THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 29, 2013

Senate called to order at 11:37 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

As a battery is recharged without sound or motion, so will You, in this quiet moment, send Your Spirit into the hearts and minds of Your servants—the Senate of this State. With newness of life, with spiritual power, vision and lively faith, enable them to meet all the demands of this day with glad anticipation, and give them peace through You.

AMEN.

Pledge of Allegiance to the Flag led by Senator Brower.

The President announced that under previous order, the reading of the Journal is waived for the remainder of the 77th Legislative Session and the President and Secretary are authorized to make any necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 308, 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

AARON D. FORD, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 28, 2013

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 58, 423, 446, 447, 463, 466, 469, 498; Senate Joint Resolution No. 14 of the 76th Session.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 46, 58, 125, 145, 404, 461, 491.

Also, I have the honor to inform your honorable body that the Assembly on this day concurred in the Senate Amendment No. 628 to Assembly Bill No. 10; Senate Amendments Nos. 668, 830 to Assembly Bill No. 35; Senate Amendment No. 627 to Assembly Bill No. 44; Senate Amendment No. 854 to Assembly Bill No. 48; Senate Amendment No. 735 to Assembly Bill No. 54; Senate Amendment No. 636 to Assembly Bill No. 64; Senate Amendment No. 613

to Assembly Bill No. 87; Senate Amendment No. 625 to Assembly Bill No. 97; Senate Amendment No. 614 to Assembly Bill No. 99; Senate Amendment No. 637 to Assembly Bill No. 116; Senate Amendment No. 692 to Assembly Bill No. 126; Senate Amendment No. 638 to Assembly Bill No. 156; Senate Amendment No. 615 to Assembly Bill No. 172; Senate Amendment No. 633 to Assembly Bill No. 200; Senate Amendment No. 605 to Assembly Bill No. 233; Senate Amendment No. 812 to Assembly Bill No. 300; Senate Amendment No. 882 to Assembly Bill No. 345; Senate Amendment No. 883 to Assembly Bill No. 346; Senate Amendments Nos. 694, 839 to Assembly Bill No. 348; Senate Amendment No. 772 to Assembly Bill No. 456; Senate Amendment No. 655 to Assembly Bill No. 494.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to concur in the Senate Amendment No. 766 to Assembly Bill No. 95; Senate Amendment No. 734 to Assembly Bill No. 98; Senate Amendment No. 831 to Assembly Bill No. 349.

Also, I have the honor to inform your honorable body that the Assembly on this day respectfully refused to recede from its action on Senate Bill No. 185, Assembly Amendment No. 791, and requests a conference, and appointed Assemblymen Benitez-Thompson, Sprinkle and Stewart as a Conference Committee to meet with a like committee of the Senate.

MATTHEW BAKER
Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

WAIVER OF JOINT STANDING RULE(S)

May 29, 2013

A Waiver requested by Assemblywoman Kirkpatrick
For: Assembly Bill No. 503.
To Waive:
Subsection 1 of Joint Standing Rule No. 14 and Subsection 1 of Joint Standing Rule No. 14.2 and Subsections 1, 2, 3, and 4 of Joint Standing Rule No. 14.3.
Has been granted effective: Friday, May 10, 2013.

MOISES DENIS
Senate Majority Leader

MARILYN KIRKPATRICK
Speaker of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that all bills and resolutions, just reported out of Committee, be immediately placed on the appropriate reading files for this legislative day.

Motion carried.

Assembly Concurrent Resolution No. 7.

Resolution read.

Senator Segerblom moved the adoption of the resolution.

Remarks by Senator Segerblom.

Thank you, Mr. President. Assembly Concurrent Resolution No. 7 urges the Office of the Governor to continue the Legislature's involvement in analyzing the potential economic impact of listing the Greater Sage-grouse as an endangered or threatened species, and in developing and implementing strategies to preclude such a listing. This is of major economic interest to rural Nevada. I hope the Governor will follow our urging.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 46.

Senator Smith moved that the bill be referred to the Committee on Revenue and Economic Development.

Motion carried.

Assembly Bill No. 58.

Senator Smith moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assembly Bill No. 125.

Senator Smith moved that the bill be referred to the Committee on Natural Resources.

Motion carried.

Assembly Bill No. 145.

Senator Smith moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 404.

Senator Smith moved that the bill be referred to the Committee on Commerce, Labor and Energy.

Motion carried.

Assembly Bill No. 461.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

Assembly Bill No. 491.

Senator Smith moved that the bill be referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 903.

"SUMMARY— ~~[Revises]~~ Clarifying provisions governing certain tax exemptions for veterans. (BDR 32-644)"

"AN ACT relating to taxation; ~~[revising]~~ clarifying provisions governing eligibility for certain tax exemptions available to certain veterans of the Armed Forces of the United States; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides for certain exemptions from property taxes and the governmental services tax for an actual bona fide resident of Nevada who has served ~~[a minimum of 90 continuous days]~~ on active duty ~~[during certain specified periods]~~ in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States and who: (1) is still serving in the Armed Forces of the United States; or (2) received an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States. (NRS 361.090, 371.103) This bill ~~[extends]~~ clarifies that eligibility for these exemptions extends to any bona fide resident of Nevada who has served ~~[a minimum of 90 continuous days]~~ on active duty ~~[on or after January 1, 2001,]~~ in connection with any such campaign or expedition which began on or after September 11, 2001, and who: (1) is still serving in the Armed Forces of the United States; or (2) received an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States.

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

Section 1. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996 ; ~~*[, or on or after January 1, 2001,]*~~

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, *including, without limitation, any such campaign or expedition which began on or after September 11, 2001,* regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 2. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996 ; ~~[, or on or after January 1, 2001;]~~

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, *including, without limitation, any such campaign or expedition which began on or after September 11, 2011,* regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first $2,000 determined valuation of vehicles in which a person described in subsection 1 or 2 has any interest shall be deemed to belong to that person.

4. Except as otherwise provided in subsection 5, a person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 or 2, as applicable, and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit of exemption and after the transfer of the exemption, if any, pursuant to subsection 2, the county assessor shall, except as otherwise provided in this subsection, mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans Homes established pursuant to NRS 417.145,

➥ to the person who claimed the exemption each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 3 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in

the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 903 to Senate Bill No. 308 clarifies existing law related to active military members, who have served in a campaign or expedition for which the federal government has authorized a medal, to be eligible for a tax exemption if individuals meet the criteria, including those who served on or after January 1, 2011. This ensures our veterans deserve what they have coming to them in terms of tax abatements.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 150.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 906.

"SUMMARY—~~[Enacts provisions relating to interim legislative committees.]~~ Creates the Legislative Committee on Governmental Oversight and Accountability. (BDR 17-739)"

"AN ACT relating to legislative affairs; creating the Legislative Committee on Governmental Oversight and Accountability; prescribing the powers and duties of the Committee; ~~[eliminating the Legislative Committee on High-Level Radioactive Waste; authorizing the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 5 of this bill creates the Legislative Committee on Governmental Oversight and Accountability and provides for the appointment of its members. Section 6 of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. Section 7 of this bill authorizes the Committee to study and comment upon issues relating to the operations and accountability of governmental agencies and to conduct investigations and hold hearings. Section 8 of this bill authorizes the Committee to provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings.

~~[Under existing law, the Legislative Committee on Public Lands reviews issues relating to public lands in this State (NRS 218E.525), and the Legislative Committee on High-Level Radioactive Waste reviews issues relating to the disposal of high-level radioactive waste in this State. (NRS 459.0085) Section 12 of this bill eliminates the Legislative Committee on High-Level Radioactive Waste, and section 10 of this bill authorizes the Legislative Committee on Public Lands to review issues relating to the disposal of high-level radioactive waste.~~

~~Existing law requires the Executive Director of the Agency for Nuclear Projects to evaluate potentially adverse effects of a facility for the disposal of radioactive waste in this State and to submit semiannual reports to the Legislative Committee on High-Level Radioactive Waste. (NRS 459.0094) Section 11 of this bill requires those reports to be submitted to the Legislative Committee on Public Lands.~~]

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

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Committee" means the Legislative Committee on Governmental Oversight and Accountability created pursuant to section 5 of this act.*

Sec. 4. *"Governmental agency" means any agency, office, board, commission, department, division, bureau, authority, institution, district or other unit of the State or a political subdivision of the State.*

Sec. 5. *1. The Legislative Committee on Governmental Oversight and Accountability, consisting of 10 legislative members, is hereby created. The membership of the Committee consists of:*

(a) Five members appointed by the Majority Leader of the Senate, at least two of whom must be members of the minority political party.

(b) Five members appointed by the Speaker of the Assembly, at least two of whom must be members of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 6. *1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.*

2. The Director or the Director's designee shall act as the nonvoting recording Secretary of the Committee.

3. Six members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

Sec. 7. *The Committee may:*

1. To fulfill the objectives and duties granted to the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive, and paragraph (b) of subsection 1 and paragraph (c) of subsection 2 of NRS 218E.175, evaluate, review and comment upon issues related to governmental agencies, including, but not limited to:

(a) Programs to enhance accountability in government;

(b) Legislative measures regarding governmental oversight;

(c) Methods of financing governmental agencies; and

(d) Any other matters that, in the determination of the Committee, affect governmental agencies.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which government may be improved.

Sec. 8. *1. If the Committee conducts investigations or holds hearings pursuant to section 7 of this act:*

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by

the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. Upon such a petition, the court shall:

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

Sec. 9. (Deleted by amendment.)

Sec. 10. ~~[NRS 218E.525 is hereby amended to read as follows:~~

~~218E.525 1. The Committee shall:~~

~~(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.~~

~~(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.~~

~~(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.~~

~~2. The Committee:~~

~~(a) Shall review the programs and activities of:~~

~~(1) The Colorado River Commission of Nevada;~~

~~(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and~~

~~(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof;~~

~~(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a);~~ [and]

~~(c) May review and comment on other issues relating to water resources in this State, including, without limitation:~~

~~(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and~~

~~(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State~~ [.] ~~;~~ *and*

~~*(d) May review and comment on issues and policies relating to the disposal of high-level radioactive waste, including, without limitation:*~~

~~*(1) Issues and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;*~~

~~*(2) Any potentially adverse effects from the construction and operation of, and the transportation of high-level radioactive waste to, such a facility and the ways of mitigating those effects; and*~~

~~*(3) Any other issues and policies relating to the disposal of high-level radioactive waste.]*~~ (Deleted by amendment.)

Sec. 11. ~~[NRS 459.0094 is hereby amended to read as follows:~~

~~459.0094 The Executive Director shall:~~

~~1. Appoint, with the consent of the Commission, an Administrator of each Division of the Agency.~~

~~2. Advise the Commission on matters relating to the potential disposal of radioactive waste in this State.~~

~~3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this State.~~

~~4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.~~

~~5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.~~

~~6. Carry out the duties imposed on the State by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on July 1, 1995.~~

~~7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.~~

~~8. Provide semiannual written reports to the *Legislative* Committee on~~ [High-Level Radioactive Waste.] ~~*Public Lands.* The reports must contain:~~

~~(a) A summary of the status of the activities undertaken by the Agency since the previous report;~~

~~(b) A description of all contracts the Agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the Agency in achieving its goals and responsibilities and the status of the performance of the terms of the contract;~~

~~(c) The status of any litigation relating to the goals and responsibilities of the Agency to which the State of Nevada is a party; and~~

~~(d) Any other information requested by the Legislative Committee.~~] (Deleted by amendment.)

Sec. 12. ~~[NRS 459.0085 is hereby repealed.]~~ (Deleted by amendment.)

Sec. 13. This act becomes effective on July 1, 2013.

~~TEXT OF REPEALED SECTION~~

~~459.0085 Creation; membership; duties; compensation and expenses of members.~~

~~1. There is hereby created a Committee on High-Level Radioactive Waste. It is a committee of the Legislature composed of:~~

~~(a) Four members of the Senate, appointed by the Majority Leader of the Senate.~~

~~(b) Four members of the Assembly, appointed by the Speaker.~~

~~2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program. The Legislative Commission shall select a Chair and a Vice Chair from the members of the Committee.~~

~~3. Except as otherwise ordered by the Legislative Commission, the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the call of the Chair to study and evaluate:~~

~~(a) Information and policies regarding the location in this State of a facility for the disposal of high-level radioactive waste;~~

~~(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and~~

~~(c) Any other policies relating to the disposal of high-level radioactive waste.~~

~~4. The Committee shall report the results of its studies and evaluations to the Legislative Commission and the Interim Finance Committee at such times as the Legislative Commission or the Interim Finance Committee may require.~~

~~5. The Committee may recommend any appropriate legislation to the Legislature and the Legislative Commission.~~

~~6. The Director of the Legislative Counsel Bureau shall provide a Secretary for the Committee on High-Level Radioactive Waste. Except during a regular or special session of the Legislature, each member of the~~

~~Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the member attends a Committee meeting or is otherwise engaged in the work of the Committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655. Per diem allowances, salary and travel expenses of members of the Committee must be paid from the Legislative Fund.~~]

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Assembly Bill No. 150 relates to interim legislative studies. Amendment No. 906 to Assembly Bill No. 150 deletes from the bill the provisions that relate to repealing the Legislative Committee on High-Level Radioactive Waste.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 3.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 3 requires that the county commissioners of each county remit to the State an amount determined by the Director of the Department of Human Resources in order to fund the nonfederal share of expenditures set forth in Section 272 of Chapter 422 of *Nevada Revised Statutes*. Additionally, the bill limits the payment to the State not to exceed the equivalent to the amount collected from $.08 on each $100 of assessed valuation of all taxable property in the respective county. The bill becomes effective on July 1, 2013.

Roll call on Senate Bill No. 3:

YEAS—21.

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess until 12:45 p.m.

Motion carried.

Senate in recess at 12:05 p.m.

SENATE IN SESSION

At 1:33 p.m.

President Krolicki presiding.

Quorum present.

Senate Bill No. 21.

Bill read third time.

Remarks by Senator Parks.

Thank you, Mr. President. Senate Bill No. 21 requires the State Controller to pay officers and employees of the Executive and Judicial Branches of State government through an electronic system and allows the Board of Regents to establish an electronic system to pay the salaries and wages of academic staff and employees of the Nevada System of Higher Education. The bill provides a uniform interest rate applicable to debts assigned by State agencies to the State Controller's Office for collection and provides that the State Controller is not required to refund overpayments to the State of less than $10 unless a refund is timely requested in writing within one year.

Senate Bill No. 21 also prohibits certain licensing agencies from renewing licenses, certifications, registrations or permits or other authorizations that grant the authority to engage in certain professions or occupations if: (1) the person owes a debt to a State agency, which has been assigned to the Controller's Office for collection, or; (2) the person has not provided required information to those licensing agencies. This is a good bill. I urge your support.

Roll call on Senate Bill No. 21:

YEAS—21.

NAYS—None.

Senate Bill No. 21 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 905.

"SUMMARY—Makes various changes relating to education. (BDR 34-937)"

"AN ACT relating to education; requiring the Executive Officer of the State Board for Career and Technical Education to ~~[employ certain persons;]~~ appoint a person to oversee programs of career and technical education; setting forth limitations on the use of state money for leadership and training activities relating to programs of career and technical education; setting forth the methods by which the state money must be distributed to programs of and pupil organizations for career and technical education; making various other changes relating to programs of career and technical education; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes the State Board for Career and Technical Education to oversee programs of career and technical education in the public schools of this State. (NRS 388.330-388.370) Existing law also requires the board of trustees of each school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties), and authorizes the board of trustees of any other school district, to establish and maintain a program of career and technical education to provide instruction in subjects approved by the Board. (NRS 388.380) This bill specifies the manner in which certain federal and state money may be allocated and for what purposes the money may be used.

Section 3 of this bill ~~[: (1)]~~ provides that not more than ~~[5]~~ 7.5 percent of any state money appropriated for use in a fiscal year may be used by the Board to provide leadership and training activities. ~~[; and (2) provides that no state money appropriated for use in a fiscal year may be used by the Board to provide leadership and training activities relating to any program of career and technical education that receives federal funding.]~~ Section 3 also provides that , before the allocation of any state money to provide leadership and training activities: (1) 30 percent of the state money must be distributed ~~[equally among programs of career and technical education in the following areas: (1) agriculture and natural resource sciences; (2) business and marketing; (3) family and consumer sciences; (4) health sciences; (5) information and media technology; and (6) trade and industrial sciences. Further, section 3 provides that if the Board distributes $1,500,000 or less in a fiscal year, the money must be distributed]~~ through the grant process set forth in section 4 of this bill ~~[. Alternatively, if the Board distributes more than $1,500,000 in a fiscal year: (1) $1,500,000 must be distributed through the grant process set forth in section 4 of this bill; and (2) any amount distributed in excess of $1,500,000]~~ ; and (2) 5 percent of the state money must be distributed to pupil organizations for career and technical education through the grant process set forth in section 4.5 of this bill. The remainder of the state money must be distributed through the grant process set forth in section 5 of this bill.

~~[Section 6 of this bill provides that a school district or charter school may be awarded a grant pursuant to section 4 or 5 if the school district or charter school, as applicable, matches the amount of the grant to fund the program of career and technical education. Section 6 also authorizes the Executive Officer of the Board to waive that requirement if he or she determines that the school district or charter school is financially unable to provide the matching amount.]~~ Section 3 requires the Board to request that each industry sector council established pursuant to NRS 232.935 name one representative to make recommendations to the Executive Officer of the Board on the awarding of grants through the process set forth in section 4.

Section 7 of this bill provides that any state money that is not distributed pursuant to sections 3-5 does not revert to the State General Fund.

Section 2 of this bill requires the Executive Officer to appoint a person to oversee ~~[a program]~~ programs of career and technical education. ~~[in each of the following areas: (1) agriculture and natural resource sciences; (2) business and marketing; (3) family and consumer sciences; (4) health sciences; (5) information and media technology; and (6) trade and industrial sciences.]~~

Section ~~[9]~~ 8 of this bill requires the ~~[persons appointed to oversee programs of career and technical education]~~ program professional designated by the Board to evaluate the effectiveness of the programs of career and technical education that received a grant and report that information to the Board.

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ~~[1.]~~ *The Executive Officer of the State Board for Career and Technical Education shall appoint a person to oversee* ~~[a program]~~ *programs of career and technical education* . ~~[in each of the following areas:~~

~~(a) Agriculture and natural resource sciences.~~

~~(b) Business and marketing.~~

~~(c) Family and consumer sciences.~~

~~(d) Health sciences.~~

~~(e) Information and media technology.~~

~~(f) Trade and industrial sciences.~~

~~2. In addition to any other qualifications set forth by the State Board for Career and Technical Education, the person appointed pursuant to paragraph (a) of subsection 1 must have a minimum of 3 years of experience teaching secondary education in the area of agriculture.~~

~~3. The person appointed pursuant to paragraph (a) of subsection 1 shall:~~

~~(a) Provide leadership for programs of career and technical education in agriculture and natural resource sciences, which must include, without limitation:~~

~~(1) Classroom instruction in the area of agriculture;~~

~~(2) Work-based experiences for pupils in the area of agriculture, including, without limitation, internships, apprenticeships and mentoring programs; and~~

~~(3) Programs to develop leadership through membership in or coordination of activities with the National FFA Organization or any similar organization that promotes and supports education in the area of agriculture;~~

~~(b) Develop, organize and facilitate professional development activities and other training or in service activities for persons who teach pursuant to this title in the area of agriculture; and~~

~~(c) Manage any grants of money from federal, state or other sources awarded to programs at secondary schools in the area of agriculture, except as otherwise provided by the terms of the grant or the statutory authority for the grant.]~~

Sec. 3. *1. Of state money appropriated for use in a fiscal year for programs of career and technical education, the State Board for Career and Technical Education shall not use* ~~[:~~

~~(a) Except as otherwise provided in paragraph (b),]~~ *more than* ~~[5]~~ *7.5 percent to provide leadership and training activities in that fiscal year.*

~~[(b) Any amount to provide leadership and training activities relating to any program of career and technical education that receives federal funding.~~

~~2. After allocating state money, if any, to provide leadership and training activities, the state money that the State Board for Career and Technical Education distributes for a fiscal year to programs of career and technical education must be divided equally among the following areas:~~

~~(a) Agriculture and natural resource sciences.~~

~~(b) Business and marketing.~~

~~(c) Family and consumer sciences.~~

~~(d) Health sciences.~~

~~(e) Information and media technology.~~

~~(f) Trade and industrial sciences.~~

~~3. If, after allocating state money, if any, to provide leadership and training activities, the State Board for Career and Technical Education determines that the Board will distribute $1,500,000 or less to programs of career and technical education, the Board shall distribute the state money in the manner set forth in section 4 of this act.~~

~~4. If, after]~~

2. Before allocating state money, if any, to provide leadership and training activities, the State Board for Career and Technical Education ~~[determines that the Board will distribute more than $1,500,000 for distribution to programs of career and technical education, the Board]~~ shall:

(a) Distribute ~~[$1,500,000]~~ 30 percent of the state money in the manner set forth in section 4 of this act; and

(b) Distribute 5 percent of the state money to pupil organizations for career and technical education in the manner set forth in section 4.5 of this act.

3. After distributing the state money pursuant to subsection 2 and allocating state money, if any, to provide leadership and training activities, the State Board for Career and Technical Education shall distribute the remainder of state money in the manner set forth in section 5 of this act.

4. The State Board for Career and Technical Education shall request that each industry sector council established pursuant to subsection 2 of NRS 232.935 name one representative to provide recommendations to the Executive Officer of the State Board for Career and Technical Education on the awarding of grants pursuant to section 4 of this act.

5. As used in this section, "leadership and training activities" means:

(a) Activities by or for pupil organizations for career and technical education;

(b) Training activities for teachers of classes or programs of career and technical education;

(c) Activities at or for a conference of teachers of classes or programs of career and technical education; ~~[and]~~

(d) Promotion and marketing of classes or programs of career and technical education ~~[.]~~ ; and

(e) The development of standards and assessments of career and technical education for the purposes of leadership and training.

Sec. 4. *1. The board of trustees of a school district or the governing body of a charter school may apply to the State Board for Career and Technical Education for a grant for a program of career and technical education, to be paid for with money distributed pursuant to paragraph (a) of subsection ~~[3]~~ 2 of section 3 of this act , ~~[or paragraph (b) of subsection 4 of that section]~~ by submitting an application to the person appointed pursuant to section 2 of this act . ~~[to oversee that program area.]~~*

2. Upon receipt of an application for a grant, the person shall forward the application to ~~[the]~~ each representative of an industry sector ~~[council established]~~ council named pursuant to subsection ~~[2 of NRS 232.935 which the person determines is most qualified]~~ 4 of section 3 of this act to review the application.

3. ~~[An industry sector council]~~ The Executive Officer of the State Board for Career and Technical Education shall review ~~[all applications forwarded to it pursuant to subsection 2]~~ the recommendations of the representatives of the industry sector councils and award grants for the purposes of developing new programs of career and technical education or expanding existing programs of career and technical education. The awarding of grants must be based on the following criteria of the program of career and technical education:

(a) Standards and instruction.
(b) Leadership development.
(c) Practical application of occupational skills.
(d) Quality and competence of personnel.
(e) Facilities, equipment and materials.
(f) Community, business and industry involvement.
(g) Career guidance.
(h) Program promotion.
(i) Program accountability and planning.
(j) Pupil-teacher ratio.
(k) Whether the program will lead to a national credential or certification.

Sec. 4.5. 1. A pupil organization for career and technical education may apply to the State Board for Career and Technical Education for a grant to support the activities of the organization, to be paid for with the money distributed pursuant to paragraph (b) of subsection 2 of section 3 of this act.

2. The State Board for Career and Technical Education shall review all applications submitted pursuant to subsection 1 and award grants to pupil organizations on a fair and equitable basis.

Sec. 5. *1. ~~[If the State Board for Career and Technical Education distributes money pursuant to paragraph (b) of subsection 4 of section 3 of this act, the]~~ The board of trustees of a school district or the governing body of a charter school may apply to the State Board for Career and Technical Education for a grant for a program of career and technical education ~~[.]~~ , to be paid for from the remainder of state money described in subsection 3 of section 3 of this act.*

2. The State Board for Career and Technical Education shall review all applications submitted pursuant to subsection 1 and award grants based on the following criteria of the program of career and technical education:

(a) Standards and instruction.

(b) Leadership development.

(c) Practical application of occupational skills.

(d) Quality and competence of personnel.

(e) Facilities, equipment and materials.

(f) Community, business and industry involvement.

(g) Career guidance.

(h) Program promotion.

(i) Program accountability and planning.

(j) Pupil-teacher ratio.

(k) Whether the program will lead to a national credential or certification.

