3. The fees for the issuance or renewal of a license for an escrow agent are:

(a) For filing an application for an initial license or for the renewal of a license, \$100.

(b) If a license is approved for issuance or renewal, \$25. The fee must be paid before the issuance or renewal of the license.

4. If a licensee fails to pay the fee for the annual renewal of his license before its expiration, his license may be renewed only upon the payment of a fee 1 1/2 times the amount otherwise required for renewal. A license may be



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renewed pursuant to this subsection only if all the fees are paid within 1 year after the date on which the license expired.

5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:

(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, \$10.

(b) For filing any change of information contained in the application, \$10.

(c) For each change of association with an escrow agency, \$25.

6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the State Treasury ~~for credit to the State General Fund.~~ *pursuant to the provisions of section 2 of this act.*

Section 13 of Assembly Bill No. 493 of the 72nd Session of the Nevada Legislature:

Sec. 13. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license issued pursuant to this chapter expires each year on June 30, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or before June 30 of each year:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) The information required pursuant to NRS 645B.051.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before June 30 of any year, the license is cancelled. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) Except as otherwise provided in this section, a reinstatement fee of \$200.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before December 31 of each year:



(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before December 31 of any year, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of \$100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, \$1,500 for the principal office and \$40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.

(b) To be issued a license, \$1,000 for the principal office and \$60 for each branch office.

(c) To renew a license, \$500 for the principal office and \$100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, \$200.

(b) To renew a certificate of exemption, \$100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of \$10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the State Treasury ~~{for credit to the State General Fund.}~~ *pursuant to the provisions of section 2 of this act.*



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9. The Commissioner may, by regulation, increase any fee set forth in this section if the Commissioner determines that such an increase is necessary for the Commissioner to carry out his duties pursuant to this chapter. The amount of any increase in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his duties pursuant to this chapter.

Section 14 of Assembly Bill No. 493 of the 72nd Session of the Nevada Legislature:

Sec. 14. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage company pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the license pursuant to this section.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner on or before December 31 of any year, the license is cancelled. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner:

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of \$200.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner on or before December 31 of each year:

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner on or before December 31 of any year, the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner:



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(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) A reinstatement fee of \$100.

5. A person must pay the following fees to apply for, to be issued or to renew a license as a mortgage company pursuant to this chapter:

(a) To file an original application for a license, \$1,500 for the principal office and \$40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this paragraph must be placed in the Investigative Account created by NRS 232.545.

(b) To be issued a license, \$1,000 for the principal office and \$60 for each branch office.

(c) To renew a license, \$500 for the principal office and \$100 for each branch office.

6. A person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, \$200.

(b) To renew a certificate of exemption, \$100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of \$10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the State Treasury ~~{for credit to the State General Fund.}~~ *pursuant to the provisions of section 2 of this act.*

Section 38 of Senate Bill No. 100 of the 72nd Session of the Nevada Legislature:

Sec. 38. *1. Notwithstanding any provision of the governing documents to the contrary, and except as otherwise provided in this section, a unit's owner is entitled to display the flag of the United States, in a manner that is consistent with the Federal Flag Code, from or on:*

(a) A flagpole or staff which is located on exterior property within the boundaries of his unit or which is attached to an exterior limited common element that forms a part of the boundaries of his unit.

(b) A window, ledge, sill, railing, patio, terrace or balcony of his unit or an exterior limited common element



that forms a part of the boundaries of his unit, whether or not the flag is displayed from a flagpole or staff.

2. An association may adopt rules that:

(a) Prohibit the display of the flag of the United States in a manner that is inconsistent with the Federal Flag Code.

(b) Prohibit the display of the flag of the United States if the flag exceeds 4 feet in its vertical dimension or 6 feet in its horizontal dimension. For the purposes of this paragraph, the horizontal dimension of the flag is the dimension that is parallel with the horizontal stripes of the flag, regardless of the position in which the flag is displayed.

(c) Establish a maximum number of flags of the United States that may be displayed from, on or around the exterior of a unit. The maximum number may be one.

