

Assembly Bill No. 5–Committee of the Whole

CHAPTER.....

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:

Section 1. Section 1 of Assembly Bill No. 192 of the 72nd Session of the Nevada Legislature is hereby amended to read as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. With respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3825, inclusive, and for which an additional fee is imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

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

(b) The Department may, except as otherwise provided in this paragraph and after ~~approving the final design of~~ the particular special license plate ~~[]~~ *is approved for issuance*, issue the special license plate for a trailer or other type of vehicle that is not a passenger car or light commercial vehicle, excluding motorcycles and vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be

feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

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

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

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

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

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

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

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

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

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

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

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

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

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

6. As used in this section:

(a) “Employee organization” has the meaning ascribed to it in NRS 288.040.

(b) “Local government employer” has the meaning ascribed to it in NRS 288.060.

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

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

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

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

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

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

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

(a) An equal basis; or

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

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

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

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

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

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

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

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

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

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

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

(a) Is insolvent;

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

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

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

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

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

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

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

(i) Has refused to permit an examination by the Commissioner of his books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~[(j)]~~ (g) Person engaged in the business of selling or issuing checks or of receiving for transmission or transmitting

money or credits that is supervised pursuant to chapter 671 of NRS;

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

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

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

~~[(k)]~~ (k) Thrift company that is supervised pursuant to chapter 677 of NRS; and

~~[(l)]~~ (l) Credit union that is supervised pursuant to chapter 678 of NRS.

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

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

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

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

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

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

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

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

The Secretary of State ~~and a city clerk~~ shall not request or require a candidate, person, group of persons, committee or political party to list each of the expenditures or campaign expenses of \$100 or less on a form designed and provided

pursuant to ~~[NRS 294A.125, 294A.200, 294A.210, 294A.220, 294A.280, 294A.360 or 294A.362.]~~ *section 1 of Assembly Bill No. 529 of the 72nd Session of the Nevada Legislature.*

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

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

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

2. There is hereby appropriated from the State Highway Fund to the State Board of Examiners for reimbursement to a state agency which receives part or all of its funding from the State Highway Fund, for the difference between the maximum amount allowed in sections 1, 2 and 3 of this act and the amount budgeted for that purpose:

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 1.3. 1. A list of each public officer who is required to file a statement of financial disclosure ~~[pursuant 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

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

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

Section 1. 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 ~~[\$86,000,000]~~ **\$90,000,000** 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.

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

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

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

Sec. 52. 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 ~~H~~ *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, but only if such malpractice is established by a preponderance of the evidence.

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 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.

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

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

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

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

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

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

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

2. Sections 1 to 5, inclusive, and 7 to 16, inclusive, of this act become effective upon passage and approval.

3. Section 6 of this act becomes effective on January 1, 2004.