3. The proportion of the total amount awarded pursuant to subsection 2 to a school district or charter school during a fiscal year must not exceed the proportion of the duplicated enrollment of pupils in programs of career and technical education in the school district or charter school during the previous fiscal year, as compared to the duplicated enrollments of pupils in programs of career and technical education throughout the State during the previous fiscal year. For the purposes of determining the duplicated enrollment of pupils in a program of career and technical education, each pupil must be counted once for each program of career and ~~[technology]~~ technical education in which he or she is enrolled.

Sec. 6. ~~[1. Except as otherwise provided in subsection 2, a school district or charter school may be awarded a grant pursuant to section 4 or 5 of this act only if it matches the amount of the grant to fund the program of career and technical education.~~

~~2. A school district or charter school may be awarded a grant without providing a matching amount if the Executive Officer of the State Board for Career and Technical Education determines that the school district or charter school is financially unable to match the amount to be allocated by the grant.]~~ (Deleted by amendment.)

Sec. 7. *Any state money that is not distributed or allocated pursuant to ~~[section 3, 4 or 5]~~ sections 3 to 5, inclusive of this act by the end of the fiscal year does not revert to the State General Fund and must be carried forward for distribution in the following fiscal year.*

Sec. 8. *For each grant of money awarded pursuant to section 4 , 4.5 or 5 of this act, the State Board for Career and Technical Education shall designate a program professional to:*

1. Evaluate the manner in which the money was expended and the effectiveness of the program for career and technical education for which the money was granted; and

2. Report the results of the review to the State Board for Career and Technical Education.

Sec. 9. NRS 388.340 is hereby amended to read as follows:

388.340 1. The Superintendent of Public Instruction shall serve as Executive Officer of the State Board for Career and Technical Education.

2. The Executive Officer shall:

(a) ~~[Employ]~~ *Except as otherwise provided in section 2 of this act, employ* personnel for such positions as are approved by the State Board for Career and Technical Education and necessary to carry out properly the provisions of this title relating to career and technical education.

(b) Carry into effect the regulations of the State Board for Career and Technical Education.

(c) Maintain an office for the Board.

(d) Keep all records of the Board in the office of the Board.

Sec. 10. NRS 388.390 is hereby amended to read as follows:

388.390 If the board of trustees of a school district or the governing body of a charter school organizes a program of career and technical education in accordance with the regulations adopted by the State Board for Career and Technical Education and the program has been approved by the Executive Officer of the Board, the school district or the charter school is entitled to share in federal and state money available for the promotion of career and technical education in the amount determined by the Executive Officer of the Board, in accordance with *this section and sections 2 to 8, inclusive, of this act, and* the regulations and policies of the Board.

Sec. 11. NRS 388.400 is hereby amended to read as follows:

388.400 1. The money for career and technical education must be provided for and raised in the manner specified in NRS 387.050 and 388.330 to 388.400, inclusive ~~[.]~~ *, and sections 2 to 8, inclusive, of this act.*

2. The State Treasurer is the custodian of the money and shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Executive Officer of the State Board for Career and Technical Education.

Sec. 12. This act becomes effective on July 1, 2013.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Amendment No. 905 to Senate Bill No. 328 cleans up some of the language that was not quite certain in the original draft. It ensures the programs for career and technical education are going to be appropriately carried out as we move forward. The amendment also increases from 5 percent to 7.5 percent any State money appropriated can be used to provide leadership and training activities.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 340.

Bill read third time.

Remarks by Senator Hardy.

Thank you, Mr. President. Senate Bill No. 340 authorizes the creation of an Office for Patient Centered Medical Homes within the Health Division. The bill establishes an Advisory Council

on Patient-Centered Medical Homes. It is designed to increase access, improve quality, allow sharing of information and the main caveat is the substantive provisions of the bill become effective when the Administrator of the Health Division determines that sufficient funding exists to carry out the purpose of the bill; those provisions expire by limitation on June 30, 2019.

Roll call on Senate Bill No. 340:

YEAS—21.

NAYS—None.

Senate Bill No. 340 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 374.

Bill read third time.

Remarks by Senators Segerblom, Hutchison, Settelmeyer, Goicoechea, Gustavson, Brower, Hammond and Hardy.

SENATOR SEGERBLOM:

Thank you, Mr. President. I rise in support of Senate Bill No. 374. There has been a lot of work put into this bill. After 12 years, we are finally doing what the voters of Nevada have told us in the *Nevada Constitution* that we are supposed to do. I had a great speech, but I forgot it so I will ask my colleague from Senate District No. 6 to explain the bill.

SENATOR HUTCHISON:

Thank you, Mr. President. I rise in support of Senate Bill No. 374. Many of us have spent significant time this Session working on this bill, especially our colleague from Senate District No. 3. He is not known for his conservative political philosophy. Although, I will say I harbor some hope now that Chuck Muth's daughter has been seen sitting next to him and working on him on the Senate Floor. Some would ask why we, as members of the Senate Committee on Judiciary, have joined with the Senator from Senate District No. 3, given our different political views. In fact, I have said repeatedly that when this medical-marijuana question was on the ballot in 1998 and 2000, I voted against it. I did not think it was a good idea.

The reason I support Senate Bill No. 374 is because I, along with many of you in this Chamber, am a strong supporter of the enforcement of constitutional rights and dedicated to the rule of law. In 2000, the voters voted for the second time in favor of amending the *Nevada Constitution* to require the Legislature to provide by law for the use of medical marijuana on the advice of patient's physician for treating certain types of medical conditions including cancer, glaucoma, AIDS and other chronic conditions.

The *Nevada Constitution* was amended to include, as a constitutional right, the use of medical marijuana. It does not matter what I think about the wisdom of the use of medical marijuana—as I said, I did not agree with the ballot initiative. But if we truly believe in the rule of law, and if we truly believe in constitutional rights, we cannot pick and choose which of those constitutional rights to enforce.

It is important to me that an express provision of the *Nevada Constitution* now states, "The Legislature shall provide by law for authorization of appropriate methods for supply of the plants to patients authorized to use it." According to at least some courts in this State, the Legislature has never done this. In fact, courts are dismissing—throwing out of court—criminal complaints against those distributing medical marijuana. This is occurring after substantial law enforcement resources have been expended on these cases. In my judgment, as a Legislature during this current Session, we need to provide an appropriate and legal method for the distribution to patients of medical marijuana. Senate Bill No. 374 is the bill to do that. The bill is not perfect, but it is a solid bill that recognizes the constitutional rights of Nevadans to access medical-marijuana and aids law enforcement in identifying those who are complying with the law and those who are violating the law.

Senate Bill No. 374 provides for medical marijuana dispensaries, growth facilities and edible products. It is modeled after Arizona's medical marijuana laws. The bill proceeds on the fundamental principle that these facilities and businesses are to look, feel and operate like pharmacies and medical facilities—not something akin to a Jerry Garcia smoking lounge. Nevada will be the opposite of California and its experience with medical-marijuana. I appreciate that my friend Mr. Bill Myers is here in attendance with us. When we went to Arizona as a committee, he graciously opened his medical-marijuana dispensary to us. It was impressive. Its appearance and operation had the look and feel of a medical facility.

To the credit of the Chair of the Senate Committee on Judiciary, he was open to input and cooperation from various interest groups. I made clear from the beginning and the Chair embraced the idea that law enforcement had to be on board and comfortable with what we were proposing in this bill. Based on our meetings with representatives of law enforcement I believe they are, by and large, comfortable with the bill. Indeed the bill provides that the revenue raised by the fees in this bill will be used first by the Division of Health to fully and completely implement and enforce the provisions of this bill including assisting law enforcement in all efforts to ensure those involved in the production and distribution of medical marijuana are doing so safely, securely and legally.

In conclusion, I ask my colleagues to support Senate Bill No. 374, and to ensure we embrace the rule of law and that Nevadans' constitutional right to have access to medical marijuana is properly and legally implemented—regardless of how we feel personally about the merits or wisdom of using medical marijuana.

SENATOR SETTELMEYER:

Thank you, Mr. President. Being a supporter of the Tenth Amendment, I appreciate my colleagues' attempt to nullify federal law. However, one of the issues I have with Senate Bill No. 374 is I feel we are asking our constituents to put into conflict the *Nevada Constitution*—which clearly states that it is acceptable. Yet, the federal government has dictated that when it comes to Second Amendment rights, those can go away if you have a medical-marijuana card. This is an open letter from the Federal Firearms Licensees dated September, 2011, that states, "It is unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such a person is unlawful user of an addictive or controlled substance." Specifically, it references marijuana cards in the letter. For that reason, I oppose the bill. It puts our constituents in a strange position where they have to choose their rights under the *Nevada Constitution* or the *United States Constitution,* Second Amendment rights.

SENATOR GOICOECHEA:

Thank you, Mr. President. I reluctantly rise in support of Senate Bill No. 374. Marijuana is illegal under federal law. But, in the State of Nevada the voters and this Legislative Body twice did pass—and it is in our *Nevada Constitution*—that we will provide for medical marijuana. While I have some real heartburn with the bill, the biggest concern I have is that technically the bill allows possession of 2.5 ounces or $1,000 worth of marijuana in your pocket. If you have a medical card, if you are a street dealer—you have the ability to have it in your possession. That is the part of the bill I especially do not like.

I also have some constituents who are concerned about their ability—they do have medical-marijuana cards—to pay for the marijuana at $400 per ounce, which is the going rate we heard in testimony. It is expensive. We had testimony that folks would prefer to have the ability to grow their own. I am going to support this bill. Hopefully, we can send it to the Assembly and they will make some changes.

SENATOR GUSTAVSON:

Thank you, Mr. President. I rise in opposition to Senate Bill No. 374 for the same reasons specified by my colleague from Senate District No. 17. Also, I do not know how many of you are aware but the California Supreme Court recently—three weeks ago—passed a ruling, with a vote of seven to zero, saying that local governments do have a right to ban these pot stores. One week after the ban took effect, over 200 cities have already banned the stores. That should tell us something; not that I usually propose doing what California does, but I think they have

made the right decision here. I ask you to oppose this bill for the safety and health of our communities.

SENATOR BROWER:

Thank you, Mr. President. I rise in support of Senate Bill No. 374. I do so somewhat reluctantly and with the recognition that this is a complicated issue. I am not sure all of the complications have been completely sorted out with this particular version of the bill either. Many of you know that our colleague from Senate District No. 6 and I go back a few years—we actually went to junior high school and high school together. If someone were to say to me, circa 1980, that he and I would be defending the partial legalization of marijuana some 30 years later I would have said they were crazy. But, here I am, here he is and here we are.

For me, this boils down to a constitutional issue. The relevant provision of the *Nevada Constitution* has been read previously—it says "shall." The voters of our State have spoken. We can disagree if we want with the wisdom of that decision. We can disagree how that decision should be implemented. But, the fact remains that our *Nevada Constitution* mandates that we as a Legislature come up with a statutory and regulatory regime for dealing with this issue. There are some complications. We all know the federal law still prohibits the possession and use of marijuana for any purpose, medical or otherwise. We are going to have to work through that as a State and as a federal government from a law enforcement perspective. I think this bill is a reasonable start down the path of complying with our own *Nevada Constitution*. We have to pass this, in my view. If it can be improved, while it is in the Assembly, so be it.

With the cooperation of law enforcement, and hopefully the cooperation to some extent of federal authorities, this is something the people of Nevada have mandated we do. For that reason, I support this bill.

SENATOR HAMMOND:

Thank you, Mr. President. I rise in support of Senate Bill No. 374. The students listening in from Rancho High School today are certainly getting a civics lesson. My support has a lot to do with the will of the people. Twelve years ago, the people of Nevada passed this. They wanted it regardless of whether or not I believe marijuana has medicinal purposes. It says clearly in Section 38 of Article 4 of the *Nevada Constitution*, if I am not mistaken, that we *shall* implement this. It is almost embarrassing that it has taken this long to write up the regulations and the procedures for being able to dispense this. It is important we show leadership here, and that is what we have done this Session. I applaud all of the work that has gone into getting this legislation together. I know several of my colleagues have worked hard on this. I have had a small part in it.

For those who are listening in, you have to understand that our forefathers put the *Nevada Constitution* together understanding the role of the states—they are experimental labs. We cannot all be uniform. There will be differences that we have to work out. There will be differences between our State and what is done by the federal government. That is the whole reason why we have the 10th Amendment. I have no problem going forward from where we are right now because this is in the *Nevada Constitution*. It specifically states what we are supposed to do. We should be making sure those who now have the right to marijuana for medicinal purposes have a distribution system in order to access it. I encourage all of my colleagues to vote in support of the bill.

SENATOR HARDY:

Thank you, Mr. President. As a physician, I have been able to write medical-marijuana prescriptions for a long time, and I have under the form called Marinol. It is legal and approved by the Federal Drug Administration. The dosage is able to be measured. The frequency and the duration is known; the active metabolites too. The active substance in marijuana is legal, it is available and people can fill it without going to a special dispensary. It is available in pharmacies. The Board of Pharmacy regulates it. It is something that is controlled. If you want to compare, you can look at Marinol on the Internet. It will present various questions and answers, comparing Marinol with marijuana. Anyone can read about it.

What you will find is there is a reasonable way to give marijuana in the form of a legal, prescriptive, measurable, accountable dose so that people know what they are getting. By the way, smoking is still bad for you. I am opposed to Senate Bill No. 374.

SENATOR HUTCHISON:

Thank you, Mr. President. The lawyer in me could not resist an opportunity to comment on some of the points made by my colleagues. I will tell you that if somebody gets medical marijuana and distributes it to someone else without authorization, they are criminals. Law enforcement resources should be directed at them. You cannot walk around with a pocket full of medical marijuana and distribute it without violating the current law, as well as the provisions under this bill. It may or may not be expensive depending on competition. There will be 40 dispensaries in Clark County alone. Overall, 10 percent of the total number of pharmacies will determine the number of dispensaries. Competition will control prices just as it does in the free market with other commodities.

If I were in California, I would support banning all of the pot stores there too. We are not going to be California. This will not be Venice Beach. If I were in California, I would be the first to vote to shut down the abominations that they call marijuana dispensaries. They do not look anything like the ones we will have in Nevada under this bill. Those will be pharmaceutical in nature and medicinal in purpose. Finally, I want to note that there are a lot of great arguments that could have been made—and were made—back in 2000 as to why we should not pass the medical-marijuana initiative that was on the ballot, including the fact that you have alternative drug opportunities, alternative pharmaceutical opportunities. That was a great argument back in 2000, but it is not a good argument now because the voters of Nevada passed that initiative. It is now a constitutional right to have medical marijuana and to have it dispensed in a meaningful way. I am in support of this bill, and I urge your support, not for the legalization of marijuana—I am against the legalization of marijuana, and do not even ask me to vote for that next go-round—but I am fully in support of enforcing the constitutional right for Nevadans to access medical marijuana.

SENATOR BROWER:

Thank you, Mr. President. I am on the same page with my colleague from Senate District No. 6 on this issue. What I failed to say earlier—and I meant to—I really do appreciate the hard work put in by my colleagues from Senate District No. 6 and Senate District No. 3. This was a difficult issue to take on. I watched from the sidelines, getting updates from time to time. I am happy with the way the various sides and interested parties were able to come together and put together a bill that is a start down the path of making sure we are in compliance with the *Nevada Constitution*. There is still a lot of work to be done. I hope I am not standing up here, or somewhere else, lamenting the fact that we screwed this up, at some point in the future. Frankly, when this debate was had in the Assembly some ten years ago when I was there, I was skeptical. I said so on the record, that I did not think it would work the way we wanted it to work. And, here we are. It has not worked. I hope in ten years I am not saying, "I told you so." This is a prudent first step. I urge your support.

Roll call on Senate Bill No. 374:

YEAS—17.

NAYS—Cegavske, Gustavson, Hardy, Settelmeyer—4.

Senate Bill No. 374 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Denis moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 2:02 p.m.

SENATE IN SESSION

At 4:50 p.m.
President Krolicki presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 406.
Bill read third time.
Remarks by Senator Smith.

Thank you, Mr. President. I rise in support of Senate Bill No. 406 which prohibits, with certain exceptions, a municipality from pledging the proceeds of the Local School Support Tax to finance a project within a tourism improvement district created on or after July 1, 2013. A municipality may create a tourism improvement district within a redevelopment area, but is prohibited from using the financing and reimbursement methods of both the tourism improvement district and redevelopment area for a project. On STAR Bond projects, the developer will no longer be able to use the Local School Support Tax for financing; it will keep the school districts whole.

The owner of a project within a tourism improvement district must provide to the Department of Taxation, upon request, information identifying retail facilities that open or close within the project. This helps the Department of Taxation better identify which businesses are in the tourism improvement district. We have multiple businesses that are located throughout the State, and sometimes the Department of Taxation is unable to identify which businesses are in the tourism improvement district. The bill also requires the semiannual report submitted to the Legislature by the Department of Taxation concerning the businesses within a tourism improvement district to provide information separately for each tourism improvement district within the municipality unless reporting the information separately would disclose or result in the disclosure of information about an individual business. This is a clarification from a bill we passed last Session to ensure the information is proprietary; that had always been my promise to businesses. In such a case, the bill requires the report to provide information in the aggregate. The Department of Taxation is not required to submit a semiannual report if one cannot be prepared in a manner that would not disclose or lead to the disclosure of information about an individual business.

Financing of or reimbursing a project that includes the relocation on or after July 1, 2011, of a retailer to a tourism improvement district from a location outside of and within three miles of the tourism improvement district location is prohibited. In my opinion this bill provides more accountability, and it also keeps our schools whole, which is an important piece of this legislation. I urge your support.

Roll call on Senate Bill No. 406:
YEAS—21.
NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Mr. President declared it passed, as amended.
Bill ordered transmitted to the Assembly.

Senate Bill No. 407.
Bill read third time.
Remarks by Senators Smith and Kieckhefer.

SENATOR SMITH:

Thank you, Mr. President. Senate Bill No. 407 delays implementation of the teachers' and leaders' performance evaluation system to allow for a pilot testing program and a validation

study. However, school districts may choose to begin implementation of the system prior to that time. The bill clarifies that decisions about an educator regarding employment status or disciplinary action may not be based upon the validation study. Additionally, it requires the Teachers and Leaders Council to make recommendations to the State Board of Education concerning the evaluation of counselors, librarians and other licensed educational personnel. Further, the measure provides for a pilot program for peer review evaluations in certain schools.

The bill provides an observation schedule for educators as part of the evaluation system, based upon the designation of the educator from the previous school year. Additionally, the bill prohibits the use of student achievement data from the statewide database to evaluate a first-time probationary employee. The bill also clarifies the definition of school administrator for evaluation purposes. The State Board of Education is required to prescribe the student achievement data that will be used in the evaluation of educators beyond what is currently reported in the statewide longitudinal database. Finally, the bill authorizes $50,000 from the Educational Trust Account in each year of the 2013-15 Biennium for costs associated with the work of the Teachers and Leaders Council required by this legislation. The bill also authorizes the Department of Education to transfer General Fund appropriations of either $986,250 or $1.3 million in fiscal year 2015 from reserves for the professional development of teachers and administrators to implement the statewide performance evaluation system. The amount of the transfer from reserves will be based on the results of the validation study. The section of the bill authorizing the use of funding from the Educational Trust Account becomes effective upon passage and approval; the remaining provisions of the bill become effective on July 1, 2013.

This bill is one of the really critical pieces of what we are doing this Session for education reform. It is a continuation of what we passed last Session. The evaluation system is critically important to both the students and the teachers in their profession. A lot of work has been put into this Teachers and Leaders Council by many teachers throughout the State. This will allow them to continue their good work and will allow the validation study. If you have been following this issue nationally, you know there have been a few problems around the Country. Rather than us rushing through this, we can learn from their lessons and make sure that we spend the time and effort needed to get this right. We do not want to end up as one state did having to actually pay back money they gave in error due to system problems. I urge your support.

SENATOR KIECKHEFER:

Thank you, Mr. President. Senate Bill No. 407 is one of those bills that amplifies the amount of time it takes to do anything within government. It is a long process to do anything. In some cases, it needs to be an even longer process to do anything *right*. This is one we have to get right.

I reluctantly support this bill. It pushes off the implementation of some of the key reforms that passed last Session, but it does so for good cause. If we decide to get serious about structuring our compensation for our professional educators based on their value and performance in the classroom, this is the kind of data we need. We have to have accurate, reliable data for decision making regarding the compensation for teachers and administrators. That compensation should adequately reflect their value to the education system.

Roll call on Senate Bill No. 407:

YEAS—21.

NAYS—None.

Senate Bill No. 407 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 487.

Bill read third time.

Remarks by Senators Woodhouse, Kieckhefer and Settelmeyer.

SENATOR WOODHOUSE:

Thank you, Mr. President. Senate Bill No. 487 makes a General Fund appropriation totaling $5 million to the Office of the State Treasurer for the Governor Guinn Millennium Scholarship Program to improve the financial soundness of the Millennium Scholarship Trust Fund. The Treasurer's Office and the Fiscal Analysis Division project that the Millennium Scholarship Trust Fund would be solvent through fiscal year 2017 with the additional $5 million appropriation. However, without the additional appropriation, the Millennium Scholarship Trust Fund is projected to be solvent through fiscal year 2016. The bill becomes effective upon passage and approval. I urge your support.

SENATOR KIECKHEFER:

Thank you, Mr. President. I want to point out that this is a $5-million appropriation from the General Fund to the Millennium Scholarship program to keep the program solvent. We are assured this is still necessary to keep the scholarship program solvent through 2017 even though we have had an additional influx of Tobacco Settlement money into the program that exceeds the $5 million. We were told $5 million was needed for solvency. It has received about $8 million on top of what was expected, and now, we are being told the $5 million is still necessary. I have a certain amount of distrust in the numbers for what is required to keep the program solvent at the Treasurer's Office. However, I will not jeopardize the future appropriations and allocations for this program for our high school students so I will be supporting the bill. But, I will also be encouraging all of us to keep a watchful eye over it.

SENATOR SETTELMEYER:

Thank you, Mr. President. I rise in support of Senate Bill No. 487. I understand why it is necessary. I have some kids who will hopefully be going to college soon. It is too bad we did not securitize all of this money way back when.

Roll call on Senate Bill No. 487:

YEAS—21.

NAYS—None.

Senate Bill No. 487 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 502.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 502 authorizes the Health Division to establish a secure Internet website to enable persons or entities to conduct background investigations and investigate the personal history of a person who is required to have such investigations done. The bill specifies that the information in the website is confidential and not subject to inspection by the general public. Additionally, the bill specifies the eligible users of the website to include the following: Juvenile Courts, State Facilities for the Detention of Children, Foster Homes for Children, Services to Aging Persons and Persons with Disabilities, Public Services for Children, Services and Facilities for the Care of Children–Child Care Facilities, Protection of Children from Abuse and Neglect, Additional Provisions Related to Children–Mental Health, Persons with Mental Retardation and Related Conditions and Medical and Other Related Facilities.

Senate Bill No. 502 authorizes the Health Division to enter into cooperative agreements to obtain and accept information for inclusion on the website. The bill specifies the personal information that may be maintained and stored on the website and authorizes the Health Division to determine the information necessary for the user to conduct an investigation into the background and personal history of an employee. The bill authorizes the Health Division to adopt regulations to prescribe a user fee and to carry out the provisions of the bill. Furthermore, the bill adds certain facilities that will be required to do background investigations of their employees, employees from a temporary employment service and independent contractors. The

bill also requires that temporary employment services ensure employees are eligible to provide such services, provide proof that each employee has been continuously employed by the temporary employment service since the last required investigation, and notify the facility if the employee has not had an investigation completed within the preceding five years. The bill requires facilities and entities to use the Internet website as part of the investigation of employees, employees of a temporary employment service and independent contractors if the website has been established. The bill exempts certain persons from the criminal background investigation if an investigation has been conducted within the immediately preceding five years.

Senate Bill No. 502 also requires the entities or facilities which are required to conduct background investigations to maintain a current list of its employees, employees from a temporary employment service, and independent contractors on the Internet website. The bill authorizes the Central Repository for Nevada Records of Criminal History to maintain electronic images of fingerprints for the purpose of notifying certain entities if an employee, employee of a temporary employment service or independent contractor have been convicted of certain crimes, including violent crimes, prostitution, domestic violence, or abuse of a child or older person. The bill becomes effective on July 1, 2013.

Roll call on Senate Bill No. 502:

YEAS—21.

NAYS—None.

Senate Bill No. 502 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 518.

Bill read third time.

Remarks by Senator Goicoechea.