(d) Prohibit the display of the flag of the United States from a flagpole or staff that exceeds 25 feet in height.

(e) Prohibit the display of the flag of the United States in a manner that poses a real and substantial danger to health or safety.

3. As used in this section:

(a) "Federal Flag Code" means the rules and customs pertaining to the display and use of the flag of the United States which are codified in 4 U.S.C. §§ 5 to 10, inclusive, as altered, modified or repealed by the President of the United States pursuant to 4 U.S.C. § 10, and any additional rules pertaining to the display and use of the flag of the United States which are prescribed by the President pursuant to 4 U.S.C. § 10.

(b) "Flag of the United States" does not include a depiction or emblem of the flag of the United States that is made of balloons, flora, lights, paint, paving materials, roofing, siding or any other similar building, decorative or landscaping component or material.

Section 1.7 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature:

Sec. 1.7. 1. Except as otherwise provided in subsection 2 or 3, each public officer who was appointed to the office for which he is serving and who is entitled to receive annual compensation of \$6,000 or more for serving in that office shall file with the Commission, and with the officer with whom declarations of candidacy for the office are filed, a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.



(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

(c) A public officer who leaves office on a date other than the expiration of his term or anniversary of his appointment shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed.

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the requirements of subsection 1 for every other public office in which he is also serving.

4. A person may satisfy the requirements of subsection 1 by filing with the Commission a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the Commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

Section 3.7 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature:

Sec. 3.7. NRS 281.471 is hereby amended to read as follows:

281.471 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.



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2. *Prescribe, by regulation, forms for the submission of statements of financial disclosure filed by candidates and elected and appointed public officers pursuant to NRS 281.561 and section 1.7 of this act and statements of acknowledgment filed by public officers pursuant to NRS 281.552.*

3. Prescribe, by regulation, ~~{forms-and}~~ procedures for the submission of statements of financial disclosure *filed by appointed public officers pursuant to section 1.7 of this act* and statements of acknowledgment filed by public officers pursuant to NRS 281.552, maintain files of such statements and make the statements available for public inspection.

~~{3-}~~ 4. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

~~{4-}~~ 5. Inform the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.

~~{5-}~~ 6. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

~~{6-}~~ 7. Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281.511, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281.511; and

(c) An abstract of the requirements of this chapter.

The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.

Section 8.3 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature:

Sec. 8.3. NRS 281.552 is hereby amended to read as follows:

281.552 1. Every public officer shall acknowledge that he has received, read and understands the statutory ethical standards. The acknowledgment must be on a form prescribed by the Commission and must accompany the first statement of financial disclosure that the public officer is required to file with the Commission pursuant to *section 1.7 of this act or with the Secretary of State pursuant to* NRS 281.561.



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2. The Commission *and the Secretary of State* shall retain an acknowledgment filed pursuant to this section for 6 years after the date on which the acknowledgment was filed.

3. Willful refusal to execute and file the acknowledgment required by this section constitutes nonfeasance in office and is a ground for removal pursuant to NRS 283.440.

Section 8.7 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature:

Sec. 8.7. NRS 281.561 is hereby amended to read as follows:

281.561 1. Except as otherwise provided in subsection 2 or 3, ~~if a~~ *each* candidate for public office ~~for a public officer is~~ *who will be* entitled to receive *annual* compensation *of \$6,000 or more* for serving in the office ~~in question, he~~ *that he is seeking and each public officer who was elected to the office for which he is serving* shall file with the ~~Commission~~ *Secretary of State*, and with the officer with whom declarations of candidacy for the office ~~in question~~ are filed, a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office.

(b) ~~A public officer appointed to fill the unexpired term of an elected public officer shall file a statement of financial disclosure within 30 days after his appointment.~~

~~(c) Every public officer, whether appointed or elected,~~ *Each public officer* shall file a statement of financial disclosure on or before ~~March 31~~ *January 15* of each year of the term, including the year the term expires.