Thank you, Mr. President. Senate Bill No. 518 establishes the following State contributions for active employee and retiree group health insurance for the 2013-15 Biennium. Active employees are to pay $688.37 per person per month in fiscal year 2014 and $695.35 per person per month in fiscal year 2015. Non-Medicare retirees are to pay $452.26 per month in fiscal year 2014 and $462.20 per month in fiscal year 2015. For those Medicare-eligible retirees who retired before January 1, 1994, the contribution is $165 per month. That is, $11 multiplied by 15 years of service credit. For those Medicare retirees who retired after January 1, 1994, the base contribution is $11 per month per year of service credit. For both pre-1994 retirees and post-1994 retirees, the bill establishes a one-time additional contribution of $2 per month per year of service credit for both fiscal year 2014 and fiscal year 2015. Senate Bill 518, as amended, becomes effective on July 1, 2013.

Roll call on Senate Bill No. 518:

YEAS—21.

NAYS—None.

Senate Bill No. 518 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 519.

Bill read third time.

Remarks by Senator Kieckhefer.

Thank you, Mr. President. Senate Bill No. 519 authorizes the Director of the Department of Corrections or a designee to apply for a determination of eligibility from Medicaid on behalf of an offender.

Roll call on Senate Bill No. 519:
YEAS—21.
NAYS—None.

Senate Bill No. 519 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Smith moved that Senate Bill No. 301 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 444.

Bill read third time.

The following amendment was proposed by Senator Segerblom:

Amendment No. 907.

"SUMMARY—Provides for an audit of the fiscal costs of the death penalty. (BDR S-817)"

"AN ACT relating to the death penalty; providing for an audit of the fiscal costs of the death penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill requires the Legislative Auditor to conduct an audit of the fiscal costs of the death penalty in Nevada. The audit must include, without limitation, an examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor is required to present a final written report of the audit to the Audit Subcommittee of the Legislative Commission on or before January 31, 2015.

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

Section 1. 1. The Legislative Auditor shall conduct an audit of the fiscal costs associated with the death penalty in this State.

2. The audit conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including, without limitation, pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) The processing of bonds, including costs for investigation by prosecutors, police and other staff;

(2) The investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Expenses for witnesses other than expert witnesses, including, without limitation, expenses for witnesses during the penalty phase;

(8) Facilities, including, without limitation, any additional costs to the court, such as costs for increased security;

(9) Juries;

~~[(8)]~~ (10) Sentencing proceedings;

~~[(9)]~~ (11) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

~~[(10)]~~ (12) Requests for clemency;

~~[(11)]~~ (13) The incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

~~[(12)]~~ (14) The execution of a sentence of death, including costs of facilities and staff.

3. The audit must also examine the fiscal costs, including , without limitation, any potential cost savings, of the death penalty on:

(a) The use of plea bargaining in death eligible cases;

(b) Strategic litigation choices by the prosecution and the defense; and

(c) Sentencing.

4. The audit must be conducted:

(a) In the manner set forth in NRS 218G.010 to 218G.450, inclusive, and for the purposes of the audit conducted pursuant to this section, the provisions of those sections are applicable to a local government in the same manner as to an agency of the State.

(b) In accordance with applicable auditing standards set forth by the United States Government Accountability Office, including standards relating to the professional qualifications of the auditors, the quality of the audit work and the characteristics of professional and meaningful reports.

5. In determining the methodologies to be used, the Legislative Auditor shall review and consider audits, reports and data relating to the costs of the death penalty conducted or published by other states and the United States Department of Justice and the Administrative Office of the United States Courts. Methodologies and data to be considered must include, at a minimum, the cost estimation approach, top-down accounting method, retrospective observational design, independent statistical analyses, administrative databases and self-reported data.

6. On or before January 31, 2015, the Legislative Auditor shall present a final written report of the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.

Sec. 2. This act becomes effective upon passage and approval.

Senator Segerblom moved the adoption of the amendment.

Remarks by Senator Segerblom.

Thank you, Mr. President. Amendment No. 907 to Assembly Bill No. 444 adds a couple of provisions related to matters that should be studied. It also corrects an error which was pointed out by my distinguished colleague from Douglas County, adding "without limitation" to the part that would investigate the fiscal costs.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 465.

Bill read third time.

Remarks by Senator Smith.

Thank you, Mr. President. Assembly Bill No. 465 renames the Records and Technology Division of the Department of Public Safety as the General Services Division. The legislation also expands the duties of the renamed division to include providing dispatch services and maintaining records. This bill implements recommendations included in the Executive Budget for the 2013-15 Biennium. The bill becomes effective on July 1, 2013.

Roll call on Assembly Bill No. 465:

YEAS—21.

NAYS—None.

Assembly Bill No. 465 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 27.

The following Assembly Amendments were read:

Amendment No. 724.

"SUMMARY—Revises provisions relating to ~~[the]~~ legal representation. ~~[of certain persons by the Attorney General or the chief legal officer of a political subdivision of this State in certain civil actions.]~~ (BDR 3-219)"

"AN ACT relating to legal representation; revising provisions governing the legal representation of certain persons by the Attorney General or the chief legal officer of a political subdivision in civil actions relating to certain public duties or employment; revising provisions concerning the crime of unlawfully soliciting legal business; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Attorney General provides legal counsel to any present or former officer or employee of the State, any immune contractor or any State Legislator in a civil action brought against that person based on any alleged act or omission relating to the person's public duty or employment if:

(1) the person submits a written request for such legal counsel; and (2) the Attorney General determines that it appears that the person was acting within the course and scope of his or her public duty or employment and in good faith. In addition, under existing law, the chief legal officer or other authorized legal representative of a political subdivision of this State provides legal counsel to any present or former officer of that political subdivision or a present or former member of a local board or commission if: (1) the person submits a written request for such legal counsel; and (2) the chief legal officer or authorized legal representative determines that it appears that the person was acting within the scope of his or her public duty or employment and in good faith. (NRS 41.0339)

Sections 2-3 and 3.7-8 of this bill clarify existing law by specifically requiring: (1) the Attorney General to provide legal counsel under these circumstances to any present or former justice of the Supreme Court, senior justice, judge of a district court or senior judge; and (2) the chief legal officer or other authorized legal representative of a political subdivision of this State to provide legal counsel under these circumstances to any present or former justice of the peace, senior justice of the peace, municipal judge or senior municipal judge of that political subdivision. In addition, sections 2-3 and 3.7-8 require the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision of this State to provide counsel for certain persons who are not employees or officers of the State or political subdivision but who are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the State or political subdivision.

Section 3.3 of this bill clarifies that the statutory provisions relating to legal representation in civil actions relating to the public duties or employment of such persons do not abrogate, alter or affect the immunity of such persons under other law.

Existing law establishes the crime of unlawful solicitation of legal business and provides that a person who commits this crime is guilty of a misdemeanor. (NRS 7.045) Section 8.3 of this bill revises the acts which constitute the crime of unlawful solicitation of legal business and provides that a second or subsequent violation of this crime is a gross misdemeanor.

Section 8.5 of this bill provides that for the 78th Session of the Nevada Legislature, the Director of the Department of Administration must include the biennial cost of implementing this bill in the Attorney General's cost allocation plan.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.3, inclusive, of this act.

Sec. 2. *As used in NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words*

and terms defined in NRS 41.0338 and sections 2.5 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. *"Local judicial officer" means a justice of the peace, senior justice of the peace, municipal judge or senior municipal judge.*

Sec. 3. *"State judicial officer" means a justice of the Supreme Court, senior justice, judge of a district court or senior judge.*

Sec. 3.3. *The provisions of NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of this State or a political subdivision of this State, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.*

Sec. 3.7. NRS 41.0337 is hereby amended to read as follows:

41.0337 *1.* No tort action arising out of an act or omission within the scope of a person's public duties or employment may be brought against any present or former:

~~[1.]~~ *(a) Local judicial officer or state judicial officer;*

(b) Officer or employee of the State or of any political subdivision;

~~[2.]~~ *(c)* Immune contractor; or

~~[3.]~~ *(d)* State Legislator,

➥ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

2. No tort action may be brought against a person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of any present or former:

(a) Local judicial officer or state judicial officer;

(b) Officer or employee of the State or of any political subdivision;

(c) Immune contractor; or

(d) State Legislator,

➥ *unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.*

3. As used in this section:

(a) "Local judicial officer" has the meaning ascribed to it in section 2.5 of this act.

(b) "State judicial officer" has the meaning ascribed to it in section 3 of this act.

Sec. 4. NRS 41.0338 is hereby amended to read as follows:

41.0338 ~~[As used in NRS 41.0338 to 41.0347, inclusive, unless the context otherwise requires, "official]~~ *"Official* attorney" means:

1. The Attorney General, in an action which involves ~~[a]~~ *:*

(a) A present or former *state judicial officer,* State Legislator, officer or employee of this State, immune contractor or member of a state board or commission ~~[.]~~ *; or*

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves ~~[a]~~ *:*

(a) A present or former *local judicial officer of that political subdivision, a present or former* officer or employee of that political subdivision or a present or former member of a local board or commission ~~[.]~~ *; or*

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

Sec. 5. NRS 41.0339 is hereby amended to read as follows:

41.0339 *1.* The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former *local judicial officer, state judicial officer,* officer or employee of the State or a political subdivision, immune contractor or State Legislator in any civil action brought against that person based on any alleged act or omission relating to the person's public duties or employment *, or any other person who is named as a defendant in a civil action solely because of an alleged act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator,* if:

~~[1.]~~ *(a)* Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, the person submits a written request for defense:

~~[(a)]~~ *(1)* To the official attorney; or

~~[(b)]~~ *(2)* If the officer, employee or immune contractor has an administrative superior, to the administrator of the person's agency and the official attorney; and

~~[2.]~~ *(b)* The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or employment and appears to have been performed or omitted in good faith.

2. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the official attorney or a deputy of the official attorney, the official attorney must employ special counsel pursuant to NRS 41.03435 or 41.0344, whichever is applicable.

Sec. 6. NRS 41.0341 is hereby amended to read as follows:

41.0341 If the complaint is filed in a court of this state:

1. The *local judicial officer, state judicial officer,* officer, employee, board or commission member *,* ~~[or]~~ State Legislator ~~[.]~~ *or other person for whom the official attorney is required to provide a defense pursuant to NRS 41.0339;* and

2. The state or any political subdivision named as a party defendant,

➥ each has 45 days after their respective dates of service to file an answer or other responsive pleading.

Sec. 7. NRS 41.0346 is hereby amended to read as follows:

41.0346 1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a *local judicial officer, state judicial officer,* public officer, employee, immune contractor, member of a board or commission, ~~[or]~~ State Legislator ~~[,]~~ *or any other person defended by the official attorney pursuant to NRS 41.0339,* the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:

(a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;

(b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;

(c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

(d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or was wanton or malicious;

(e) Failure of the defendant to cooperate in good faith with the defense of the case; or

(f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the State or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the ~~[defendant's]~~ public ~~[duty]~~ *duties* or employment ~~[.]~~ *of a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission or State Legislator.*

2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the State or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.

Sec. 8. NRS 41.0347 is hereby amended to read as follows:

41.0347 *1.* If the official attorney does not provide for the defense of a present or former *local judicial officer, state judicial officer,* officer, employee, immune contractor, member of a board or commission of the State or any political subdivision or ~~[of a]~~ State Legislator in any civil action in which the State or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course

and scope of the person's public duty or employment and that the person's act or omission was not wanton or malicious:

~~[1.]~~ *(a)* If the Attorney General was responsible for providing the defense, the State is liable to that person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

~~[2.]~~ *(b)* If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

2. If the official attorney does not provide for the defense of a person who is named a defendant in any civil action solely because of an alleged act or omission relating to the public duties or employment of a present or former local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator and the State or political subdivision is also named a defendant, or the civil action was brought in a court other than a court of competent jurisdiction of this State, and if it is judicially determined that the injuries arose out of an act or omission of a local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator during the performance of any duty within the course and scope of such a person's public duty or employment and that the person's act or omission was not wanton or malicious:

(a) If the Attorney General was responsible for providing the defense, the State is liable to the person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

Sec. 8.3. NRS 7.045 is hereby amended to read as follows:

7.045 1. ~~[It]~~ *Except as otherwise provided in this section, it* shall be unlawful for ~~[any person or persons within the State of Nevada, unless the person or persons be an attorney at law or attorneys at law, licensed and entitled to practice law under and by virtue of the laws of the State of Nevada,]~~ *a person, in exchange for compensation,* to solicit ~~[, influence or procure, or aid or participate in soliciting, influencing or procuring any person within this state]~~ *a tort victim* to employ, hire or retain any attorney at law ~~[within this state for any legal service whatsoever, when such person or persons first hereinabove mentioned shall have, either before or after so soliciting, influencing or procuring, or aiding or participating therein as aforesaid, accepted or received or have been offered or promised from such~~

~~attorney last mentioned, either directly or indirectly, any benefit, service, money, commission, property or any other thing of value, as consideration therefor, or compensation therefor, or reward therefor, or remuneration therefor, or in recognition thereof.]~~ *, or to offer, accept or receive any compensation for the solicitation of another person to employ, hire or retain any attorney at law:*

(a) At the scene of a traffic accident that may result in a civil action;

(b) At a county or city jail or detention facility; or

(c) At a health care facility.

2. *It is unlawful for a person to conspire with another person, including, without limitation, a health care professional, an employee of a health care professional or health care facility, a body shop licensed pursuant to chapter 487 of NRS, an ambulance service, a tow car operator, an insurance company, or any other person routinely associated with the delivery of legal services, to commit an act which violates the provisions of subsection 1.*

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of ~~[subsection 1 shall be]~~ *this section:*

(a) For the first offense, is guilty of a misdemeanor.

(b) For a second or subsequent offense, is guilty of a gross misdemeanor.

6. As used in this section:

(a) "Compensation" means the direct or indirect promise or payment of any fee, salary, wage, commission, bonus, rebate, refund, dividend or discount.

(b) "Solicit" or "solicitation" means directly or indirectly:

(1) Touting, promoting, recommending, suggesting or offering goods or services; or

(2) Selecting, obtaining or procuring goods or services.

(c) "Tort victim" means a person:

(1) Whose property has been damaged as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person;

(2) Who has been injured or killed as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(3) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person.

Sec. 8.5. For the 78th Session of the Nevada Legislature, in accordance with the provisions of subsection 2 of NRS 228.113, the Director of the Department of Administration shall include the biennial cost of implementing the provisions of this act in the Attorney General's cost allocation plan.

Sec. 9. This act becomes effective on July 1, 2013.

Amendment No. 845.

"SUMMARY—Revises provisions relating to legal representation. (BDR 3-219)"

"AN ACT relating to legal representation; revising provisions governing the legal representation of certain persons by the Attorney General or the chief legal officer of a political subdivision in civil actions relating to certain public duties or employment; revising provisions concerning the crime of unlawfully soliciting legal business; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Under existing law, the Attorney General provides legal counsel to any present or former officer or employee of the State, any immune contractor or any State Legislator in a civil action brought against that person based on any alleged act or omission relating to the person's public duty or employment if: (1) the person submits a written request for such legal counsel; and (2) the Attorney General determines that it appears that the person was acting within the course and scope of his or her public duty or employment and in good faith. In addition, under existing law, the chief legal officer or other authorized legal representative of a political subdivision of this State provides legal counsel to any present or former officer of that political subdivision or a present or former member of a local board or commission if: (1) the person submits a written request for such legal counsel; and (2) the chief legal officer or authorized legal representative determines that it appears that the person was acting within the scope of his or her public duty or employment and in good faith. (NRS 41.0339)

Sections 2-3 and 3.7-8 of this bill clarify existing law by specifically requiring: (1) the Attorney General to provide legal counsel under these circumstances to any present or former justice of the Supreme Court, senior justice, judge of a district court or senior judge; and (2) the chief legal officer or other authorized legal representative of a political subdivision of this State

to provide legal counsel under these circumstances to any present or former justice of the peace, senior justice of the peace, municipal judge or senior municipal judge of that political subdivision. In addition, sections 2-3 and 3.7-8 require the Attorney General or the chief legal officer or other authorized legal representative of a political subdivision of this State to provide counsel for certain persons who are not employees or officers of the State or political subdivision but who are named as defendants in a civil action solely because of an alleged act or omission relating to the public duties or employment of certain officers or employees of the State or political subdivision.

Section 3.3 of this bill clarifies that the statutory provisions relating to legal representation in civil actions relating to the public duties or employment of such persons do not abrogate, alter or affect the immunity of such persons under other law.

Existing law establishes the crime of unlawful solicitation of legal business and provides that a person who commits this crime is guilty of a misdemeanor. (NRS 7.045) Section 8.3 of this bill revises the acts which constitute the crime of unlawful solicitation of legal business. ~~[and provides that a second or subsequent violation of this crime is a gross misdemeanor.]~~

Section 8.5 of this bill provides that for the 78th Session of the Nevada Legislature, the Director of the Department of Administration must include the biennial cost of implementing this bill in the Attorney General's cost allocation plan.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 3.3, inclusive, of this act.

Sec. 2. *As used in NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 41.0338 and sections 2.5 and 3 of this act have the meanings ascribed to them in those sections.*

Sec. 2.5. *"Local judicial officer" means a justice of the peace, senior justice of the peace, municipal judge or senior municipal judge.*

Sec. 3. *"State judicial officer" means a justice of the Supreme Court, senior justice, judge of a district court or senior judge.*

Sec. 3.3. *The provisions of NRS 41.0338 to 41.0347, inclusive, and sections 2 to 3.3, inclusive, of this act do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of this State or a political subdivision of this State, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.*

Sec. 3.7. NRS 41.0337 is hereby amended to read as follows:

41.0337 *1.* No tort action arising out of an act or omission within the scope of a person's public duties or employment may be brought against any present or former:

~~[1.]~~ *(a) Local judicial officer or state judicial officer;*

(b) Officer or employee of the State or of any political subdivision;

~~[2.]~~ *(c)* Immune contractor; or

~~[3.]~~ *(d)* State Legislator,

➥ unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.

2. No tort action may be brought against a person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of any present or former:

(a) Local judicial officer or state judicial officer;

(b) Officer or employee of the State or of any political subdivision;

(c) Immune contractor; or

(d) State Legislator,

➥ *unless the State or appropriate political subdivision is named a party defendant under NRS 41.031.*

3. As used in this section:

(a) "Local judicial officer" has the meaning ascribed to it in section 2.5 of this act.

(b) "State judicial officer" has the meaning ascribed to it in section 3 of this act.

Sec. 4. NRS 41.0338 is hereby amended to read as follows:

41.0338 ~~[As used in NRS 41.0338 to 41.0347, inclusive, unless the context otherwise requires, "official]~~ *"Official* attorney" means:

1. The Attorney General, in an action which involves ~~[a]~~ *:*

(a) A present or former *state judicial officer,* State Legislator, officer or employee of this State, immune contractor or member of a state board or commission ~~[.]~~ *; or*

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves ~~[a]~~ *:*

(a) A present or former *local judicial officer of that political subdivision, a present or former* officer or employee of that political subdivision or a present or former member of a local board or commission ~~[.]~~ *; or*

(b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

Sec. 5. NRS 41.0339 is hereby amended to read as follows:

41.0339 *1.* The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former *local judicial officer, state judicial officer,* officer or employee of the State or a

political subdivision, immune contractor or State Legislator in any civil action brought against that person based on any alleged act or omission relating to the person's public duties or employment *, or any other person who is named as a defendant in a civil action solely because of an alleged act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator,* if:

~~[1.]~~ *(a)* Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, the person submits a written request for defense:

~~[(a)]~~ *(1)* To the official attorney; or

~~[(b)]~~ *(2)* If the officer, employee or immune contractor has an administrative superior, to the administrator of the person's agency and the official attorney; and

~~[2.]~~ *(b)* The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or employment and appears to have been performed or omitted in good faith.

2. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the official attorney or a deputy of the official attorney, the official attorney must employ special counsel pursuant to NRS 41.03435 or 41.0344, whichever is applicable.

Sec. 6. NRS 41.0341 is hereby amended to read as follows:

41.0341 If the complaint is filed in a court of this state:

1. The *local judicial officer, state judicial officer,* officer, employee, board or commission member *,* ~~[or]~~ State Legislator ~~[,]~~ *or other person for whom the official attorney is required to provide a defense pursuant to NRS 41.0339;* and

2. The state or any political subdivision named as a party defendant,

➥ each has 45 days after their respective dates of service to file an answer or other responsive pleading.

Sec. 7. NRS 41.0346 is hereby amended to read as follows:

41.0346 1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a *local judicial officer, state judicial officer,* public officer, employee, immune contractor, member of a board or commission, ~~[or]~~ State Legislator ~~[,]~~ *or any other person defended by the official attorney pursuant to NRS 41.0339,* the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:

(a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;

(b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;

(c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

(d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or was wanton or malicious;

(e) Failure of the defendant to cooperate in good faith with the defense of the case; or

(f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the State or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the ~~[defendant's]~~ public ~~[duty]~~ *duties* or employment ~~[.]~~ *of a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission or State Legislator.*

2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the State or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.

Sec. 8. NRS 41.0347 is hereby amended to read as follows:

41.0347 *1.* If the official attorney does not provide for the defense of a present or former *local judicial officer, state judicial officer,* officer, employee, immune contractor, member of a board or commission of the State or any political subdivision or ~~[of a]~~ State Legislator in any civil action in which the State or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course and scope of the person's public duty or employment and that the person's act or omission was not wanton or malicious:

~~[1.]~~ *(a)* If the Attorney General was responsible for providing the defense, the State is liable to that person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

~~[2.]~~ *(b)* If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

2. If the official attorney does not provide for the defense of a person who is named a defendant in any civil action solely because of an alleged act or omission relating to the public duties or employment of a present or

former local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator and the State or political subdivision is also named a defendant, or the civil action was brought in a court other than a court of competent jurisdiction of this State, and if it is judicially determined that the injuries arose out of an act or omission of a local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator during the performance of any duty within the course and scope of such a person's public duty or employment and that the person's act or omission was not wanton or malicious:

(a) If the Attorney General was responsible for providing the defense, the State is liable to the person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

Sec. 8.3. NRS 7.045 is hereby amended to read as follows:

7.045 1. ~~[It]~~ *Except as otherwise provided in this section, it* shall be unlawful for ~~[any person or persons within the State of Nevada, unless the person or persons be an attorney at law or attorneys at law, licensed and entitled to practice law under and by virtue of the laws of the State of Nevada,]~~ *a person, in exchange for compensation,* to solicit ~~[, influence or procure, or aid or participate in soliciting, influencing or procuring any person within this state]~~ *a tort victim* to employ, hire or retain any attorney at law *:* ~~[within this state for any legal service whatsoever, when such person or persons first hereinabove mentioned shall have, either before or after so soliciting, influencing or procuring, or aiding or participating therein as aforesaid, accepted or received or have been offered or promised from such attorney last mentioned, either directly or indirectly, any benefit, service, money, commission, property or any other thing of value, as consideration therefor, or compensation therefor, or reward therefor, or remuneration therefor, or in recognition thereof.]~~ ~~*[, or to offer, accept or receive any compensation for the solicitation of another person to employ, hire or retain any attorney at law:]*~~

(a) At the scene of a traffic accident that may result in a civil action; or

(b) At a county or city jail or detention facility . ~~*[; or*~~

~~*(c) At a health care facility.]*~~

2. *It is unlawful for a person to conspire with another person* ~~*[, including, without limitation, a health care professional, an employee of a health care professional or health care facility, a body shop licensed pursuant to chapter 487 of NRS, an ambulance service, a tow car operator, an insurance company, or any other person routinely associated with the*~~

~~*delivery of legal services,]*~~ *to commit an act which violates the provisions of subsection 1.*

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. A tort victim may void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this section.

5. Any person who violates any of the provisions of ~~[subsection 1 shall be]~~ *this section* ~~*[:*~~

~~*(a) For the first offense,]*~~ *is* guilty of a misdemeanor.

~~*[(b) For a second or subsequent offense, is guilty of a gross misdemeanor.]*~~

6. As used in this section ~~[:~~

~~*(a) "Compensation" means the direct or indirect promise or payment of any fee, salary, wage, commission, bonus, rebate, refund, dividend or discount.*~~

~~*(b) "Solicit" or "solicitation" means directly or indirectly:*~~

~~*(1) Touting, promoting, recommending, suggesting or offering goods or services; or*~~

~~*(2) Selecting, obtaining or procuring goods or services.*~~

~~*(c) "Tort]*~~ *, "tort victim" means a person:*

~~*[(1)]*~~ *(a) Whose property has been damaged as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person;*

~~*[(2)]*~~ *(b) Who has been injured or killed as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person; or*

~~*[(3)]*~~ *(c) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident that may result in a civil action, criminal action or claim for tort damages by or against another person.*

Sec. 8.5. For the 78th Session of the Nevada Legislature, in accordance with the provisions of subsection 2 of NRS 228.113, the Director of the Department of Administration shall include the biennial cost of implementing the provisions of this act in the Attorney General's cost allocation plan.

Sec. 9. This act becomes effective on July 1, 2013.

Senator Segerblom moved that the Senate concur in the Assembly Amendments Nos. 724, 845, to Senate Bill No. 27.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 94.

The following Assembly Amendment was read:

Amendment No. 644.

"SUMMARY—Revises provisions governing certain loans. (BDR 52-581)"

"AN ACT relating to financial services; authorizing ~~[a high-interest loan service]~~ certain licensees to charge a late fee on a loan in default under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes certain limitations on the amounts that a check-cashing service, deferred deposit loan service, high-interest loan service or title loan service may charge after a customer defaults on a loan. (NRS 604A.485) This bill authorizes ~~[a high-interest loan service]~~ certain licensees to charge not more than ~~[$25,]~~ $15, payable on a one-time basis, ~~[on]~~ for any ~~[loan]~~ installment payment that remains unpaid 10 days or more after the date of default.

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

Section 1. Chapter 604A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to the amounts authorized to be collected pursuant to NRS 604A.485, a ~~[high-interest loan service]~~ licensee who makes a high-interest loan in accordance with the provisions of subsection 2 of NRS 604A.480 may charge a fee of not more than ~~[$25,]~~ $15, payable on a one-time basis, ~~[on]~~ for any ~~[loan]~~ installment payment that remains unpaid 10 days or more after the date of default.

Sec. 2. NRS 604A.407 is hereby amended to read as follows:

604A.407 1. Except as otherwise provided in this section, for the purposes of determining whether a loan is a high-interest loan, when determining whether a lender is charging an annual percentage rate of more than 40 percent, calculations must be made in accordance with the Truth in Lending Act and Regulation Z, except that every charge or fee, regardless of the name given to the charge or fee, payable directly or indirectly by the customer and imposed directly or indirectly by the lender must be included in calculating the annual percentage rate, including, without limitation:

(a) Interest;

(b) Application fees, regardless of whether such fees are charged to all applicants or credit is actually extended;

(c) Fees charged for participation in a credit plan, whether assessed on an annual, periodic or nonperiodic basis; and

(d) Prepaid finance charges.

2. The following charges and fees must be excluded from the calculation of the annual percentage rate pursuant to subsection 1:

(a) Any fees allowed pursuant to NRS 604A.490 or 675.365 for a check not paid upon presentment or an electronic transfer of money that fails;

(b) Interest accrued after default pursuant to paragraph (c) of subsection 1 of NRS 604A.485;

(c) Charges for an unanticipated late payment, exceeding a credit limit, or a delinquency, default or similar occurrence; ~~[and]~~

(d) Any premiums or identifiable charges for insurance permitted pursuant to NRS 675.300 ~~[.]~~ *; and*

(e) The fee allowed pursuant to section 1 of this act.

3. Calculation of the annual percentage rate in the manner specified in this section is limited only to the determination of whether a loan is a high-interest loan and must not be used in compliance with the disclosure requirements of paragraph (g) of subsection 2 of NRS 604A.410 or any other provisions of this chapter requiring disclosure of an annual percentage rate in the making of a loan.

Sec. 3. NRS 604A.485 is hereby amended to read as follows:

604A.485 1. If a customer defaults on a loan or on any extension or repayment plan relating to the loan, whichever is later, the licensee may collect only the following amounts from the customer, less all payments made before and after default:

(a) The unpaid principal amount of the loan.

(b) The unpaid interest, if any, accrued before the default at the annual percentage rate set forth in the disclosure statement required by the Truth in Lending Act and Regulation Z that is provided to the customer. If there is an extension, in writing and signed by the customer, relating to the loan, the licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 60 days after the expiration of the initial loan period, unless otherwise allowed by NRS 604A.480.

(c) The interest accrued after the expiration of the initial loan period or after any extension or repayment plan that is allowed pursuant to this chapter, whichever is later, at an annual percentage rate not to exceed the prime rate at the largest bank in Nevada, as ascertained by the Commissioner, on January 1 or July 1, as the case may be, immediately preceding the expiration of the initial loan period, plus 10 percent. The licensee may charge and collect interest pursuant to this paragraph for a period not to exceed 90 days. After that period, the licensee shall not charge or collect any interest on the loan.

(d) Any fees allowed pursuant to NRS 604A.490 for a check that is not paid upon presentment or an electronic transfer of money that fails because the account of the customer contains insufficient funds or has been closed.

➥ The sum of all amounts collected pursuant to paragraphs (b), (c) and (d) must not exceed the principal amount of the loan.

2. Except for the interest and fees permitted pursuant to subsection 1 and any other charges expressly permitted pursuant to NRS 604A.430, 604A.445 and 604A.475, *and section 1 of this act,* the licensee shall not charge any other amount to a customer, including, without limitation, any amount or charge payable directly or indirectly by the customer and imposed directly or indirectly by the licensee as an incident to or as a condition of the extension of the period for the payment of the loan or the extension of credit. Such prohibited amounts include, without limitation:

(a) Any interest, other than the interest charged pursuant to subsection 1, regardless of the name given to the interest; or

(b) Any origination fees, set-up fees, collection fees, transaction fees, negotiation fees, handling fees, processing fees, late fees, default fees or any other fees, regardless of the name given to the fee.

Senator Atkinson moved that the Senate concur in the Assembly Amendment No. 644 to Senate Bill No. 94.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 131.

The following Assembly Amendments were read:

Amendment No. 728

"SUMMARY—Establishes provisions governing the disposition of a decedent's accounts on electronic mail, social networking, messaging and other web-based services. (BDR 12-563)"

"AN ACT relating to personal representatives; authorizing a personal representative to ~~[take certain actions with respect to]~~ direct the termination of a decedent's account on certain Internet websites; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth the powers and duties of a personal representative in the administration of the estate of a decedent. (Chapter 143 of NRS) This bill authorizes a personal representative to ~~[take control of, conduct, continue or terminate]~~ direct the termination of any account of the decedent on any Internet website providing social networking or web log, microblog, short message or electronic mail service.

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

Section 1. Chapter 143 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, subject to such restrictions as may be prescribed in the will of a decedent or by an order of a court of competent jurisdiction, a personal representative has the power to ~~[take control of, conduct, continue or terminate]~~ direct the termination of any account of the decedent, including, without limitation:

(a) An account on any:

(1) Social networking Internet website;

(2) Web log service Internet website;

(3) Microblog service Internet website;

(4) Short message service Internet website; or

(5) Electronic mail service Internet website; or

(b) Any similar electronic or digital asset of the decedent.

2. The provisions of subsection 1 do not authorize a personal representative to ~~[take control of, conduct, continue or terminate]~~ direct the termination of any financial account of the decedent, including, without limitation, a bank account or investment account.

~~[3. The act by a personal representative to take control of, conduct or continue any account or asset of a decedent pursuant to subsection 1 does not invalidate or abrogate any conditions, terms of service or contractual obligations the holder of such an account or asset has with the provider or administrator of the account, asset or Internet website.]~~

Amendment No. 840

"SUMMARY—Establishes provisions governing the disposition of a decedent's accounts on electronic mail, social networking, messaging and other web-based services. (BDR 12-563)"

"AN ACT relating to personal representatives; authorizing a personal representative to direct the termination of a decedent's account on certain Internet websites; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth the powers and duties of a personal representative in the administration of the estate of a decedent. (Chapter 143 of NRS) This bill authorizes a personal representative to direct the termination of any account of the decedent on any Internet website providing social networking or web log, microblog, short message or electronic mail service.

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

Section 1. Chapter 143 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, subject to such restrictions as may be prescribed in the will of a decedent or by an order of a court of competent jurisdiction, a personal representative has the power to direct the termination of any account of the decedent, including, without limitation:

(a) An account on any:

(1) Social networking Internet website;

(2) Web log service Internet website;

(3) Microblog service Internet website;

(4) Short message service Internet website; or

(5) Electronic mail service Internet website; or

(b) Any similar electronic or digital asset of the decedent.

2. The provisions of subsection 1 do not authorize a personal representative to direct the termination of any financial account of the decedent, including, without limitation, a bank account or investment account.

3. The act by a personal representative to direct the termination of any account or asset of a decedent pursuant to subsection 1 does not invalidate or abrogate any conditions, terms of service or contractual obligations the holder of such an account or asset has with the provider or administrator of the account, asset or Internet website.

Senator Segerblom moved that the Senate concur in the Assembly Amendments Nos. 728, 840, to Senate Bill No. 131.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 208.

The following Assembly Amendment was read:

Amendment No. 726.

"SUMMARY—Revises the definition of "police officer" primarily for purposes of certain provisions relating to occupational diseases. (BDR 53-875)"

"AN ACT relating to police officers; revising the definition of "police officer" to include court bailiffs and deputy marshals in district courts and justice courts ~~[and chiefs and assistant alternative sentencing officers of departments of alternative sentencing]~~ primarily for purposes of certain provisions relating to occupational diseases; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers in this State for purposes of certain provisions relating to the Nevada Occupational Diseases Act. (NRS 617.135) This bill expands the definition of "police officer" to include ~~[: (1)]~~ court bailiffs and deputy marshals in district courts and justice courts ~~[; and (2) chiefs and assistant alternative sentencing officers of departments of alternative sentencing.]~~ Furthermore, because various other provisions of NRS reference "police officer" as that term is defined in the Act, this bill makes applicable to court bailiffs and deputy marshals in district courts and justice courts ~~[and to chiefs and alternative sentencing officers of departments of alternative sentencing]~~ certain provisions concerning: (1) industrial insurance coverage; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) certain programs of group insurance or other medical or hospital service for the surviving spouse or any child of police officers and firefighters. (NRS 6.020, 281.153, 287.021, 287.0477, chapters 616A-616D of NRS)

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

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

2. A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

3. A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

4. A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

5. A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

6. A chief or investigator of the Department of Public Safety whose duties include, without limitation:

(a) The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

(b) The provision of technology support services to the Director and the divisions of the Department of Public Safety;

7. An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

8. An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

9. A member of the police department of the Nevada System of Higher Education;

10. A:

(a) Uniformed employee of; or

(b) Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

11. A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

12. A forensic specialist or correctional officer employed by the Division of Mental Health and Developmental Services of the Department of Health and Human Services at facilities for mentally disordered offenders;

13. The State Fire Marshal and his or her assistant and deputies;

14. A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280; ~~[and]~~

15. A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260 ~~[.]~~ *; and*

16. A bailiff or a deputy marshal of the district court or justice court whose duties require him or her to carry a weapon and to make arrests . ~~[; and~~

~~*17. A chief or an assistant alternative sentencing officer of a department of alternative sentencing created pursuant to NRS 211A.080.]*~~

Senator Atkinson moved that the Senate concur in the Assembly Amendment No. 726 to Senate Bill No. 208.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 220.

The following Assembly Amendments were read:

Amendment No. 745.

SUMMARY—Makes various changes relating to certain professional licensing boards. (BDR 54-502)"

"AN ACT relating to professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain licensing boards to law enforcement agencies; requiring, to the extent feasible, certain licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; revising provisions relating to schools of cosmetology; providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, 62, 69, 76, 86 , 91.5 and 106 of this bill authorize a member or any agent of the various licensing boards to : (1) enter any premises in this State where a person who holds a license, certificate or permit issued by that board practices his or her profession pursuant to the license, certificate or permit and inspect the premises to determine whether any violation of existing law governing the profession has occurred; and (2) enter, with the cooperation of the appropriate law enforcement agency, any other premises in this State where there is probable cause to believe that a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit without having done so to determine whether the person holds the appropriate license, certificate or permit issued by that board.

Sections 9, 15, 21, 31, 37, 42, 51, 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 20.3, 20.7, 22, 26, 29, 36, 41, 47, 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards , unless the board determines that extenuating circumstances exist, to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, 60.7, 65, 72, 80, 87, 94, 101 and 108 of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, 22, 28, 33, 39, 45, 50, 66, 73, 79, 81-84, 89 and 95 of this bill revise existing criminal penalties for the unlicensed practice of certain professions and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. Section 110 of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) Section 1 of this bill extends this protection from disclosure

to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such information to be kept confidential by the licensing board in whose possession the information is held.

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

Section 60.3 of this bill authorizes the Board of Dispensing Opticians to investigate the actions of any licensee of the Board that may constitute grounds for certain disciplinary actions.

Section 98.5 of this bill requires the State Board of Cosmetology to take such actions as it determines are reasonable to enable schools of cosmetology to receive certain federal money. Section 100.5 of this bill revises provisions governing the licensing of schools of cosmetology.

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

Section 1. NRS 622.310 is hereby amended to read as follows:

622.310 *1.* If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~[to]~~ *:*

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 1.5. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Any member or agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that medicine, perfusion or respiratory care is being practiced without the appropriate license issued pursuant to the provisions of this

chapter and inspect it to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 3. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 3.5. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[may]~~ *:*

1. May adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:

(a) The qualifications and training required for administration; and

(b) The manner and place of administration.

Sec. 4. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against ~~[a physician, perfusionist, physician assistant or practitioner of respiratory care]~~ *any person who is within the jurisdiction of the Board or any other licensing board* on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. *If the Board determines that the person who is the subject of the complaint does not hold a license issued by the Board or any other licensing board, the Board shall determine whether the person who is the subject of the complaint has engaged in the practice of medicine, perfusion or respiratory care. If the Board determines that the person:*

(a) Has engaged in the practice of medicine, perfusion or respiratory care, the Board may proceed with any investigation of, or action or disciplinary proceeding against, the person; or

(b) Has not engaged in the practice of medicine, perfusion or respiratory care, the Board shall refer the complaint to the licensing board that the Board determines is appropriate to consider the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds

for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

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

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

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

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

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

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

(a) Is mentally ill;

(b) Is mentally incompetent;

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

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

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

➥ within 45 days after such a finding, judgment or determination is made.

7. On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the

previous year to the Board regarding physicians pursuant to paragraph (e) of subsection 6.

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

9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. ~~[This section does not prevent or prohibit the]~~ *The* Board ~~[from communicating or cooperating with]~~ *shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to* any other licensing board or agency or any agency which is investigating a ~~[licensee,]~~ *person,* including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency

with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 ~~[A]~~

1. It is unlawful for any person ~~[who:]~~ *to:*

~~[1. Presents]~~

(a) Present to the Board as his or her own the diploma, license or credentials of another;

~~[2. Gives]~~

(b) Give either false or forged evidence of any kind to the Board;

~~[3. Practices]~~

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely ~~[personates]~~ *personate* another licensee;

~~[4.]~~ *(d)* Except as otherwise provided by a specific statute, ~~[practices]~~ *practice* medicine, perfusion or respiratory care without being licensed under this chapter;

~~[5. Holds]~~

(e) Hold himself or herself out as a perfusionist or ~~[uses]~~ *use* any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[uses]~~ *use* any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~[7. Holds]~~

(g) Hold himself or herself out as a practitioner of respiratory care or ~~[uses]~~ *use* any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board . ~~[,~~

➥ ~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony *; or*

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this

State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[, with]~~ :

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices homeopathic medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that homeopathic medicine is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 8. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other

possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. ~~[Forward]~~ *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

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

(e) Is liable for damages for malpractice or negligence.

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

Sec. 10. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 630A.600 is hereby amended to read as follows:

630A.600 *1.* Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *Any member or agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of

any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that dentistry or dental hygiene is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 14. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 15. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for ~~[refusal, suspension or revocation of a license or certificate under this chapter,]~~ *initiating disciplinary action,* investigate the actions of any person ~~[holding a certificate.]~~ *who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Board shall, before ~~[refusing to issue, or before suspending or revoking any certificate,]~~ *initiating disciplinary action,* at least 10 days before the date set for the hearing, notify *the accused person* in writing ~~[the applicant or the holder of the certificate]~~ of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board ~~[may]~~ *shall, to the extent feasible, communicate or cooperate with or* provide any record or information described in subsection 1 to any other licensing board or ~~[agency or]~~ any *other* agency ~~[which]~~ *that* is investigating a person *,* ~~[licensed pursuant to this chapter,]~~ including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or

other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1, 2 or 3.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[, with]~~ :

1. Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices nursing or as a nursing assistant or medication aide - certified and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that nursing is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing nursing or as a

nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. NRS 632.285 is hereby amended to read as follows:

632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. ~~[The]~~ *Unless the Executive Director of the Board determines that extenuating circumstances exist, the* Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 20.7. NRS 632.291 is hereby amended to read as follows:

632.291 1. Any person who practices or offers to practice as a medication aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide-certified as provided in this chapter.

2. It is unlawful for any person to practice or to offer to practice as a medication aide-certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide-certified in this State unless the person is certified as a medication aide-certified pursuant to the provisions of this chapter.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

4. ~~[The]~~ *Unless the Executive Director of the Board determines that extenuating circumstances exist, the* Executive Director ~~[of the Board]~~ shall

forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

Sec. 21. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, nursing assistant or medication aide-certified against whom the complaint is filed, and the Board is unable to identify the licensee, nursing assistant or medication aide-certified, the Board shall request that the employer of the licensee, nursing assistant or medication aide-certified provide to the Board the complete name of the licensee, nursing assistant or medication aide - certified. The employer shall provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, nursing assistant or medication aide-certified shall provide to the Board, upon its request, the record of the work assignments of any licensee, nursing assistant or medication aide-certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. ~~[Any]~~ *It is unlawful for any* person ~~[who:]~~ *:*

(a) ~~[Practices]~~ *To practice* or ~~[offers]~~ *offer* to practice nursing in this State or ~~[uses]~~ *use* any title, abbreviation, sign, card or device to indicate that he or

she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) ~~[Does]~~ *Who does* not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter ~~[who practices]~~ *to practice* or ~~[offers]~~ *offer* to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing . ~~[,~~

~~➥ is guilty of a misdemeanor.]~~

3. *A person who violates any provision of subsection 2:*

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

4. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

~~[4.]~~ *5.* ~~[The]~~ *Unless the Executive Director of the Board determines that extenuating circumstances exist, the* Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 23. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. ~~[This section does not prevent or prohibit the]~~ *The* Board ~~[from communicating or cooperating with]~~ *shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to* another licensing board or any agency that is investigating a ~~[licensee,]~~ *person,* including a law enforcement agency.

Sec. 24. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. *Any member or agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without

limitation, an inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that osteopathic medicine is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 26. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 27. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 28. NRS 633.741 is hereby amended to read as follows:

633.741 ~~[A]~~

1. It is unlawful for any person ~~[who:~~

~~1.]~~ *to:*

(a) Except as otherwise provided in NRS 629.091, ~~[practices:~~

~~(a)]~~ *practice:*

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

~~[(b)]~~ *(2)* As a physician assistant without a valid license under this chapter; or

~~[(c)]~~ *(3)* Beyond the limitations ordered upon his or her practice by the Board or the court;

~~[2. Presents]~~

(b) Present as his or her own the diploma, license or credentials of another;

~~[3. Gives]~~

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

~~[4. Files]~~

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

~~[5. Practices]~~

(e) Practice osteopathic medicine or ~~[practices]~~ *practice* as a physician assistant under a false or assumed name or falsely ~~[personates]~~ *personate* another licensee of a like or different name;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[who uses]~~ *use* any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

~~[7. Supervises]~~

(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter . ~~[~~, ~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony *; or*

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this

State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 29. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 30. NRS 634.043 is hereby amended to read as follows:

634.043 1. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

2. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

~~[(c) Enter]~~

3. The Board or any agent of the Board may ~~[, with]~~ :

(a) Enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices chiropractic or as a chiropractor's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter ~~[and inspect]~~ any ~~[chiropractic office]~~ *other premises* in this State ~~*[at which]*~~ *where there is probable cause to believe that chiropractic is being practiced* ~~[in order to enforce the provisions of this chapter.]~~ *without the appropriate license or certificate issued pursuant to the provisions of this chapter and*

inspect it to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 31. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed *or who performs any act for which a license or certificate is required* pursuant to the provisions of this chapter.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

3. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 33. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. *Any member or agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that Oriental medicine is being practiced without a license issued

pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.

Sec. 36. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.*

Sec. 37. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[doctor of]~~ *person who practices* Oriental medicine is filed with the Board, the Board shall review the complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.* If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 38. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 39. NRS 634A.230 is hereby amended to read as follows:

634A.230 *1.* Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 634A.250.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board*

concerning a person who practices or offers to practice podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 42. *Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 43. NRS 635.035 is hereby amended to read as follows:

635.035 *1.* The Board may:

~~[1.]~~ *(a)* Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[2.]~~ *(b)* Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may ~~[, with]~~ :

(a) Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices podiatry or as a podiatry hygienist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that podiatry is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 *1.* Any person who:

~~[1.]~~ *(a)* Presents to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ *(b)* Gives either false or forged evidence of any kind to the Board;

~~[3.]~~ *(c)* Practices podiatry under a false or assumed name or falsely personates another licensee;

~~[4.]~~ *(d)* Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~[5.]~~ *(e)* Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of NRS 635.130.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 46. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 47, 48 and 49 of this act.

Sec. 47. *~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to the provisions of this chapter.*

Sec. 48. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.*

Sec. 49. *A member or any agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices optometry and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing optometry without a license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that optometry is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[No]~~

1. A person shall *not* engage in the practice of optometry in this State unless:

~~[1.]~~ *(a)* The person has obtained a license pursuant to the provisions of this chapter; and

~~[2.]~~ *(b)* Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this

State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing . ~~[and signed and verified by the person making it.]~~ The original complaint and two copies must be filed with the Executive Director. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 52. NRS 636.325 is hereby amended to read as follows:

636.325 1. Upon conclusion of the hearing, or waiver thereof by the ~~[licensee]~~ *person* against whom the charge is filed, the Board shall make and announce its decision. If the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee;

(b) Place the licensee on probation for a specified or unspecified period;

(c) Suspend the licensee from practice for a specified or unspecified period;

(d) Revoke the licensee's license; or

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.

➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.

2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.

3. The Board shall not ~~[privately]~~ *issue a private* reprimand . ~~[a licensee.]~~

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.3. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available for that purpose, the Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.

2. The Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 60.7. NRS 637.085 is hereby amended to read as follows:

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section and NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. Chapter 637A of NRS is hereby amended by adding thereto the provisions set forth as sections 62 and 63 of this act.

Sec. 62. *A member or any agent of the Board may* ~~*[, with:]*~~ *:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without ~~*[a]*~~ *the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 63. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 64. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the Board. The Board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.

2. A complaint made against any licensee charging one or more of the causes for which his or her license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

3. The complaint must be made in writing and *may* be ~~[signed and verified by]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to* the person ~~[making it.]~~ *who is the subject of the complaint.*

4. The Board, on its own motion, may investigate the activities of an applicant for or a holder of a license issued pursuant to this chapter at any time.

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

Sec. 65. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 66. NRS 637A.352 is hereby amended to read as follows:

637A.352 *1.* A person shall not engage in the business of a hearing aid specialist unless the person:

~~[1.]~~ *(a)* Holds a license issued by the Board; or

~~[2.]~~ *(b)* Is exempted from the provisions of this chapter by NRS 637A.025.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person

must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. *A member or any agent of the Board may* ~~*[, with]*~~ *:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices audiology or speech pathology and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 70. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and *may* be ~~[signed and verified by]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to* the person ~~[making it.]~~ *who is the subject of the complaint.*

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other

information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 73. NRS 637B.290 is hereby amended to read as follows:

637B.290 *1.* A person shall not engage in the practice of audiology or speech pathology in this State without holding a valid license ~~[to do so as provided in]~~ *issued pursuant to the provisions of* this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology or speech pathology in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 74. (Deleted by amendment.)

Sec. 75. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 79, inclusive, of this act.

Sec. 76. *A member or any agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license, certificate or permit issued pursuant to the provisions of this chapter practices pharmacy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.

Sec. 77. *~~[The]~~ Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.*

Sec. 78. *Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 79. *In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:*

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must:

(a) Include a telephone number with which the person may contact the Board; and

(b) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of this section.