~~(d)~~ (c) A public officer who leaves office on a date other than the expiration of his term or anniversary of his ~~appointment or election,~~ *election* shall file a statement of financial disclosure within 60 days after leaving office.

2. A statement filed pursuant to one of the paragraphs of subsection 1 may be used to satisfy the requirements of another paragraph of subsection 1 if the initial statement was filed not more than 3 months before the other statement is required to be filed.

3. If a person is serving in a public office for which he is required to file a statement pursuant to subsection 1, he may use the statement he files for that initial office to satisfy the



requirements of subsection 1 for every other public office in which he is also serving.

4. A person may satisfy the requirements of subsection 1 by filing with the ~~[Commission]~~ *Secretary of State* a copy of a statement of financial disclosure that was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the Commission.

5. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281.571.

6. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed by candidates or public officers pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Section 9 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature:

Sec. 9. NRS 281.573 is hereby amended to read as follows:

281.573 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281.561 and 281.571 *and section 1.7 of this act* must be retained by the Commission, Secretary of State, county clerk, *, or registrar of voters of the county if one was appointed pursuant to NRS 244.164,* and city clerk for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Section 11 of Senate Bill No. 147 of the 72nd Session of the Nevada Legislature:

Sec. 11. NRS 281.581 is hereby amended to read as follows:

281.581 1. A candidate for public office or public officer who *willfully* fails to file his statement of financial disclosure *or willfully fails to file his statement of financial disclosure* in a timely manner pursuant to NRS 281.561 *or section 1.7 of this act* is subject to a civil penalty and



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payment of court costs and attorney's fees. Except as otherwise provided in subsection 3, the amount of the civil penalty is:

(a) If the statement is filed not more than ~~[7 days late, \$25 for each day the statement is late.]~~ *10 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 1.7 of this act, \$25.*

(b) If the statement is filed more than ~~[7 days late]~~ *10 days* but not more than ~~[15 days late, \$175 for the first 7 days, plus \$50 for each additional day the statement is late.]~~ *20 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 1.7 of this act, \$50.*

(c) If the statement is filed more than ~~[15 days late, \$575 for the first 15 days, plus \$100 for each additional day the statement is late.]~~ *20 days but not more than 30 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 1.7 of this act, \$100.*

(d) *If the statement is filed more than 30 days but not more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 1.7 of this act, \$250.*

(e) *If the statement is not filed or is filed more than 45 days after the applicable deadline set forth in subsection 1 of NRS 281.561 or subsection 1 of section 1.7 of this act, \$2,000.*

2. The Commission may, for good cause shown, waive ~~[or reduce]~~ the civil penalty.

3. The civil penalty imposed for a violation of this section must not exceed the annual compensation for the office for which the statement was filed.

4. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Commission in a court of competent jurisdiction and deposited by the Commission in the account for credit to the State General Fund in the bank designated by the State Treasurer.

5. If the Commission waives a civil penalty pursuant to subsection 2, the Commission shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.



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6. As used in this section, "willfully" means deliberately, intentionally and knowingly.

1 **Section 4 of Senate Bill No. 200 of the 72nd Session of the**
2 **Nevada Legislature:**

Sec. 4. NRS 349.986 is hereby amended to read as follows:

349.986 The State Board of Finance shall issue general obligation bonds of the State of Nevada in the face amount of not more than ~~[\$69,000,000]~~ **\$73,000,000** to support the purposes of the program. The net proceeds from the sale of the bonds must be deposited in the Fund. The bonds must be redeemed through the Consolidated Bond Interest and Redemption Fund.

Section 45 of Senate Bill No. 250 of the 72nd Session of the Nevada Legislature:

Sec. 45. NRS 630.060 is hereby amended to read as follows:

630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this state, are actually engaged in the practice of medicine in this state and have resided and practiced medicine in this state for at least 5 years preceding their respective appointments.

2. The remaining members must be persons who have resided in this state for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and

(c) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

3. The members of the Board must be selected without regard to their individual political beliefs.

4. The **President of the** Board shall conduct **a** training ~~[programs]~~ **program** to assist new members of the Board in the performance of their duties.