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 80. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,
➥ *and shall be punished as provided in NRS 193.130.*

~~[2.]~~ *3.* Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~[3.]~~ *4.* Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use

Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~[4.]~~ *5.* Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. *A person who violates the provisions of this subsection:*

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

Sec. 83. NRS 639.284 is hereby amended to read as follows:

639.284 Except as otherwise provided in NRS 639.23277, any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

2. Is not a registered pharmacist and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter ~~[,]~~ *:*

(a) If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ *category D felony; or*

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

Sec. 84. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision ~~[,]~~ *:*

1. If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ *category D felony; or*

2. If substantial bodily harm results, is guilty of a category C felony,

➥ *and shall be punished as provided in NRS 193.130.*

Sec. 85. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 86. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may ~~*[, with]*~~ :

(a) Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a

violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter; and

(b) With the cooperation of the appropriate law enforcement agency, enter ~~[an office, clinic or hospital]~~ *any other premises in this State* where *there is probable cause to believe that* physical therapy is *being* practiced *without the appropriate license issued pursuant to the provisions of this chapter* and inspect it to determine ~~[if the]~~ *whether any person at the premises is practicing* physical ~~[therapists are licensed.]~~ *therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.*

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 88. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and *may* be ~~[signed and verified by the person filing it.]~~ *filed anonymously. If a complaint is filed anonymously,*

the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

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

Sec. 89. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter. *A person who violates the provisions of this subsection is guilty of a gross misdemeanor.*

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may ~~[issue]~~ *:*

(a) Issue an order against any person who has violated subsection 1 imposing ~~[a civil]~~ *an administrative* penalty of not more than $5,000 for each violation. Any ~~[civil]~~ *administrative* penalty collected pursuant to this ~~[subsection]~~ *paragraph* must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a) to (d), inclusive.

Sec. 90. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 91 , 91.5 and 92 of this act.

Sec. 91. *Any person who becomes aware that a person practicing occupational therapy or as an occupational therapy assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 640A.200 may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 91.5. *A member or any agent of the Board may:*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices occupational therapy or as an occupational therapy assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 92. *Whenever any person has engaged in or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Sec. 93. NRS 640A.110 is hereby amended to read as follows:

640A.110 The Board shall:

1. Enforce the provisions of this chapter;

2. ~~*[Forward]*~~ *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter;*

3. Maintain a record of its proceedings;

~~[3.]~~ *4.* Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~[4.]~~ *5.* Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~[5.]~~ *6.* Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. *A person who violates the provisions of this subsection is guilty of a gross misdemeanor.*

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~[3.]~~ A person who violates ~~[any provision]~~ *the provisions* of this ~~[section]~~ *subsection* is guilty of a misdemeanor.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates

that he or she is no longer in violation of subsection 1. An order to cease and desist must:

(1) Include a telephone number with which the person may contact the Board; and

(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 96. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 97 , ~~[and]~~ 98 and 98.5 of this act.

Sec. 97. *Any person who becomes aware that a person practicing cosmetology in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 644.430 may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 98. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the

Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 98.5. *The Board shall take such action as it determines is reasonable to enable schools of cosmetology to receive money from the Federal Government for student financial assistance to the greatest extent practicable under federal law.*

Sec. 99. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting ~~[officers all violations]~~ *officer or law enforcement agency each violation* of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 100. (Deleted by amendment.)

Sec. 100.5. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) *Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.*

(e) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. *If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:*

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

~~[5.]~~ *6.* After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 101. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 102. (Deleted by amendment.)

Sec. 103. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 107, inclusive, of this act.

Sec. 104. *Whenever any person has engaged or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Sec. 105. ~~*[The]*~~ *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 106. *A member or any agent of the Board may ~~[, with]~~ :*

1. Enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter; and

2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 107. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person ~~[licensed as a nursing facility administrator or an administrator of a~~

~~residential facility for groups]~~ has failed to comply with the requirements of the standards. ~~[The]~~ *Except as otherwise provided in this paragraph, the* Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 *,* ~~[or]~~ 465.070 to 465.085, inclusive ~~[.]~~ *, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.*

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 111. 1. Any person who is admitted to a school of cosmetology on or before the effective date of section 100.5 of this act shall be deemed to be admitted in compliance with the amendatory provisions of section 100.5 of this act.

2. The State Board of Cosmetology shall, as soon as practicable after the effective date of section 100.5 of this act and at no cost to the school of cosmetology, issue to each school of cosmetology that meets the requirements of NRS 644.380, as amended by section 100.5 of this act a license that complies with the amendatory provisions of that section.

Sec. 112. 1. This section and sections 98.5, 100.5 and 111 of this act become effective upon passage and approval.

2. Sections 1 to 98, inclusive, 99, 100 and 101 to 110, inclusive, of this act become effective on October 1, 2013.

Amendment No. 861.

"SUMMARY—Makes various changes relating to certain professional licensing boards. (BDR 54-502)"

"AN ACT relating to professional licensing boards; revising provisions relating to the disclosure of certain information by certain licensing boards; requiring the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox; revising provisions relating to the reporting of certain information by certain licensing boards to law enforcement agencies; requiring, to the extent feasible, certain licensing boards to communicate or cooperate with or provide documents or other information to another licensing board or agency or a law enforcement agency that is investigating a person; providing for the filing of anonymous complaints with certain licensing boards; authorizing members and agents of certain licensing boards to enter certain premises to enforce provisions governing professions regulated by the respective boards; revising provisions relating to schools of cosmetology; providing for the forfeiture of certain personal property used in the commission of the unlicensed practice of certain professions; providing penalties; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law establishes various licensing boards to regulate persons who practice medicine, perfusion or respiratory care, homeopathic medicine, dentistry or dental hygiene, nursing, osteopathic medicine, chiropractic, Oriental medicine, podiatry, optometry, audiology, speech pathology, pharmacy, physical therapy, occupational therapy and cosmetology, and persons who practice as dispensing opticians, hearing aid specialists or administrators of facilities for long-term care. (Title 54 of NRS) This bill amends various provisions of NRS to ensure that these professions are similarly regulated.

Sections 2, 7, 13, 18, 25, 30, 35, 43, 49, 62, 69, 76, 86, 91.5 and 106 of this bill authorize a member or any agent of the various licensing boards to ~~[: (1)]~~ enter any premises in this State where a person who holds a license,

certificate or permit issued by that board practices his or her profession pursuant to the license, certificate or permit and inspect the premises to determine whether any violation of existing law governing the profession has occurred. ~~[; and (2) enter, with the cooperation of the appropriate law enforcement agency, any other premises in this State where there is probable cause to believe that a person is engaging in acts for which the person is required to obtain from the board a license, certificate or permit without having done so to determine whether the person holds the appropriate license, certificate or permit issued by that board.]~~

Sections 9, 15, 21, 31, 37, 42, 51, 64, 71, 78, 88, 91, 97 and 108 of this bill provide for the filing of anonymous complaints concerning certain professions with the appropriate board.

Sections 3, 8, 14, 20.3, 20.7, 22, 26, 29, 36, 41, 47, 63, 70, 77, 85, 93, 99 and 105 of this bill require each of these various licensing boards, unless the board determines that extenuating circumstances exist, to forward to the appropriate law enforcement agency any substantiated information submitted to the board concerning a person who, without the appropriate license, certificate or permit, engages in or offers to engage in activity for which a license, certificate or permit is required in this State. Sections 5, 10, 16, 23, 27, 32, 38, 44, 48, 60.7, 65, 72, 80, 87, 94, 101 and 108 of this bill require, to the extent feasible, each of the boards to communicate or cooperate with or provide documents or any other information to another licensing board or any other agency that is investigating a person, including a law enforcement agency.

Sections 6, 11, 17, 22, 28, 33, 39, 45, 50, 66, 73, 79, 81-84, 89 and 95 of this bill revise existing criminal penalties for the unlicensed practice of certain professions and authorize various licensing boards to impose administrative fines against, issue citations to, and issue and serve orders to cease and desist on persons who engage in the unlicensed practice of certain professions, or both. Section 110 of this bill provides for the forfeiture of all personal property used by certain persons to engage in the unlicensed practice of certain professions.

Sections 98 and 107 of this bill require the State Board of Cosmetology and the Board of Examiners for Long-Term Care Administrators, respectively, to refer complaints concerning matters within the jurisdiction of certain other licensing boards to the other licensing boards.

Existing law provides that notwithstanding any other provision requiring disclosure of information to the public pursuant to any proceeding by a state agency, board or commission with the authority to regulate certain occupations or professions, personal medical information or records of a patient are not required to be disclosed under certain circumstances. (NRS 622.310) Section 1 of this bill extends this protection from disclosure to any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board, and specifically requires such

information to be kept confidential by the licensing board in whose possession the information is held.

Section 3.5 of this bill requires the Board of Medical Examiners to adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person.

Section 60.3 of this bill authorizes the Board of Dispensing Opticians to investigate the actions of any licensee of the Board that may constitute grounds for certain disciplinary actions.

Section 98.5 of this bill requires the State Board of Cosmetology to take such actions as it determines are reasonable to enable schools of cosmetology to receive certain federal money. Section 100.5 of this bill revises provisions governing the licensing of schools of cosmetology.

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

Section 1. NRS 622.310 is hereby amended to read as follows:

622.310 *1.* If any provision of this title requires a regulatory body to disclose information to the public in any proceeding or as part of any record, such a provision does not apply ~~[to]~~ *:*

(a) To any personal medical information or records of a patient that are confidential or otherwise protected from disclosure by any other provision of federal or state law.

(b) To any personal identifying information of a person alleged to have been injured by any act of another person for which a license, certificate or permit is required to be issued by a licensing board. Such information must be kept confidential by the licensing board in whose possession the information is held.

2. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.

Sec. 1.5. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *Any member or agent of the Board may* ~~*[:*~~

~~*1. Enter]*~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion or respiratory care and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter .* ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that medicine, perfusion or respiratory care is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 3. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice medicine, perfusion or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 3.5. NRS 630.138 is hereby amended to read as follows:

630.138 The Board ~~[may]~~ *:*

1. May adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Shall adopt regulations governing the possession and administration of botulinum toxin, commonly known as Botox, by a medical assistant or any other person, including, without limitation:

(a) The qualifications and training required for administration; and

(b) The manner and place of administration.

Sec. 4. ~~[NRS 630.307 is hereby amended to read as follows:~~

~~630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against [a physician, perfusionist, physician assistant or practitioner of respiratory care]~~ ~~*any person who is within the jurisdiction of the Board or any other licensing board*~~ ~~on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint. *If the Board determines that the person who is the subject of the complaint does not hold a license issued by the Board or any other licensing board, the Board shall determine whether the person who is the subject of the complaint has engaged in the practice of medicine, perfusion or respiratory care. If the Board determines that the person:*~~

~~*(a) Has engaged in the practice of medicine, perfusion or respiratory care, the Board may proceed with any investigation of, or action or disciplinary proceeding against, the person; or*~~

~~*(b) Has not engaged in the practice of medicine, perfusion or respiratory care, the Board shall refer the complaint to the licensing board that the Board determines is appropriate to consider the complaint.*~~

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

~~3. Except as otherwise provided in subsection 4, any hospital, clinic or other medical facility licensed in this State, or medical society, shall report to~~

~~the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.~~

~~4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:~~

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

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

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

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

~~(a) Is mentally ill;~~

~~(b) Is mentally incompetent;~~

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

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

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

~~→ within 45 days after such a finding, judgment or determination is made.~~

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

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

~~9. As used in this section, "licensing board" has the meaning ascribed to it in section 98 of this act.]~~ (Deleted by amendment.)

Sec. 5. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The formal complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. ~~[This section does not prevent or prohibit the]~~ *The* Board ~~[from communicating or cooperating with]~~ *shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to* any other licensing board or agency or any agency which is investigating a ~~[licensee,]~~ *person,* including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 6. NRS 630.400 is hereby amended to read as follows:

630.400 ~~[A]~~

1. It is unlawful for any person ~~[who:]~~ *to:*

~~[1. Presents]~~

(a) Present to the Board as his or her own the diploma, license or credentials of another;

~~[2. Gives]~~

(b) Give either false or forged evidence of any kind to the Board;

~~[3. Practices]~~

(c) Practice medicine, perfusion or respiratory care under a false or assumed name or falsely ~~[personates]~~ *personate* another licensee;

~~[4.]~~ *(d)* Except as otherwise provided by a specific statute, ~~[practices]~~ *practice* medicine, perfusion or respiratory care without being licensed under this chapter;

~~[5. Holds]~~

(e) Hold himself or herself out as a perfusionist or ~~[uses]~~ *use* any other term indicating or implying that he or she is a perfusionist without being licensed by the Board;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[uses]~~ *use* any other term indicating or implying that he or she is a physician assistant without being licensed by the Board; or

~~[7. Holds]~~

(g) Hold himself or herself out as a practitioner of respiratory care or ~~[uses]~~ *use* any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board . ~~[,~~

➥ ~~]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony *; or*

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board . ~~[; and~~*

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 7. Chapter 630A of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~[:~~

~~1. Enter]~~ enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices homeopathic medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter. ~~[; and~~

~~2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that homeopathic medicine is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.]~~

Sec. 8. NRS 630A.155 is hereby amended to read as follows:

630A.155 The Board shall:

1. Regulate the practice of homeopathic medicine in this State and any activities that are within the scope of such practice, to protect the public health and safety and the general welfare of the people of this State.

2. Determine the qualifications of, and examine, applicants for licensure or certification pursuant to this chapter, and specify by regulation the methods to be used to check the background of such applicants.

3. License or certify those applicants it finds to be qualified.

4. Investigate and, if required, hear and decide in a manner consistent with the provisions of chapter 622A of NRS all complaints made against any homeopathic physician, advanced practitioner of homeopathy, homeopathic assistant or any agent or employee of any of them, or any facility where the primary practice is homeopathic medicine. If a complaint concerns a practice which is within the jurisdiction of another licensing board or any other possible violation of state law, the Board shall refer the complaint to the other licensing board.

5. *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice homeopathic medicine without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

6. Submit an annual report to the Legislature and make recommendations to the Legislature concerning the enactment of legislation relating to alternative and complementary integrative medicine, including, without limitation, homeopathic medicine.

Sec. 9. NRS 630A.390 is hereby amended to read as follows:

630A.390 1. Any person who becomes aware that a person practicing medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a written complaint with the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. Any medical society or medical facility or facility for the dependent licensed in this State shall report to the Board the initiation and outcome of any disciplinary action against any homeopathic physician concerning the care of a patient or the competency of the physician.

3. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a homeopathic physician:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law relating to controlled substances or dangerous drugs;

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

(e) Is liable for damages for malpractice or negligence.

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

Sec. 10. NRS 630A.555 is hereby amended to read as follows:

630A.555 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information

considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 11. NRS 630A.600 is hereby amended to read as follows:

630A.600 *1.* Except as otherwise provided in NRS 629.091, a person who practices homeopathic medicine without a license or certificate issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty prescribed by law, if the Board determines that a person is practicing homeopathic medicine without a license or certificate issued pursuant to this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~(1) Include]~~ include a telephone number with which the person may contact the Board . ~~[; and~~

~~(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 12. Chapter 631 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. *Any member or agent of the Board may ~~[:~~*

~~1. Enter]~~ enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices dentistry or dental hygiene and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is

practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter. ~~[; and~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that dentistry or dental hygiene is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 14. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice dentistry or dental hygiene without the appropriate license or certificate issued pursuant to the provisions of this chapter.*

Sec. 15. NRS 631.360 is hereby amended to read as follows:

631.360 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for ~~[refusal, suspension or revocation of a license or certificate under this chapter,]~~ *initiating disciplinary action,* investigate the actions of any person ~~[holding a certificate.]~~ *who practices dentistry or dental hygiene in this State. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Board shall, before ~~[refusing to issue, or before suspending or revoking any certificate,]~~ *initiating disciplinary action,* at least 10 days before the date set for the hearing, notify *the accused person* in writing ~~[the applicant or the holder of the certificate]~~ of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the Board.

3. At the time and place fixed in the notice, the Board shall proceed to hear the charges. If the Board receives a report pursuant to subsection 5 of NRS 228.420, a hearing must be held within 30 days after receiving the report.

4. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Executive Director may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

5. The Board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the Board and that reasonable cause exists to issue the warrant.

6. If the Board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the Board shall continue the hearing for a period not to exceed 30 days.

7. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 16. NRS 631.368 is hereby amended to read as follows:

631.368 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board ~~[may]~~ *shall, to the extent feasible, communicate or cooperate with or* provide any record or information described in subsection 1 to any other licensing board or ~~[agency or]~~ any *other* agency ~~[which]~~ *that* is investigating a person *,* ~~[licensed pursuant to this chapter,]~~ including a law enforcement agency.

Sec. 17. NRS 631.400 is hereby amended to read as follows:

631.400 1. A person who engages in the illegal practice of dentistry in this State is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. A person who practices or offers to practice dental hygiene in this State without a license, or who, having a license, practices dental hygiene in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided by specific statute, a person who is licensed to practice dentistry who practices dentistry in a manner or place not permitted by the provisions of this chapter:

(a) If it is his or her first or second offense, is guilty of a gross misdemeanor.

(b) If it is his or her third or subsequent offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

4. The Board may assign a person described in subsection 1, 2 or 3 specific duties as a condition of renewing a license.

5. If a person has engaged or is about to engage in any acts or practices which constitute or will constitute an offense against this chapter, the district court of any county, on application of the Board, may issue an injunction or

other appropriate order restraining the conduct. Proceedings under this subsection are governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.

6. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, 2 or 3, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 1, 2 or 3. An order to cease and desist must ~~*[:*~~

~~*[(1) Include]*~~ *include a telephone number with which the person may contact the Board* ~~*. [; and*~~

~~*[(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1, 2 or 3.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 18. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

Any member or agent of the Board may ~~*[:*~~

~~*[1. Enter]*~~ *enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices nursing or as a nursing assistant or medication aide - certified and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing nursing or as a nursing assistant or medication aide - certified without the appropriate license or certificate issued pursuant to the provisions of this chapter* ~~*. [; and*~~

~~*[2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that nursing is being practiced without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing nursing or as a*~~

~~*nursing assistant or medication aide — certified without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.3. NRS 632.285 is hereby amended to read as follows:

632.285 1. Any person, except a nursing assistant trainee, who practices or offers to practice as a nursing assistant in this State shall submit evidence that he or she is qualified so to practice and must be certified as provided in this chapter.

2. It is unlawful for any person:

(a) To practice or to offer to practice as a nursing assistant in this State or to use any title, abbreviation, sign, card or device to indicate that he or she is practicing as a nursing assistant in this State unless the person has been certified pursuant to the provisions of this chapter.

(b) Except as otherwise provided in NRS 629.091, who does not hold a certificate authorizing the person to practice as a nursing assistant issued pursuant to the provisions of this chapter to perform or offer to perform basic nursing services in this State, unless the person is a nursing assistant trainee.

(c) To be employed as a nursing assistant trainee for more than 4 months.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

4. ~~[The]~~ *Unless the Executive Director of the Board determines that extenuating circumstances exist, the* Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a nursing assistant without a certificate issued pursuant to the provisions of this chapter.

Sec. 20.7. NRS 632.291 is hereby amended to read as follows:

632.291 1. Any person who practices or offers to practice as a medication aide - certified in this State shall submit evidence that he or she is qualified to practice and must be certified to practice as a medication aide-certified as provided in this chapter.

2. It is unlawful for any person to practice or to offer to practice as a medication aide - certified in this State or to use any title, abbreviation, sign, card or device to indicate that the person is practicing as a medication aide-certified in this State unless the person is certified as a medication aide-certified pursuant to the provisions of this chapter.

3. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

4. ~~[The]~~ *Unless the Executive Director of the Board determines that extenuating circumstances exist, the* Executive Director ~~[of the Board]~~ shall

forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice as a medication aide - certified without a certificate to practice as a medication aide - certified issued pursuant to the provisions of this chapter.

Sec. 21. NRS 632.310 is hereby amended to read as follows:

632.310 1. The Board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, is sufficient to require an investigation, investigate the actions of any licensee or holder of a certificate or any person who assumes to act as a licensee or holder of a certificate within the State of Nevada. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Executive Director of the Board may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information is sufficient to require an investigation for referral to the Board for its consideration.

3. If a written verified complaint filed with the Board does not include the complete name of the licensee, nursing assistant or medication aide-certified against whom the complaint is filed, and the Board is unable to identify the licensee, nursing assistant or medication aide-certified, the Board shall request that the employer of the licensee, nursing assistant or medication aide - certified provide to the Board the complete name of the licensee, nursing assistant or medication aide - certified. The employer shall provide the name to the Board within 3 business days after the request is made.

4. The employer of a licensee, nursing assistant or medication aide-certified shall provide to the Board, upon its request, the record of the work assignments of any licensee, nursing assistant or medication aide-certified whose actions are under investigation by the Board.

5. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 22. NRS 632.315 is hereby amended to read as follows:

632.315 1. For the purposes of safeguarding life and health and maintaining high professional standards among nurses in this State, any person who practices or offers to practice nursing in this State shall submit evidence that he or she is qualified to practice and must be licensed as provided in this chapter.

2. ~~[Any]~~ *It is unlawful for any* person ~~[who:]~~ *:*

(a) ~~[Practices]~~ *To practice* or ~~[offers]~~ *offer* to practice nursing in this State or ~~[uses]~~ *use* any title, abbreviation, sign, card or device to indicate that he or

she is practicing nursing in this State unless that person has been licensed pursuant to the provisions of this chapter; or

(b) ~~[Does]~~ *Who does* not hold a valid and subsisting license to practice nursing issued pursuant to the provisions of this chapter ~~[who practices]~~ *to practice* or ~~[offers]~~ *offer* to practice in this State as a registered nurse, licensed practical nurse, graduate nurse, trained nurse, certified nurse or under any other title or designation suggesting that the person possesses qualifications and skill in the field of nursing . ~~[,~~

~~➥ is guilty of a misdemeanor.]~~

3. *A person who violates any provision of subsection 2:*

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ *and shall be punished as provided in NRS 193.130.*

4. The Executive Director of the Board may, on behalf of the Board, issue an order to cease and desist to any person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

~~[4. The]~~

5. Unless the Executive Director of the Board determines that extenuating circumstances exist, the Executive Director ~~[of the Board]~~ shall forward to the appropriate law enforcement agency any information submitted to the Board concerning a person who practices or offers to practice nursing without a license issued pursuant to the provisions of this chapter.

Sec. 23. NRS 632.405 is hereby amended to read as follows:

632.405 1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.

2. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. ~~[This section does not prevent or prohibit the]~~ *The* Board ~~[from communicating or cooperating with]~~ *shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to* another licensing board or any agency that is investigating a ~~[licensee,]~~ *person,* including a law enforcement agency.

Sec. 24. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 25 and 26 of this act.

Sec. 25. *Any member or agent of the Board may ~~[:~~*

~~*1. Enter]*~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine or as a physician assistant and inspect it to determine whether a*

violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter . ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that osteopathic medicine is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 26. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice osteopathic medicine or as a physician assistant without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 27. NRS 633.301 is hereby amended to read as follows:

633.301 1. The Board shall keep a record of its proceedings relating to licensing and disciplinary actions. Except as otherwise provided in this section, the record must be open to public inspection at all reasonable times and contain the name, known place of business and residence, and the date and number of the license of every osteopathic physician and every physician assistant licensed under this chapter.

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

3. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 28. NRS 633.741 is hereby amended to read as follows:

633.741 ~~[A]~~

1. It is unlawful for any person ~~[who:~~

~~1.]~~ *to:*

(a) Except as otherwise provided in NRS 629.091, ~~[practices: (a)]~~ *practice:*

(1) Osteopathic medicine without a valid license to practice osteopathic medicine under this chapter;

~~[(b)]~~ *(2)* As a physician assistant without a valid license under this chapter; or

~~[(c)]~~ *(3)* Beyond the limitations ordered upon his or her practice by the Board or the court;

~~[2. Presents]~~

(b) Present as his or her own the diploma, license or credentials of another;

~~[3. Gives]~~

(c) Give either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

~~[4. Files]~~

(d) File for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

~~[5. Practices]~~

(e) Practice osteopathic medicine or ~~[practices]~~ *practice* as a physician assistant under a false or assumed name or falsely ~~[personates]~~ *personate* another licensee of a like or different name;

~~[6. Holds]~~

(f) Hold himself or herself out as a physician assistant or ~~[who uses]~~ *use* any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

~~[7. Supervises]~~

(g) Supervise a person as a physician assistant before such person is licensed as provided in this chapter . ~~[~~, ~~➥]~~

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony *; or*

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board . ~~[; and~~*

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 29. Chapter 634 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.

Sec. 30. NRS 634.043 is hereby amended to read as follows:

634.043 1. The Board shall appoint an Executive Director who serves at the pleasure of the Board and is entitled to receive such compensation as may be fixed by the Board.

2. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

~~[(c) Enter]~~

3. The Board or any agent of the Board may ~~*[:*~~

~~*(a) Enter]*~~ *enter any premises in this State where a person who holds a license or certificate issued pursuant to the provisions of this chapter practices chiropractic or as a chiropractor's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter* ~~*; and*~~

~~*(b) With the cooperation of the appropriate law enforcement agency, enter]*~~ ~~[and inspect]~~ ~~[any]~~ ~~[chiropractic office]~~ ~~*[other premises*~~ ~~in this State~~ ~~*where there is probable cause to believe that chiropractic is being practiced]*~~

~~[in order to enforce the provisions of this chapter.]~~ ~~*[without the appropriate license or certificate issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing chiropractic or as a chiropractor's assistant without the appropriate license or certificate issued pursuant to the provisions of this chapter.]*~~

Sec. 31. NRS 634.160 is hereby amended to read as follows:

634.160 1. The Board or any of its members who become aware that anyone or a combination of the grounds for initiating disciplinary action may exist as to a person practicing chiropractic in this State shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Executive Director of the Board. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

2. The Board shall retain all complaints filed with the Executive Director pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 32. NRS 634.214 is hereby amended to read as follows:

634.214 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of the investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who is licensed *or who performs any act for which a license or certificate is required* pursuant to the provisions of this chapter.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

3. The complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

Sec. 33. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105 and 634.1375, a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 2, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or certificate or otherwise demonstrates that he or she is no longer in violation of subsection 2. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board* . ~~*[; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 2.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 34. Chapter 634A of NRS is hereby amended by adding thereto the provisions set forth as sections 35 and 36 of this act.

Sec. 35. *Any member or agent of the Board may* ~~[:~~

~~*1. Enter]*~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices Oriental medicine and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter* . ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that Oriental medicine is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person at the premises is practicing Oriental medicine without a license issued pursuant to the provisions of this chapter.]*~~

Sec. 36. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice Oriental medicine without a license issued pursuant to the provisions of this chapter.*

Sec. 37. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[doctor of]~~ *person who practices* Oriental medicine is filed with the Board, the Board shall review the complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.* If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board may:

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. If the Board retains the Attorney General, the Attorney General shall conduct an investigation of the complaint transmitted to the Attorney General to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 38. NRS 634A.185 is hereby amended to read as follows:

634A.185 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to

initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 39. NRS 634A.230 is hereby amended to read as follows:

634A.230 *1.* Any person who represents himself or herself as a practitioner of Oriental medicine, or any branch thereof, or who engages in the practice of Oriental medicine, or any branch thereof, in this State without holding a valid license issued by the Board is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board . ~~[; and~~*

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 634A.250.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 40. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 and 42 of this act.

Sec. 41. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 42. *Any person who becomes aware that a person practicing podiatry or practicing as a podiatry hygienist in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 43. NRS 635.035 is hereby amended to read as follows:

635.035 *1.* The Board may:

~~[1.]~~ *(a)* Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

~~[2.]~~ *(b)* Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

2. The Board or any agent of the Board may ~~[:~~

~~(a) Enter]~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices podiatry or as a podiatry hygienist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter* ~~. [; and~~

~~(b) With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that podiatry is being practiced without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing podiatry or as a podiatry hygienist without the appropriate license issued pursuant to the provisions of this chapter.]~~

Sec. 44. NRS 635.158 is hereby amended to read as follows:

635.158 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

5. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 45. NRS 635.167 is hereby amended to read as follows:

635.167 *1.* Any person who:

~~[1.]~~ *(a)* Presents to the Board as his or her own the diploma, license or credentials of another;

~~[2.]~~ *(b)* Gives either false or forged evidence of any kind to the Board;

~~[3.]~~ *(c)* Practices podiatry under a false or assumed name or falsely personates another licensee;

~~[4.]~~ *(d)* Except as otherwise provided by specific statute, practices podiatry without being licensed under this chapter; or

~~[5.]~~ *(e)* Uses the title "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M." when not licensed by the Board pursuant to this chapter, unless otherwise authorized by a specific statute,

➥ is guilty of a gross misdemeanor.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board . ~~[; and~~*

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for

which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in paragraph (d) of subsection 1 of NRS 635.130.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 46. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 47, 48 and 49 of this act.

Sec. 47. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to the provisions of this chapter.*

Sec. 48. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including a law enforcement agency.*

Sec. 49. *A member or any agent of the Board may ~~[:~~*

~~1. Enter]~~ enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices optometry and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing optometry without a license issued pursuant to the provisions of this chapter . ~~[; and~~

~~2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that optometry is being practiced without a license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing optometry without a license issued pursuant to the provisions of this chapter.]~~

Sec. 50. NRS 636.145 is hereby amended to read as follows:

636.145 ~~[No]~~

1. A person shall *not* engage in the practice of optometry in this State unless:

~~[1.]~~ *(a)* The person has obtained a license pursuant to the provisions of this chapter; and

~~[2.]~~ *(b)* Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates

that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~:~~

~~(1) Include~~ *include a telephone number with which the person may contact the Board . ~~; and~~*

~~(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine as provided in NRS 636.420.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 51. NRS 636.310 is hereby amended to read as follows:

636.310 A complaint must be made in writing . ~~[and signed and verified by the person making it.]~~ The original complaint and two copies must be filed with the Executive Director. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 52. NRS 636.325 is hereby amended to read as follows:

636.325 1. Upon conclusion of the hearing, or waiver thereof by the ~~[licensee]~~ *person* against whom the charge is filed, the Board shall make and announce its decision. If the Board determines that the allegations included in the charge are true, it may take any one or more of the following actions:

(a) Publicly reprimand the licensee;

(b) Place the licensee on probation for a specified or unspecified period;

(c) Suspend the licensee from practice for a specified or unspecified period;

(d) Revoke the licensee's license; or

(e) Impose an administrative fine pursuant to the provisions of NRS 636.420.

➥ The Board may, in connection with a reprimand, probation or suspension, impose such other terms or conditions as it deems necessary.

2. If the Board determines that the allegations included in the charge are false or do not warrant disciplinary action, it shall dismiss the charge.

3. The Board shall not ~~[privately]~~ *issue a private* reprimand . ~~[a licensee.]~~

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 53. (Deleted by amendment.)

Sec. 54. (Deleted by amendment.)

Sec. 55. (Deleted by amendment.)

Sec. 56. (Deleted by amendment.)

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. (Deleted by amendment.)

Sec. 60. (Deleted by amendment.)

Sec. 60.3. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent that money is available for that purpose, the Board may, upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.

2. The Board may accept gifts, grants and donations of money from any source to carry out the provisions of this section.

Sec. 60.7. NRS 637.085 is hereby amended to read as follows:

637.085 1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.

2. Except as otherwise provided in this section and NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.

(b) Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

(d) Any other information or records in the possession of the Board.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. Chapter 637A of NRS is hereby amended by adding thereto the provisions set forth as sections 62 and 63 of this act.

Sec. 62. *A member or any agent of the Board may ~~[:~~*

~~1. Enter]~~ enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter . ~~[; and~~

~~2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is engaged in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.]~~

Sec. 63. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the business of a hearing aid specialist or an apprentice to a hearing aid specialist without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 64. NRS 637A.260 is hereby amended to read as follows:

637A.260 1. The Board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the Board. The Board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.

2. A complaint made against any licensee charging one or more of the causes for which his or her license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

3. The complaint must be made in writing and *may* be ~~[signed and verified by]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if*

anonymity of the complainant makes processing the complaint impossible or unfair to the person ~~[making it.]~~ *who is the subject of the complaint.*

4. The Board, on its own motion, may investigate the activities of an applicant for or a holder of a license issued pursuant to this chapter at any time.

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

Sec. 65. NRS 637A.315 is hereby amended to read as follows:

637A.315 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 66. NRS 637A.352 is hereby amended to read as follows:

637A.352 *1.* A person shall not engage in the business of a hearing aid specialist unless the person:

~~[1.]~~ *(a)* Holds a license issued by the Board; or

~~[2.]~~ *(b)* Is exempted from the provisions of this chapter by NRS 637A.025.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board .* ~~*[; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 67. (Deleted by amendment.)

Sec. 68. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 69 and 70 of this act.

Sec. 69. *A member or any agent of the Board may* ~~[:~~

~~*1. Enter]*~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices audiology or speech pathology and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter .* ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 70. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice audiology or speech pathology without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 71. NRS 637B.260 is hereby amended to read as follows:

637B.260 1. A complaint may be made against any applicant for a license or any licensee charging one or more of the grounds for disciplinary action with such particularity as to enable the defendant to prepare a defense.

2. The complaint must be in writing and *may* be ~~[signed and verified by]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to* the person ~~[making it.]~~ *who is the subject of the complaint.*

3. The Board shall retain all complaints made pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 72. NRS 637B.288 is hereby amended to read as follows:

637B.288 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 73. NRS 637B.290 is hereby amended to read as follows:

637B.290 *1.* A person shall not engage in the practice of audiology or speech pathology in this State without holding a valid license ~~[to do so as provided in]~~ *issued pursuant to the provisions of* this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology or speech pathology in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board . ~~[; and~~*

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person

must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 74. (Deleted by amendment.)

Sec. 75. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 79, inclusive, of this act.

Sec. 76. *A member or any agent of the Board may* ~~[:~~

~~*1. Enter]*~~ *enter any premises in this State where a person who holds a license, certificate or permit issued pursuant to the provisions of this chapter practices pharmacy and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter .* ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.]*~~

Sec. 77. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice pharmacy without the appropriate license, certificate or permit issued pursuant to the provisions of this chapter.*

Sec. 78. *Any person who becomes aware that a person practicing pharmacy in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 79. *In addition to any other penalty prescribed by law, if the Board determines that a person has violated subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285, the Board may:*

1. Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license, certificate or permit or otherwise demonstrates that he or she is no longer in violation of subsection 1 of NRS 639.100, subsection 1 of NRS 639.2813 or NRS 639.284 or 639.285. An order to cease and desist must ~~[:~~

~~*— (a) Include]*~~ *include a telephone number with which the person may contact the Board .* ~~*[; and*~~

~~*— (b) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of this section.]*~~

2. Issue a citation to the person. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

3. Assess against the person an administrative fine of not more than $5,000.

4. Impose any combination of the penalties set forth in subsections 1, 2 and 3.

Sec. 80. NRS 639.070 is hereby amended to read as follows:

639.070 1. The Board may:

(a) Adopt such regulations, not inconsistent with the laws of this State, as are necessary for the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) Adopt regulations requiring that prices charged by retail pharmacies for drugs and medicines which are obtained by prescription be posted in the pharmacies and be given on the telephone to persons requesting such information.

(c) Adopt regulations, not inconsistent with the laws of this State, authorizing the Executive Secretary of the Board to issue certificates, licenses and permits required by this chapter and chapters 453 and 454 of NRS.

(d) Adopt regulations governing the dispensing of poisons, drugs, chemicals and medicines.

(e) Regulate the practice of pharmacy.

(f) Regulate the sale and dispensing of poisons, drugs, chemicals and medicines.

(g) Regulate the means of recordkeeping and storage, handling, sanitation and security of drugs, poisons, medicines, chemicals and devices, including, but not limited to, requirements relating to:

(1) Pharmacies, institutional pharmacies and pharmacies in correctional institutions;

(2) Drugs stored in hospitals; and

(3) Drugs stored for the purpose of wholesale distribution.

(h) Examine and register, upon application, pharmacists and other persons who dispense or distribute medications whom it deems qualified.

(i) Charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides, other than those specifically set forth in this chapter.

(j) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(k) Employ an attorney, inspectors, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(l) Enforce the provisions of NRS 453.011 to 453.552, inclusive, and enforce the provisions of this chapter and chapter 454 of NRS.

(m) Adopt regulations concerning the information required to be submitted in connection with an application for any license, certificate or permit required by this chapter or chapter 453 or 454 of NRS.

(n) Adopt regulations concerning the education, experience and background of a person who is employed by the holder of a license or permit issued pursuant to this chapter and who has access to drugs and devices.

(o) Adopt regulations concerning the use of computerized mechanical equipment for the filling of prescriptions.

(p) Participate in and expend money for programs that enhance the practice of pharmacy.

2. *The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.*

3. This section does not authorize the Board to prohibit open-market competition in the advertising and sale of prescription drugs and pharmaceutical services.

Sec. 81. NRS 639.100 is hereby amended to read as follows:

639.100 1. Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, engage in wholesale distribution, compound, sell or dispense, or permit to be manufactured, distributed at wholesale, compounded, sold or dispensed, any drug, poison, medicine or chemical, or to dispense or compound, or permit to be dispensed or compounded, any prescription of a practitioner, unless the person:

(a) Is a prescribing practitioner, a person licensed to engage in wholesale distribution, a technologist in radiology or nuclear medicine under the supervision of the prescribing practitioner, a registered pharmacist, or a registered nurse certified in oncology under the supervision of the prescribing practitioner; and

(b) Complies with the regulations adopted by the Board.

2. A person who violates any provision of subsection 1:

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ *and shall be punished as provided in NRS 193.130.*

~~[2.]~~ *3.* Sales representatives, manufacturers or wholesalers selling only in wholesale lots and not to the general public and compounders or sellers of medical gases need not be registered pharmacists. A person shall not act as a manufacturer or wholesaler unless the person has obtained a license from the Board.

~~[3.]~~ *4.* Any nonprofit cooperative organization or any manufacturer or wholesaler who furnishes, sells, offers to sell or delivers a controlled substance which is intended, designed and labeled "For Veterinary Use Only" is subject to the provisions of this chapter, and shall not furnish, sell or offer to sell such a substance until the organization, manufacturer or wholesaler has obtained a license from the Board.

~~[4.]~~ *5.* Each application for such a license must be made on a form furnished by the Board and an application must not be considered by the Board until all the information required thereon has been completed. Upon approval of the application by the Board and the payment of the required fee, the Board shall issue a license to the applicant. Each license must be issued to a specific person for a specific location.

Sec. 82. NRS 639.2813 is hereby amended to read as follows:

639.2813 1. Except as provided in NRS 453.331 and 454.311, it is unlawful for any person falsely to represent himself or herself as a practitioner entitled to write prescriptions in this state, or the agent of such a person, for the purpose of transmitting to a pharmacist an order for a prescription. *A person who violates the provisions of this subsection:*

(a) If no substantial bodily harm results, is guilty of a category D felony; or

(b) If substantial bodily harm results, is guilty of a category C felony,

➥ *and shall be punished as provided in NRS 193.130.*

2. It is unlawful for the agent of a practitioner entitled to write prescriptions in this state willfully to transmit to a pharmacist an order for a prescription if the agent is not authorized by the practitioner to transmit such order.

Sec. 83. NRS 639.284 is hereby amended to read as follows:

639.284 Except as otherwise provided in NRS 639.23277, any person who:

1. Being the licensed proprietor of a pharmacy, fails to place a registered pharmacist in charge of such pharmacy, or permits the compounding or dispensing of drugs or prescriptions, or the selling of drugs, poisons or devices, the sale of which is restricted by the provisions of this chapter, by any person other than a registered pharmacist or an intern pharmacist, is guilty of a misdemeanor.

2. Is not a registered pharmacist and who takes charge of or acts as manager of any pharmacy, compounds or dispenses any prescription, or sells any drug, poison or device, the sale of which is restricted by the provisions of this chapter ~~[,]~~ *:*

(a) If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ *category D felony; or*

(b) If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

Sec. 84. NRS 639.285 is hereby amended to read as follows:

639.285 Any person not licensed by the Board, who sells, displays or offers for sale any drug, device or poison, the sale of which is restricted to prescription only or by a registered pharmacist or under his or her direct and immediate supervision ~~[,]~~ *:*

1. If no substantial bodily harm results, is guilty of a ~~[misdemeanor.]~~ *category D felony; or*

2. If substantial bodily harm results, is guilty of a category C felony, ➥ *and shall be punished as provided in NRS 193.130.*

Sec. 85. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 86. NRS 640.050 is hereby amended to read as follows:

640.050 1. The Board shall examine and license qualified physical therapists and qualified physical therapist's assistants.

2. The Board may adopt reasonable regulations to carry this chapter into effect, including, but not limited to, regulations concerning the:

(a) Issuance and display of licenses.

(b) Supervision of physical therapist's assistants and physical therapist's technicians.

(c) Treatments and other regulated procedures which may be performed by physical therapist's technicians.

3. The Board shall keep a record of its proceedings and a register of all persons licensed under the provisions of this chapter. The register must show:

(a) The name of every living licensee.

(b) The last known place of business and residence of each licensee.

(c) The date and number of each license issued as a physical therapist or physical therapist's assistant.

4. During September of every year in which renewal of a license is required, the Board shall compile a list of licensed physical therapists authorized to practice physical therapy and physical therapist's assistants licensed to assist in the practice of physical therapy in this State. Any interested person in the State may obtain a copy of the list upon application to the Board and the payment of such amount as may be fixed by the Board, which amount must not exceed the cost of the list so furnished.

5. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter.

(b) Employ attorneys, investigators and other professional consultants and clerical personnel necessary to the discharge of its duties.

(c) Adopt a seal of which a court may take judicial notice.

6. Any member or agent of the Board may ~~[:~~

~~*(a) Enter]*~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices physical therapy or as a physical therapist's assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing physical therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter*. ~~[; and~~

~~*(b) With the cooperation of the appropriate law enforcement agency,* enter]~~ ~~[an office, clinic or hospital]~~ ~~*[any other premises in this State* where *there is probable cause to believe that* physical therapy is *being* practiced *without the appropriate license issued pursuant to the provisions of this chapter* and inspect it to determine]~~ ~~[if the]~~ ~~*[whether any person at the premises is practicing* physical]~~ ~~[therapists are licensed.]~~ ~~*[therapy or as a physical therapist's assistant without the appropriate license issued pursuant to the provisions of this chapter.]*~~

7. Any member of the Board may administer an oath to a person testifying in a matter that relates to the duties of the Board.

Sec. 87. NRS 640.075 is hereby amended to read as follows:

640.075 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 88. NRS 640.161 is hereby amended to read as follows:

640.161 1. A complaint against any person who has been licensed pursuant to this chapter may be initiated by the Board or may be filed with the Board by any member or agent of the Board or any aggrieved person.

2. The complaint must allege one or more of the grounds enumerated in NRS 640.160 and must contain a statement of facts showing that a provision of this chapter or the Board's regulations has been violated. The complaint must be sufficiently detailed to enable the respondent to understand the allegations.

3. The complaint must be in writing and *may* be ~~[signed and verified by the person filing it.]~~ *filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.* The original complaint and two copies must be filed with the Board.

4. The Board shall review each complaint. If a complaint shows a substantial violation of a provision of this chapter or the Board's regulations, the Board shall proceed with a hearing on the complaint pursuant to the provisions of chapter 622A of NRS.

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

Sec. 89. NRS 640.169 is hereby amended to read as follows:

640.169 1. Except as otherwise provided in NRS 629.091 and 640.120, it is unlawful for any person to practice physical therapy in this State unless the person holds a license or a temporary license issued pursuant to this chapter. *A person who violates the provisions of this subsection is guilty of a gross misdemeanor.*

2. In addition to any criminal penalty that may be imposed for a violation of subsection 1, the Board, after notice and hearing, may ~~[issue]~~ *:*

(a) Issue an order against any person who has violated subsection 1 imposing ~~[a civil]~~ *an administrative* penalty of not more than $5,000 for each violation. Any ~~[civil]~~ *administrative* penalty collected pursuant to this ~~[subsection]~~ *paragraph* must be deposited in the State General Fund.

(b) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board.* ~~*[; and*~~

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(c) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the

violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 90. Chapter 640A of NRS is hereby amended by adding thereto the provisions set forth as sections 91, 91.5 and 92 of this act.

Sec. 91. *Any person who becomes aware that a person practicing occupational therapy or as an occupational therapy assistant in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 640A.200 may file a complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 91.5. *A member or any agent of the Board may* ~~*[:*~~

~~*1. Enter]*~~ *enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices occupational therapy or as an occupational therapy assistant and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter.* ~~*[; and*~~

~~*2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person practices occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is practicing occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 92. *Whenever any person has engaged in or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Sec. 93. NRS 640A.110 is hereby amended to read as follows:

640A.110 The Board shall:

1. Enforce the provisions of this chapter;

2. *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice occupational therapy or as an occupational therapy assistant without the appropriate license issued pursuant to the provisions of this chapter;*

3. Maintain a record of its proceedings;

~~[3.]~~ *4.* Evaluate the qualifications of an applicant for a license as an occupational therapist or occupational therapy assistant and, upon payment of the appropriate fee, issue the appropriate license to a qualified applicant;

~~[4.]~~ *5.* Adopt regulations establishing standards of practice for persons licensed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter; and

~~[5.]~~ *6.* Require a person licensed pursuant to this chapter to submit to the Board such documentation or perform such practical demonstrations as the Board deems necessary to determine whether the licensee has acquired the skills necessary to perform physical therapeutic modalities.

Sec. 94. NRS 640A.220 is hereby amended to read as follows:

640A.220 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

4. The Board shall retain all complaints filed with the Board for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 95. NRS 640A.230 is hereby amended to read as follows:

640A.230 1. Except as otherwise provided in NRS 629.091, a person shall not practice occupational therapy, or represent that he or she is authorized to practice occupational therapy, in this state unless he or she holds a current license issued pursuant to this chapter. *A person who violates the provisions of this subsection is guilty of a gross misdemeanor.*

2. A licensed occupational therapist shall directly supervise the work of any person who assists him or her as an aide or technician.

~~[3.]~~ A person who violates ~~[any provision]~~ *the provisions* of this ~~[section]~~ *subsection* is guilty of a misdemeanor.

3. In addition to any other penalty prescribed by law, if the Board determines that a person has violated the provisions of subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must ~~[:~~

~~*(1) Include]*~~ *include a telephone number with which the person may contact the Board . ~~[; and~~*

~~*(2) Inform the person that the Board may, with the cooperation of the appropriate law enforcement agency, enter any premises of the person in this State where it is alleged that the person has committed any act in violation of subsection 1.]*~~

(b) Issue a citation to the person. A citation issued pursuant to this paragraph must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this paragraph. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit a written request for a hearing to the Board not later than 30 days after the date of issuance of the citation.

(c) Assess against the person an administrative fine of not more than $5,000.

(d) Impose any combination of the penalties set forth in paragraphs (a), (b) and (c).

Sec. 96. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 97, 98 and 98.5 of this act.

Sec. 97. *Any person who becomes aware that a person practicing cosmetology in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action pursuant to NRS 644.430 may file a written complaint with the Board. A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

Sec. 98. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 98.5. *The Board shall take such action as it determines is reasonable to enable schools of cosmetology to receive money from the Federal Government for student financial assistance to the greatest extent practicable under federal law.*

Sec. 99. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License establishments for hair braiding, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting ~~[officers all violations]~~ *officer or law enforcement agency each violation* of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, establishments for hair braiding and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 100. (Deleted by amendment.)

Sec. 100.5. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) *Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school attendance.*

(e) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. *If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:*

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

~~[5.]~~ *6.* After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 101. NRS 644.446 is hereby amended to read as follows:

644.446 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person

submits a written statement to the Board requesting that such documents and information be made public records.

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 102. (Deleted by amendment.)

Sec. 103. Chapter 654 of NRS is hereby amended by adding thereto the provisions set forth as sections 104 to 107, inclusive, of this act.

Sec. 104. *Whenever any person has engaged or is about to engage in any conduct which constitutes a violation of the provisions of this chapter, the district court of any county, on application of the Board, may issue an injunction or any other order restraining such conduct. Proceedings under this section must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking is required in any action commenced by the Board.*

Sec. 105. *Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter.*

Sec. 106. *A member or any agent of the Board may ~~[:~~*

~~1. Enter]~~ enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups and inspect it to determine whether a violation of any provision of this chapter has occurred, including, without limitation, an inspection to determine whether any person at the premises is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter . ~~[; and~~

~~2. With the cooperation of the appropriate law enforcement agency, enter any other premises in this State where there is probable cause to believe that a person acts in the capacity of a nursing facility administrator or an administrator of a residential facility for groups without the appropriate license issued pursuant to the provisions of this chapter and inspect it to determine whether any person is acting in the capacity of a nursing facility administrator or an administrator of a residential facility for~~

~~*groups without the appropriate license issued pursuant to the provisions of this chapter.]*~~

Sec. 107. *1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.*

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 108. NRS 654.110 is hereby amended to read as follows:

654.110 1. In a manner consistent with the provisions of chapter 622A of NRS, the Board shall:

(a) Develop, impose and enforce standards which must be met by persons to receive licenses as nursing facility administrators or administrators of residential facilities for groups. The standards must be designed to ensure that nursing facility administrators or persons acting as administrators of residential facilities for groups will be persons who are of good character and otherwise suitable, and who, by training or experience in their respective fields of administering health care facilities, are qualified to serve as nursing facility administrators or administrators of residential facilities for groups.

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether a person meets those standards.

(c) Issue licenses to persons determined, after the application of appropriate techniques, to meet those standards.

(d) Revoke or suspend licenses previously issued by the Board in any case if the person holding the license is determined substantially to have failed to conform to the requirements of the standards.

(e) Establish and carry out procedures designed to ensure that persons licensed as nursing facility administrators or administrators of residential facilities for groups will, during any period they serve as such, comply with the requirements of the standards.

(f) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the Board to the effect that any person ~~[licensed as a nursing facility administrator or an administrator of a residential facility for groups]~~ has failed to comply with the requirements of the standards. ~~[The]~~ *Except as otherwise provided in this paragraph, the* Board shall initiate an investigation of any charge or complaint filed with the Board within 30 days after receiving the charge or complaint. *A complaint may be filed anonymously. If a complaint is filed anonymously, the Board may accept the complaint but may refuse to consider the complaint if anonymity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.*

(g) Conduct a continuing study of:

(1) Facilities for skilled nursing, facilities for intermediate care and their administrators; and

(2) Residential facilities for groups and their administrators,

➥ with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards.

(h) Conduct or approve, or both, a program of training and instruction designed to enable all persons to obtain the qualifications necessary to meet the standards set by the Board for qualification as a nursing facility administrator or an administrator of a residential facility for groups.

2. Except as otherwise provided in this section, all records kept by the Board, not otherwise privileged or confidential, are public records.

3. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.

4. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all other documents and information considered by the Board when determining whether to impose discipline are public records.

5. The ~~[provisions of this section do not prohibit the]~~ Board ~~[from communicating or cooperating]~~ *shall, to the extent feasible, communicate or cooperate* with or ~~[providing]~~ *provide* any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 109. (Deleted by amendment.)

Sec. 110. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300 to 201.340, inclusive, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405 **,** ~~[or]~~ 465.070 to 465.085, inclusive ~~[.]~~ *, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, 637A.352, 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.*

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 111. 1. Any person who is admitted to a school of cosmetology on or before the effective date of section 100.5 of this act shall be deemed to be admitted in compliance with the amendatory provisions of section 100.5 of this act.

2. The State Board of Cosmetology shall, as soon as practicable after the effective date of section 100.5 of this act and at no cost to the school of cosmetology, issue to each school of cosmetology that meets the requirements of NRS 644.380, as amended by section 100.5 of this act a license that complies with the amendatory provisions of that section.

Sec. 112. 1. This section and sections 98.5, 100.5 and 111 of this act become effective upon passage and approval.

2. Sections 1 to 98, inclusive, 99, 100 and 101 to 110, inclusive, of this act become effective on October 1, 2013.

Senator Atkinson moved that the Senate concur in the Assembly Amendments Nos. 745, 861, to Senate Bill No. 220.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 224.

The following Assembly Amendments were read:

Amendment No. 732.

"SUMMARY—Revises provisions governing driving under the influence. (BDR 43-668)"

"AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence ; ~~[or a lesser included offense;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill requires a court to impose a fee of $500, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor . ~~[or a lesser included offense.]~~ If the fee of $500 is not within a defendant's present ability to pay, the justice or judge may ~~[impose]~~ require the equivalent community service to be performed. Under this bill, the money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to

a court from this fee must be used by the court for certain purposes related to specialty court programs.

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

Section 1. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a defendant who is charged with a violation of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, that charge , ~~[~~*for a lesser included offense, including, without limitation, a traffic violation, arising from the same traffic episode,*~~]~~ *the justice or judge shall include in the sentence, in addition to any other penalty or administrative assessment provided by law, a fee of $500 for the provision of specialty court programs and render a judgment against the defendant for the fee. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the fee required pursuant to this subsection.*

2. If the fee pursuant to subsection 1:

(a) Is not within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, community service for a reasonable number of hours, the value of which would be commensurate with the fee.

(b) Is not entirely within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, a reduced fee and community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the fee.

3. The money collected for the specialty courts fee must not be deducted from any fine imposed by the justice or judge but must be collected from the defendant in addition to the fine. The money collected for such a fee must be stated separately on the court's docket. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the specialty courts fee remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

4. A justice or judge shall, if requested by a defendant, allow a specialty courts fee to be paid in installments under terms established by the justice or judge.

5. Any payments made by a defendant must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of the specialty courts fee pursuant to this section; and

(e) To pay the fine.

6. The money collected for a specialty courts fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for a specialty courts fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for district attorney and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

9. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

~~[(c) "Traffic violation" means conviction of a moving traffic violation in any municipal court or justice court in this State.]~~

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the

fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) *To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and*

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the

justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) *To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and*

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 4**.** This act becomes effective on July 1, 2013.

Amendment No. 879.

"SUMMARY—Revises provisions governing driving under the influence. (BDR 43-668)"

"AN ACT relating to driving under the influence; providing for the imposition and collection of a fee for the provision of specialty court programs following a conviction for a misdemeanor offense of driving a vehicle under the influence; and providing other matters properly relating thereto."

Legislative Counsel’s Digest:

This bill requires a court to impose a fee of ~~[$500,]~~ $100, in addition to any other administrative assessment, penalty or fine imposed, if a person pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty of, a charge of driving under the influence of intoxicating liquor or a controlled substance that is punishable as a misdemeanor. If the fee of ~~[$500]~~ $100 is not within a defendant's present ability to pay, the justice or judge may require the equivalent community service to be performed. Under this bill, the money collected for this fee is deposited with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator and money apportioned to a court from this fee must be used by the court for certain purposes related to specialty court programs. This bill allows the Office of Court Administrator to accept money from gifts, grants and other sources to apportion to courts that provide specialty court programs for those same purposes. This bill also requires a court that provides a specialty court program to submit reports concerning the program to the Office of Court Administrator.

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

Section 1. Chapter 484C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, if a defendant who is charged with a violation of NRS 484C.110 or 484C.120 that is punishable as a misdemeanor pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400 pleads guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, that charge, the justice or judge shall include in the sentence, in addition to any other penalty or administrative assessment provided by law, a fee of ~~[$500]~~ $100 for the provision of specialty court programs and render a judgment against the defendant for the fee. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the fee required pursuant to this subsection.

2. If the fee pursuant to subsection 1:

(a) Is not within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, community service for a reasonable number of hours, the value of which would be commensurate with the fee.

(b) Is not entirely within the defendant's present ability to pay, the justice or judge may include in the sentence, in addition to any other penalty or administrative assessment provided by law, a reduced fee and community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the fee.

3. The money collected for the specialty courts fee must not be deducted from any fine imposed by the justice or judge but must be collected from the defendant in addition to the fine. The money collected for such a fee must be

stated separately on the court's docket. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the specialty courts fee remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay them. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of any amount of the fine or fee that the defendant has paid.

4. A justice or judge shall, if requested by a defendant, allow a specialty courts fee to be paid in installments under terms established by the justice or judge.

5. Any payments made by a defendant must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of the specialty courts fee pursuant to this section; and

(e) To pay the fine.

6. The money collected for a specialty courts fee pursuant to this section in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for a specialty courts fee pursuant to this section in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each specialty courts fee with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. Money that is apportioned to a court from specialty courts fees pursuant to this section must be used by the court to:

(a) Pay for any level of treatment, including, without limitation, psychiatric care, required for successful completion and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Providing for district attorney and public defender representation;

(7) Acquiring or using appropriate technology;

(8) Providing capital for building facilities necessary to house persons who participate in the program;

(9) Providing funding for employment programs for persons who participate in the program; and

(10) Providing funding for statewide public information campaigns necessary to deter driving under the influence of intoxicating liquor or a controlled substance.

9. The Office of Court Administrator may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source for the provision of specialty court programs pursuant to this section.

10. A court that provides a specialty court program shall, as required by the Office of Court Administrator, submit a report to the Office of Court Administrator concerning the program. The report must include:

(a) Demographic and statistical information concerning the participants in the program, including, without limitation, the age, gender, race and ethnicity of the participants;

(b) Statistical information concerning the operation of the program, including, without limitation, the number of participants in the program, the nature of the criminal charges that were filed against participants, the number of participants who have completed the program and the rate of recidivism among participants; and

(c) Any other information required by the Office of Court Administrator.

➥ On or before January 1 of each odd-numbered year, the Office of Court Administrator shall submit a copy of the report to the Director of the Legislative Counsel Bureau.

11. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or who abuse alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Sec. 2. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) *To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and*

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding

month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 3. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the

charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) *To pay the unpaid balance of the specialty courts fee pursuant to section 1 of this act; and*

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 4. This act becomes effective on July 1, 2013 ~~[.]~~ , and expires by limitation on June 30, 2015.

Senator Segerblom moved that the Senate concur in the Assembly Amendments Nos. 732, 879, to Senate Bill No. 224.

Motion carried by a two-thirds majority.

Bill ordered enrolled.

Senate Bill No. 229.

The following Assembly Amendment was read:

Amendment No. 680.

"SUMMARY—[Repeals] Contingently amends and repeals the Tahoe Regional Planning Compact and the provisions of Senate Bill No. 271 of the 2011 Session. (BDR 22-726)"

"AN ACT relating to land use planning; contingently amending and repealing certain provisions of the Tahoe Regional Planning Compact and provisions providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances and various matters relating to that withdrawal; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220)

Senate Bill No. 271 of the 2011 Session (SB271) requires the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact on October 1, 2015, unless, by that date, an amendment to the Compact proposed by SB271 has been adopted by the State of California and approved

pursuant to federal law, and the governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan. SB271 authorizes the Governor, under certain circumstances, to postpone that withdrawal date until October 1, 2017. (Chapter 530, Statutes of Nevada 2011, p. 3710)

This bill repeals ~~[the]~~ certain provisions of SB271 ~~[in their entirety.]~~ upon enactment by the State of California of legislation that is effective on or before January 1, 2014, which: (1) adopts amendments to the Compact that are substantially identical to the amendments contained in section 1.5 of SB271, as amended by section 2 of this bill; (2) agrees to cooperate with the State of Nevada in seeking to have those changes to the Compact approved by Congress; (3) adopts amendments to the Compact substantially identical to the amendments contained in section 1 of this bill relating to the duty of the Tahoe Regional Planning Agency to take certain actions in accordance with the Compact and the regional plan and placing the burden of proof on the party challenging the regional plan or an act taken or decision made by the Agency pursuant to the Compact or the regional plan to show that the plan, act or decision is not in conformance with those requirements; (4) finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and (5) acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State.

Section 2 of this bill revises SB271 to remove the proposed amendments to the Compact regarding the voting structure of the governing body of the Tahoe Regional Planning Agency and the burden of proof.

If the State of California does not enact such legislation on or before January 1, 2014, the provisions of this bill expire and SB271 remains in effect.

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

Section 1. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the

intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the

governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is

held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations, the vote of at least four of the members of each state agreeing with the vote of at least four members of the other state shall be required to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five members from the state in which the project is located and the affirmative vote of at least nine members of the governing body are required. If at least five members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final

action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan. The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs

and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in

effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal;

solid waste disposal; sewage disposal; landfills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the

amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 252
2. Placer County 278
3. Carson City ..... -0-
4. Douglas County 339
5. Washoe County 739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 64,324
2. Placer County 23,000
3. Carson City ..... -0-

4. Douglas County..... 57,354
5. Washoe County..... 50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the

states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by

the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law.

(6) *In addition to the provisions of paragraph (5) relating to judicial inquiry:*

(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.

(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.

(7) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

~~[(7)]~~ *(8)* The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being

enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following

written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be

strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

➥ Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be

general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(e) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 2. Section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, is hereby amended to read as follows:

Sec. 1.5. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic,

recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members

or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must disqualify themselves from making or participating in

the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency. The voting procedures shall be as follows:

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and

regulations, the vote of at least four of the ~~[nine]~~ members of each state agreeing with the vote of at least four members of the other state shall be required ~~[the governing body must agree]~~ to take action. If there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph, ~~[at least nine votes in favor of such action are not cast,]~~ an action of rejection shall be deemed to have been taken.

(2) For approving a project, the affirmative vote of at least five ~~[four]~~ members from the state in which the project is located and the affirmative vote of at least nine members of the ~~[entire]~~ governing body are required. If at least five ~~[four]~~ members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions, at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive officer of the Lahontan Regional Water

Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil

service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The agency should request the President's Council on

Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan ~~[.]~~ *and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce.* The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; landfills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County

(combined) 252
2. Placer County 278
3. Carson City ..... -0-
4. Douglas County 339
5. Washoe County 739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined) 64,324
2. Placer County 23,000
3. Carson City ..... -0-
4. Douglas County 57,354
5. Washoe County 50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a "project"; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the

structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a

nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend

only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law. ~~*[In addition, there is a rebuttable presumption that a regional plan adopted, amended, formulated or maintained pursuant to this compact is in conformance with the requirements applicable to this compact, and a party challenging the regional plan has the burden of showing that it is not in conformance with the requirements applicable to this compact.]*~~

(6) ~~In addition to the provisions of~~ paragraph ~~(5)~~ relating to judicial inquiry:

~~(A) When adopting or amending a regional plan, the agency shall act in accordance with the requirements of the compact and the implementing ordinances, rules and regulations, and a party challenging the regional plan has the burden of showing that the regional plan is not in conformance with those requirements.~~

~~(B) When taking an action or making a decision, the agency shall act in accordance with the requirements of the compact and the regional plan, including the implementing ordinances, rules and regulations, and a party challenging the action or decision has the burden of showing that the act or decision is not in conformance with those requirements.~~

~~(7)~~ The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(8) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own

rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount

among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer;

(2) One member of the city council of the City of South Lake Tahoe;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County;

(4) One member of the board of supervisors of Carson City;

(5) The director of the California Department of Transportation; and

(6) The director of the department of transportation of the State of Nevada.

➥ Any director may designate an alternate.

(c) The vote of at least five of the directors must agree to take action. If at least five votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(d) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Acquire upon mutually agreeable terms any public transportation system or facility owned by a county, city or special purpose district within the region.

(3) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(4) Fix the rates and charges for transit services provided pursuant to this subdivision.

(5) Issue revenue bonds and other evidence of indebtedness.

(6) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way. The district is prohibited from imposing an ad valorem tax, a tax measured by gross or net receipts on business, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of two-thirds of the voters voting on the proposition. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(7) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(e) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of

this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 3. Section 18 of chapter 530, Statutes of Nevada 2011, at page 3740, is hereby amended to read as follows:

Sec. 18. ~~[1. NRS 244.153, 266.263, 267.123, 268.099, 269.123, 277.190, 277.200, 277.210, 277.215, 278.025, 278.826, 309.385 and 318.103 are hereby repealed.~~

~~2.]~~ Sections 1 and 2 of chapter 442, Statutes of Nevada 1985, at pages 1257 and 1258, respectively, *and sections 2 and 3 of chapter 311, Statutes of Nevada 1997, at pages 1147 and 1169, respectively,* are hereby repealed.

~~[3. NRS 277.220 is repealed effective upon:~~

~~(a) Payment of all of the outstanding obligations of the Account for the Tahoe Regional Planning Agency created by NRS 277.220; and~~

~~(b) Transfer of the remaining balance, if any, in the Account for the Tahoe Regional Planning Agency to the Account for the Nevada Tahoe Regional Planning Agency created by section 3 of this act, as required by section 21 of this act.]~~

Sec. 4. Section 25 of chapter 530, Statutes of Nevada 2011, at page 3743, is hereby amended to read as follows:

Sec. 25. 1. This section *,* ~~[and]~~ sections ~~[17.3]~~ ~~[,]~~ *~~[and]~~ 17.3,* 17.7, *~~[subsection 2 of section]~~ 18, ~~[and sections]~~* 22.5 ~~[,]~~ *and* 23 ~~[and 23.5]~~ of this act become effective upon passage and approval.

2. Section 22.5 of this act expires by limitation on January 1, 2013.

3. Section 1.5 of this act becomes effective upon proclamation by the Governor of this State of:

(a) The enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act; and

(b) The approval of the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act pursuant to Public Law 96-551.

~~[4. Except as otherwise provided in]~~ ~~[subsection 5,]~~ ~~*[subsections 5 and 6, sections 1]*~~ ~~[,]~~ ~~*[and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to*~~ 22, inclusive, and ~~24 of this act become effective on October 1, 2015.*~~ *]* ~~[, unless, by that date, all of the following events have occurred:~~

~~(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;~~

~~(b) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act have been approved pursuant to Public Law 96-551; and~~

~~(c) The governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan.]~~

~~[5.]~~ ~~[In]~~ ~~*[Except as otherwise provided in subsection 6, in*~~ the ~~event that the Governor of this State issues a proclamation pursuant to section 23.5 of this act, sections 1]~~ ~~[,]~~ ~~*[and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to*~~ 22, inclusive, and ~~24 of this act become effective on October 1, 2017.~~

~~*6. Sections 1 and 2 to 17, inclusive, subsections 1 and 3 of section 18, and sections 19 to 22, inclusive, and 24 of this act do not become effective if:*~~

~~*(a) All of the following events occur before October 1, 2015:*~~

~~*(1) The State of California enacts amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;*~~

~~*(2) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act are approved pursuant to Public Law 96-551; and*~~

~~*(3) The governing board of the Tahoe Regional Planning Agency adopts an update to the 1987 Regional Plan; or*~~

~~*(b) The Governor of this State issues a proclamation pursuant to section 23.5 of this act and all of the events described in paragraph (a) occur before October 1, 2017.*~~

~~[Section 1.]~~ *Sec. 5.* Sections 1, ~~[1.5,]~~ 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, ~~[17.3, 17.7, 18,]~~ 19, 19.5, 20, 21, 22, ~~[22.5, 23,]~~ 23.5 ~~[,]~~

and 24 ~~[and 25]~~ of chapter 530, Statutes of Nevada 2011, at pages 3711 to 3743, inclusive, are hereby repealed.

~~[Sec. 2.]~~ *Sec. 6.* The State of Nevada hereby:

1. Agrees to cooperate with the State of California in seeking to have the changes to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act, approved by Congress;

2. Finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and

3. Acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State.

Sec. 7. If the State of California enacts legislation that is effective on or before January 1, 2014, which:

1. Adopts amendments to the Tahoe Regional Planning Compact that are substantially identical to the amendments contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act;

2. Agrees to cooperate with the State of Nevada in seeking to have the changes to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, as amended by section 2 of this act, approved by Congress;

3. Adopts amendments to the Tahoe Regional Planning Compact substantially identical to the amendments contained in NRS 277.200, as amended by section 1 of this act;

4. Finds and declares support for the full implementation of the regional plan update adopted by the Tahoe Regional Planning Agency in December of 2012; and

5. Acknowledges the authority of either the State of California or the State of Nevada to withdraw from the Tahoe Regional Planning Compact pursuant to subdivision (c) of Article X of the Compact or pursuant to any other provision of the laws of each respective State,

➥ the Governor of the State of Nevada shall issue a proclamation to that effect.

Sec. 8. The Secretary of State shall transmit:

1. A certified copy of this act to:

(a) The Governor of the State of California; and

(b) The governing body of the Tahoe Regional Planning Agency.

2. Two certified copies of this act to the Secretary of State of California for delivery to the respective Houses of its Legislature.

~~[Sec. 3.]~~ *Sec. 9.* 1. This section and sections 2, 6, 7 and 8 of this act ~~[becomes]~~ become effective upon passage and approval.

2. Sections 1, 3, 4 and 5 of this act become effective on January 1, 2014, if the Governor of this State issues the proclamation described in section 7 of this act on or before that date.

3. If the Governor of this State does not issue a proclamation pursuant to section 7 of this act on or before January 1, 2014, this act expires by limitation on January 2, 2014.

~~[TEXT]~~ LEADLINES OF REPEALED SECTIONS OF STATUTES OF NEVADA

Section 2 of chapter 311, Statutes of Nevada 1997.
Section 3 of chapter 311, Statutes of Nevada 1997.
Section 1 of chapter 530, Statutes of Nevada 2011.
Section 2 of chapter 530, Statutes of Nevada 2011.
Section 3 of chapter 530, Statutes of Nevada 2011.
Section 4 of chapter 530, Statutes of Nevada 2011.
Section 5 of chapter 530, Statutes of Nevada 2011.
Section 6 of chapter 530, Statutes of Nevada 2011.
Section 7 of chapter 530, Statutes of Nevada 2011.
Section 8 of chapter 530, Statutes of Nevada 2011.
Section 9 of chapter 530, Statutes of Nevada 2011.
Section 10 of chapter 530, Statutes of Nevada 2011.
Section 11 of chapter 530, Statutes of Nevada 2011.
Section 12 of chapter 530, Statutes of Nevada 2011.
Section 13 of chapter 530, Statutes of Nevada 2011.
Section 14 of chapter 530, Statutes of Nevada 2011.
Section 15 of chapter 530, Statutes of Nevada 2011.
Section 16 of chapter 530, Statutes of Nevada 2011.
Section 17 of chapter 530, Statutes of Nevada 2011.
Section 17.3 of chapter 530, Statutes of Nevada 2011.
Section 17.7 of chapter 530, Statutes of Nevada 2011.
Section 18 of chapter 530, Statutes of Nevada 2011.
Section 19 of chapter 530, Statutes of Nevada 2011.
Section 19.5 of chapter 530, Statutes of Nevada 2011.
Section 20 of chapter 530, Statutes of Nevada 2011.
Section 21 of chapter 530, Statutes of Nevada 2011.
Section 22 of chapter 530, Statutes of Nevada 2011.
Section 22.5 of chapter 530, Statutes of Nevada 2011.
Section 23 of chapter 530, Statutes of Nevada 2011.
Section 23.5 of chapter 530, Statutes of Nevada 2011.
Section 24 of chapter 530, Statutes of Nevada 2011.
Section 25 of chapter 530, Statutes of Nevada 2011.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 680 to Senate Bill No. 229.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 230.

The following Assembly Amendment was read:

Amendment No. 843.

"SUMMARY—[Authorizes] Provides for the design, construction or installation and maintenance of a memorial dedicated to Nevada's fallen soldiers. (BDR S-553)"

"AN ACT relating to public works; requiring the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial dedicated to Nevada's fallen soldiers on the Capitol Complex; creating the Nevada Fallen Soldier Memorial Gift Account in the State General Fund; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill requires the Administrator of the State Public Works Division of the Department of Administration to authorize the construction or installation of a memorial dedicated to Nevada's fallen soldiers on the Capitol Complex. ~~[This]~~ Section 1 of this bill requires the American Legion Department of Nevada, or its successor organization, to : (1) establish a committee to design the memorial; and (2) submit a design for the memorial to the Administrator and the Nevada Veterans Services Commission for ~~[his or her]~~ their approval. ~~[This bill]~~ Section 1 also requires the ~~[Nevada Veterans Services]~~ Commission to determine the criteria for the placing of names on the memorial . ~~[and]~~ Section 1.5 of this bill: (1) creates the Nevada Fallen Soldier Memorial Gift Account in the State General Fund; (2) authorizes the ~~[Administrator]~~ Executive Director and the Deputy Executive Director for Veterans Services to accept any gift, grant or donation from any source for deposit with the State Treasurer for credit to the Account; and (3) authorizes money in the Account to be used for the design, construction or installation and maintenance of the memorial. ~~[Finally, this bill prohibits the use of any public money for the design, construction or installation of the memorial.]~~

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

Section 1. 1. The Administrator of the State Public Works Division of the Department of Administration shall, upon compliance with the provisions of this section, allow the American Legion Department of Nevada, or its successor organization, to construct or install a memorial dedicated to Nevada's fallen soldiers. The memorial must be constructed or installed at an appropriate location on the Capitol Complex as determined by the Administrator.

2. The American Legion Department of Nevada, or its successor organization, shall ~~[submit]~~ :

(a) In consultation with such volunteers as it deems desirable and the Nevada Veterans Services Commission, establish a committee to design the memorial; and

(b) Submit to the Administrator and the Commission a design for the memorial for approval by the Administrator ~~[,]~~ and the Commission.

➥Upon approval of the design, the construction or installation of the memorial may begin.

3. The Nevada Veterans Services Commission shall determine the criteria for the placing of names of Nevada's fallen soldiers on the memorial.

4. ~~[The Administrator may accept any gift, grant or donation from any source. Any money received pursuant to this subsection must be accounted for separately and used only for the maintenance of the memorial.~~

~~5. No public money may be spent for the design, construction or installation of the memorial.]~~ As used in this section, "fallen soldier" means a person who dies as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

Sec. 1.5. 1. The Nevada Fallen Soldier Memorial Gift Account is hereby created in the State General Fund. The Executive Director for Veterans Services and the Deputy Executive Director for Veterans Services may accept donations, gifts and grants of money from any source for deposit with the State Treasurer for credit to the Account.

2. The Executive Director for Veterans Services shall administer the Account.

3. The money in the Account may only be used for the design, construction or installation and maintenance of the memorial described in section 1 of this act.

4. The interest and any other income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Claims against the Account must be paid as other claims against the State are paid.

6. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, but must be carried over to the next fiscal year.

Sec. 2. This act becomes effective upon passage and approval.

Senator Ford moved that the Senate concur in the Assembly Amendment No. 843 to Senate Bill No. 230.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 235.

The following Assembly Amendments were read:

Amendment No. 643.

"SUMMARY—Authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal. (BDR 54-869)"

"AN ACT relating to scrap metal; authorizing a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal; requiring, under certain circumstances, a scrap metal processor to submit electronically to a local law enforcement agency or certain third parties certain information relating to certain purchases of scrap metal; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to the confidentiality of reported information; revising provisions relating to certain records maintained by scrap metal processors; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) Section 1.3 of this bill authorizes a local law enforcement agency to establish an electronic reporting system or utilize an existing electronic reporting system to receive certain information relating to scrap metal purchases within the jurisdiction of the law enforcement agency. Section 1.3 requires that the system be electronically secure and accessible only to: (1) a scrap metal processor for the purpose of submitting certain information; (2) an officer of the local law enforcement agency; and (3) an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system, section 1.3 requires a scrap metal processor to submit electronically to the local law enforcement agency or, if applicable, any third party that the local law enforcement agency has contracted with, certain information relating to each purchase of scrap metal from certain persons. Section 1.3 further requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations providing for the confidential maintenance of reported information and the oversight of designated third parties that may contract with a law enforcement agency to receive and maintain such information.

Section 2 of this bill ~~[specifies that the record of purchase maintained by a scrap metal processor must include a copy of the seller's valid: (1) personal identification card issued by the Department of Motor Vehicles; (2) driver's license issued by this State or another state or territory of the United States; (3) United States military identification card; or (4) consular identification card.]~~ revises provisions relating to the acceptable forms of personal identification which a scrap metal processor may accept for the purpose of maintaining certain records relating to purchases of scrap metal.

Section 1.5 of this bill provides that a person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill, so long as such actions are taken in good faith and without malicious intent.

Section 1.7 of this bill requires a person in whose possession the information required to be submitted to a local law enforcement agency is held to keep the information confidential. Section 1.7 also provides that a person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

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

Section 1. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. *1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:*

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(a) The name of the seller;

(b) The date of the purchase;

(c) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(e) The license number and general description of any vehicle that delivered the scrap metal;

(f) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094; and

(g) The amount, in weight, of scrap metal purchased.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant

to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal within the jurisdiction of the law enforcement agency.

6. The provisions of this section do not apply to the purchase of scrap metal from a business entity.

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

(a) The confidentiality of consumer information;

(b) The confidentiality of proprietary information;

(c) Equity of input into contractual terms;

(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;

(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 1.5. *A person is immune from any civil liability for any action taken in good faith and without malicious intent in carrying out the provisions of NRS 647.094 or section 1.3 of this act.*

Sec. 1.7. *1. Except as otherwise required pursuant to section 1.3 of this act, any information concerning the purchase of scrap metal, as*

described in NRS 647.094 and section 1.3 of this act, must be kept confidential by the person in whose possession such information is held.

2. A person who knowingly and willfully violates subsection 1 is guilty of a gross misdemeanor.

Sec. 2. NRS 647.094 is hereby amended to read as follows:

647.094 1. Every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:

(a) The date of the purchase.

(b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.

(c) A copy of the seller's valid ~~[personal]~~ *:*

(1) Personal identification card ~~[or valid driver's]~~ *issued by this State* ~~[,]~~ *or any other state or territory of the United States;*

(2) Driver's license issued by ~~[a]~~ *this State or any other* state ~~[or a copy of the seller's valid]~~ *or territory of the United States;*

(3) United States military identification card ~~[.]~~ *; or*

(4) ~~*[Consular]*~~ *Any form of identification* ~~*[card as defined in]*~~ *which may serve as an acceptable form of identification pursuant to NRS 237.200.*

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including the seller's gender, height, eye color and hair color.

(e) A photograph, video record or digital record of the seller.

(f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.

(g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of business be open to the inspection of a prosecuting attorney or any peace officer.

Amendment No. 818.

"SUMMARY—Authorizes a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal. (BDR 54-869)"

"AN ACT relating to scrap metal; authorizing a local law enforcement agency to establish or utilize an electronic reporting system to receive information relating to purchases of scrap metal; requiring, under certain circumstances, a scrap metal processor to submit electronically to a local law enforcement agency or certain third parties certain information relating to certain purchases of scrap metal; requiring the Division of Industrial Relations of the Department of Business and Industry to adopt regulations relating to the confidentiality of reported information; revising provisions relating to certain records maintained by scrap metal processors; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides certain restrictions on the sale and purchase of scrap metal in this State and requires scrap metal processors to maintain certain records of purchases of scrap metal. (NRS 647.092-647.098) Section 1.3 of this bill authorizes a local law enforcement agency to establish an electronic reporting system or utilize an existing electronic reporting system to receive certain information relating to scrap metal purchases within the jurisdiction of the law enforcement agency. Section 1.3 requires that the system be electronically secure and accessible only to: (1) a scrap metal processor for the purpose of submitting certain information; (2) an officer of the local law enforcement agency; and (3) an authorized employee of any third party that the local law enforcement agency contracts with for the purpose of receiving and storing the information submitted by a scrap metal processor. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system, section 1.3 requires a scrap metal processor to submit electronically to the local law enforcement agency or, if applicable, any third party that the local law enforcement agency has contracted with, certain information relating to each purchase of scrap metal from certain persons. Section 1.3 further requires the Division of Industrial Relations of the Department of Business and Industry to adopt certain regulations providing for the confidential maintenance of reported information and the oversight of designated third parties that may contract with a law enforcement agency to receive and maintain such information.

Section 2 of this bill revises provisions relating to the acceptable forms of personal identification which a scrap metal processor may accept for the purpose of maintaining certain records relating to purchases of scrap metal.

Section 1.5 of this bill provides that a person is immune from any civil liability for any action taken with respect to carrying out the provisions of this bill, so long as such actions are taken in good faith and without malicious intent.

Section 1.7 of this bill requires a person in whose possession the information required to be submitted to a local law enforcement agency is

held to keep the information confidential. Section 1.7 also provides that a person who knowingly and willfully violates this requirement is guilty of a gross misdemeanor.

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

Section 1. Chapter 647 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. *1. A local law enforcement agency may establish an electronic reporting system or utilize an existing electronic reporting system to receive information relating to the purchase of scrap metal by a scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency. An electronic reporting system established or utilized pursuant to this subsection must:*

(a) Be electronically secure and accessible only to:

(1) A scrap metal processor for the purpose of submitting the information required by subsection 2;

(2) An officer of the local law enforcement agency; and

(3) If applicable, an authorized employee of any designated third party.

(b) Provide for the electronic submission of information by a scrap metal processor.

2. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system pursuant to subsection 1, each scrap metal processor that transacts business within the jurisdiction of the local law enforcement agency shall, before 12 p.m. of each business day, submit electronically to the local law enforcement agency or, if applicable, a designated third party the following information regarding each purchase of scrap metal conducted on the preceding day from a person who sold the scrap metal in his or her individual capacity:

(a) The name of the seller;

(b) The date of the purchase;

(c) The name of the person or employee who conducted the transaction on behalf of the scrap metal processor;

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) of subsection 1 of NRS 647.094 and a physical description of the seller, including the seller's gender, height, eye color and hair color;

(e) The license number and general description of any vehicle that delivered the scrap metal;

(f) The description of the scrap metal recorded pursuant to paragraph (h) of subsection 1 of NRS 647.094; and

(g) The amount, in weight, of scrap metal purchased.

3. If a scrap metal processor is required to submit information to a local law enforcement agency or, if applicable, a designated third party pursuant to subsection 2, the scrap metal processor shall display prominently at the point of purchase a public notice, in a form approved by the local law

enforcement agency, describing the information that the scrap metal processor is required to submit electronically to the local law enforcement agency or, if applicable, the designated third party.

4. Nothing in this section shall be deemed to limit or otherwise abrogate any duty of a scrap metal processor to maintain a book or other permanent record of information pursuant to NRS 647.094.

5. If a local law enforcement agency establishes an electronic reporting system or utilizes an existing electronic reporting system to receive information pursuant to this section, the local law enforcement agency shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding the effect of the electronic reporting system on the incidence of crime which relates to the sale or purchase of scrap metal within the jurisdiction of the law enforcement agency.

6. The provisions of this section do not apply to the purchase of scrap metal from a business entity.

7. The Division of Industrial Relations of the Department of Business and Industry shall, in consultation with representatives from local law enforcement agencies in this state and representatives from the scrap metal industry, adopt regulations to ensure the confidentiality of information which is reported and maintained pursuant to this section, including, without limitation, regulations providing for:

(a) The confidentiality of consumer information;

(b) The confidentiality of proprietary information;

(c) Equity of input into contractual terms;

(d) Contractual terms relating to disclaimers, indemnification and the ownership of data by a designated third party;

(e) Oversight of a designated third party that handles, maintains or has access to such information, including, without limitation, the qualifications, equipment, procedures and background checks required of a designated third party;

(f) The manner in which reported information may be used, shared or disseminated; and

(g) The maintenance of reported information in relationship to other data maintained by a law enforcement agency.

8. As used in this section, "designated third party" means any person with whom a local law enforcement agency has entered into a contract for the purpose of receiving and storing any information required to be submitted electronically by a scrap metal processor pursuant to subsection 2.

Sec. 1.5. *A person is immune from any civil liability for any action taken in good faith and without malicious intent in carrying out the provisions of NRS 647.094 or section 1.3 of this act.*

Sec. 1.7. *1. Except as otherwise required pursuant to section 1.3 of this act, any information concerning the purchase of scrap metal, as*

described in NRS 647.094 and section 1.3 of this act, must be kept confidential by the person in whose possession such information is held.

2. A person who knowingly and willfully violates subsection 1 is guilty of a gross misdemeanor.

Sec. 2. NRS 647.094 is hereby amended to read as follows:

647.094 1. Every scrap metal processor shall maintain in his or her place of business a book or other permanent record in which must be made, at the time of each purchase of scrap metal, a record of the purchase that contains:

(a) The date of the purchase.

(b) The name or other identification of the person or employee conducting the transaction on behalf of the scrap metal processor.

(c) A copy of the seller's valid ~~[personal]~~ *:*

(1) Personal identification card ~~[or valid driver's]~~ *issued by this State or any other state or territory of the United States;*

(2) Driver's license issued by ~~[a]~~ *this State or any other* state ~~[or a copy of the seller's valid]~~ *or territory of the United States;*

(3) United States military identification card ~~[.]~~ *; or*

(4) Any form of identification which may serve as an acceptable form of identification pursuant to NRS 237.200.

(d) The name, street, house number and date of birth listed on the identification provided pursuant to paragraph (c) and a physical description of the seller, including the seller's gender, height, eye color and hair color.

(e) A photograph, video record or digital record of the seller.

(f) The fingerprint of the right index finger of the seller. If the seller's right index finger is not available, the scrap metal processor must obtain the fingerprint of one of the seller's remaining fingers and thumbs.

(g) The license number and general description of the vehicle delivering the scrap metal that is being purchased.

(h) A description of the scrap metal that is being purchased which is consistent with the standards published and commonly applied in the scrap metal industry.

(i) The price paid by the scrap metal processor for the scrap metal.

2. All records kept pursuant to subsection 1 must be legibly written in the English language, if applicable.

3. A scrap metal processor shall document each purchase of scrap metal with a photograph or video recording which must be retained on-site for not less than 60 days after the date of the purchase.

4. All scrap metal purchased by the scrap metal processor and the records created in accordance with subsection 1, including, but not limited to, any photographs or video recordings, must at all times during ordinary hours of business be open to the inspection of a prosecuting attorney or any peace officer.

Senator Atkinson moved that the Senate concur in the Assembly Amendments Nos. 643, 818, to Senate Bill No. 235.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 301.

The following Assembly Amendment was read:

Amendment No. 711.

"SUMMARY—Provides for assignment of property tax liens. (BDR 32-969)"

"AN ACT relating to taxation; requiring a county treasurer to assign a tax lien against a parcel of real property located within the county if an assignment is authorized by an agreement between the owner of the property and the assignee; requiring the county treasurer to issue a certificate of assignment for each tax lien assigned; authorizing the assignee of a tax lien to commence an action against the property owner for the collection of the delinquent taxes, penalties, interest, fees and costs or to pursue any other remedy authorized by the agreement with the owner; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law authorizes a county treasurer to sell a tax lien against a parcel of real property upon which taxes have become delinquent. The consent of the owner of the property is not a prerequisite to such a sale. (NRS 361.731-361.733) This bill amends those provisions to delete references to the sale of a tax lien and to require that the county treasurer assign a tax lien if the property owner and the assignee enter into a written agreement that so provides and the assignee pays to the county treasurer an amount equal to the delinquent taxes and accrued penalties, interest, fees and costs. Section 4 of this bill sets forth the mandatory and permissible terms of such an agreement. Sections 5-10 of this bill revise various provisions relating to delinquent taxes and the collection of such taxes to add references to the assignee of a tax lien, and to provide for an action by the assignee against the owner to recover delinquent taxes, penalties, interest, fees and costs. Sections 11-19 of this bill amend existing provisions governing the sale of a tax lien to provide for the assignment of the lien and the respective rights and duties of the county treasurer, the owner of the property and the assignee. Section 21 of this bill authorizes an assignee to bring an action against the owner for the recovery of delinquent taxes, penalties, interest, fees and costs, or to pursue any other remedy authorized by the assignee's agreement with the owner.

Existing law imposes certain limitations on the enforcement of any right secured by a mortgage or other lien upon real estate. (NRS 40.430) Section 22 of this bill provides that these limitations are not applicable to any action, described above, brought by an assignee against an owner to recover delinquent taxes or brought pursuant to an agreement between the assignee and the owner.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in this section and NRS 361.731 to 361.733, inclusive, and sections 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 361.731 and section 3 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Assignee" means a person:*

1. To whom an assignment of a tax lien is authorized pursuant to this section and NRS 361.731 to 361.733, inclusive, and sections 2 and 4 of this act; or

2. Who is the holder of a certificate of assignment issued pursuant to NRS 361.7318.

Sec. 4. *1. If any taxes assessed against a parcel of real property pursuant to this chapter are delinquent and the requirements of NRS 361.7316 are otherwise satisfied, an owner of the property may authorize the county treasurer of the county in which the property is located to assign to an assignee the tax lien on the property. Any such authorization must be in writing and acknowledged by the owner before a notary public.*

2. An authorization given pursuant to this section must be made pursuant to a separate written agreement between the owner and the assignee. The agreement:

(a) Must provide that:

(1) The owner may redeem the tax lien by paying to the assignee the amounts required by the agreement, in the manner provided by the agreement; and

(2) The assignee is required to issue a release of the tax lien to the owner within 20 business days after the owner pays in full the amounts required by the agreement and otherwise fully performs the owner's obligations under the agreement.

(b) May provide for payment by the owner to the assignee of:

(1) The amount paid by the assignee to the county treasurer pursuant to NRS 361.7312 as consideration for the assignment;

(2) Fees for recording and other expenses incurred by the assignee in connection with the authorization and assignment ~~[;]~~ *, the total of which must not exceed $600 if the property is a single-family residence occupied by the owner;*

(3) Interest on the foregoing amounts, until paid as provided by the agreement, at a rate not to exceed 15 percent per annum; and

(4) Any costs reasonably and necessarily incurred by the assignee to enforce the agreement or the tax lien, including, without limitation, attorney's fees and costs of suit, if the owner does not redeem the lien or otherwise does not perform in accordance with the agreement.

(c) May provide for either or both of the following remedies if the owner fails to redeem the tax lien or otherwise fails to perform in accordance with the agreement:

(1) An action by the assignee for collection of the amounts due pursuant to the agreement, as provided by law for the enforcement of contracts in writing; and

(2) An action by the assignee for collection of the taxes, penalties, interest, fees and costs relating to the tax lien, in the manner provided by NRS 361.625 to 361.730, inclusive, except insofar as any provision of those sections applies only to the district attorney of the county or an action commenced by the district attorney.

3. The assignee shall cause the agreement described in subsection 2, with the certificate of assignment of the tax lien issued pursuant to NRS 361.7318, to be recorded in the office of the county recorder of the county in which the property is located.

Sec. 5. NRS 361.5648 is hereby amended to read as follows:

361.5648 1. Within 30 days after the first Monday in March of each year, with respect to each property on which the tax is delinquent, the tax receiver of the county shall mail notice of the delinquency by first-class mail to:

(a) The owner or owners of the property;

(b) The person or persons listed as the taxpayer or taxpayers on the tax rolls, at their last known addresses, if the names and addresses are known; ~~[and]~~

(c) Each holder of a recorded security interest if the holder has made a request in writing to the tax receiver for the notice, which identifies the secured property by the parcel number assigned to it in accordance with the provisions of NRS 361.189 ~~[.]~~ *; and*

(d) Each assignee of a tax lien on the property, if the assignee has made a request in writing to the tax receiver for the notice described in paragraph (c).

2. The notice of delinquency must state:

(a) The name of the owner of the property, if known.

(b) The description of the property on which the taxes are a lien.

(c) The amount of the taxes due on the property and the penalties and costs as provided by law.

(d) That if the amount is not paid by *or on behalf of* the taxpayer or his or her successor in interest ~~[:~~

~~(1) The]~~ *, the* tax receiver will, at 5 p.m. on the first Monday in June of the current year, issue to the county treasurer, as trustee for the State and county, a certificate authorizing the county treasurer to hold the property, subject to redemption within 2 years after the date of the issuance of the certificate, by payment of the taxes and accruing taxes, penalties and costs, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid as provided by law, except as

otherwise provided in NRS 360.232 and 360.320, and that redemption may be made in accordance with the provisions of chapter 21 of NRS in regard to real property sold under execution.

~~[(2) A tax lien may be sold against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive.]~~

3. Within 30 days after mailing the original notice of delinquency, the tax receiver shall issue his or her personal affidavit to the board of county commissioners affirming that due notice has been mailed with respect to each parcel. The affidavit must recite the number of letters mailed, the number of letters returned and the number of letters finally determined to be undeliverable. Until the period of redemption has expired, the tax receiver shall maintain detailed records which contain such information as the Department may prescribe in support of the affidavit.

4. A second copy of the notice of delinquency must be sent by certified mail, not less than 60 days before the expiration of the period of redemption as stated in the notice.

5. The cost of each mailing must be charged to the delinquent taxpayer.

6. A county and its officers and employees are not liable for any damages resulting from failure to provide actual notice pursuant to this section if the county, officer or employee, in determining the names and addresses of persons with an interest in the property, relies upon a preliminary title search from a company authorized to provide title insurance in this State.

Sec. 6. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.5648 and 361.565 and at the time stated in the notice, the tax receiver shall make out a certificate that describes each property on which delinquent taxes, penalties, interest and costs have not been paid. The certificate authorizes the county treasurer, as trustee for the State and county, to hold each property described in the certificate for the period of 2 years after the first Monday in June of the year the certificate is dated, unless sooner redeemed.

2. The certificate must specify:

(a) The amount of delinquency on each property, including the amount and year of assessment;

(b) The taxes, and the penalties and costs added thereto, on each property, and that, except as otherwise provided in NRS 360.232 and 360.320, interest on the taxes will be added at the rate of 10 percent per annum, assessed monthly, from the date due until paid; and

(c) The name of the owner or taxpayer of each property, if known.

3. The certificate must state:

(a) That each property described in the certificate may be redeemed within 2 years after the date of the certificate;

(b) That the title to each property not redeemed vests in the county for the benefit of the State and county; and

(c) That a tax lien may be ~~[sold]~~ *assigned* against the parcel pursuant to the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ *, and sections 2, 3 and 4 of this act.*

4. Until the expiration of the period of redemption, each property held pursuant to the certificate must be assessed annually to the county treasurer as trustee. Before the owner or his or her successor redeems the property, he or she must also pay the county treasurer holding the certificate any additional taxes, penalties and costs assessed and accrued against the property after the date of the certificate, together with interest on the taxes at the rate of 10 percent per annum, assessed monthly, from the date due until paid, unless otherwise provided in NRS 360.232 and 360.320.

5. A county treasurer shall take a certificate issued to him or her pursuant to this section. The county treasurer may cause the certificate to be recorded in the office of the county recorder against each property described in the certificate to provide constructive notice of the amount of delinquent taxes on each property respectively. The certificate reflects the amount of delinquent taxes, penalties, interest and costs due on the properties described in the certificate on the date on which the certificate was recorded, and the certificate need not be amended subsequently to indicate additional taxes, penalties, interest and costs assessed and accrued or the repayment of any of those delinquent amounts. The recording of the certificate does not affect the statutory lien for taxes provided in NRS 361.450.

Sec. 7. NRS 361.645 is hereby amended to read as follows:

361.645 1. The delinquent list or a copy thereof certified by the county treasurer showing unpaid taxes against any person or property is prima facie evidence in any court in an action commenced by the district attorney pursuant to the provisions of this chapter to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) The amount of taxes due and unpaid.

(e) That all the forms of law in relation to the assessment and levy of those taxes have been complied with.

2. A certificate of ~~[purchase]~~ *assignment* of a tax lien issued pursuant to NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act* or a copy thereof which is certified by the county treasurer and which indicates the ~~[sale]~~ *assignment* of a tax lien to collect unpaid taxes on a parcel of real property is prima facie evidence in any court in an action commenced by the ~~[holder of the certificate of purchase]~~ *assignee* to prove:

(a) The assessment.

(b) The property assessed.

(c) The delinquency.

(d) ~~[The amount of taxes, penalties, interest and costs due and unpaid.~~

~~(e)]~~ That all the forms of law in relation to the assessment and levy of those taxes and the ~~[sale]~~ *assignment* of the tax lien have been complied with.

Sec. 8. NRS 361.650 is hereby amended to read as follows:

361.650 1. Actions authorized by NRS 361.635 must be commenced in the name of the State of Nevada against the person or persons so delinquent, and against all owners, known or unknown.

2. An action authorized by NRS 361.733 must be commenced in the name of the ~~[holder of the certificate of purchase]~~ *assignee* of the tax lien against the person or persons delinquent in the payment of the taxes on the parcel of real property which is the subject of the tax lien and against all owners, known or unknown, of that parcel.

3. Any action described in subsection 1 or 2 may be commenced in the county where the assessment is made, before any court in the county having jurisdiction of the amount thereof. The jurisdiction must be determined solely by the amount of delinquent taxes, exclusive of penalties and costs sued for, without regard to the location of the lands or other property as to townships, cities or districts, and without regard to the residence of the person or persons, or owner or owners, known or unknown.

Sec. 9. NRS 361.685 is hereby amended to read as follows:

361.685 1. The district attorney or the ~~[holder of a certificate of purchase]~~ *assignee* of a tax lien ~~[issued]~~ *assigned* pursuant to NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act* shall file in the office of the county recorder a copy of each notice published or posted, with the affidavit of the publisher or foreman in the office, setting forth the date of each publication of the notice in the newspaper in which the notice was published.

2. The officers shall file a copy of the notices posted, with an affidavit of the time and place of posting.

3. Copies so filed or certified copies thereof are prima facie evidence of all the facts contained in the notice or affidavit, in all courts in the State.

4. The publishers are entitled to not more than the legal rate for each case for publishing a notice, including the making of the affidavit.

5. The county recorder is entitled to 50 cents for filing each notice of publication, including the affidavit.

6. The sums allowed must be taxed and collected as other costs in the case from the defendant, and in no case may they be charged against or collected from the county or State.

Sec. 10. NRS 361.695 is hereby amended to read as follows:

361.695 The defendant may answer by a verified pleading:

1. That the taxes, penalties, interest and costs have been paid before suit.

2. That the taxes, penalties, interest and costs have been paid since suit, or that the property is exempt from taxation under the provisions of this chapter.

3. Denying all claim, title or interest in the property assessed at the time of the assessment.

4. That the land is ~~[situate]~~ *situated* in, and has been assessed in, another county, and the taxes thereon paid.

5. Alleging fraud in the assessment, or that the assessment is out of proportion to and above the taxable value of the property assessed. If the defense is based upon the ground that the assessment is above the taxable value of the property, the defense is only valid as to the proportion of the tax based upon the excess of valuation, but in no such case may an entire assessment be declared void.

6. If the action is brought by the ~~[holder of a certificate of purchase]~~ *assignee* of a tax lien ~~[issued]~~ *assigned* pursuant to NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act,* that the ~~[defendant is the owner of a parcel of real property against which a tax lien was sold in a manner that]~~ *assignment* did not comply with the provisions of NRS 361.731 to 361.733, inclusive ~~[.]~~ *, and sections 2, 3 and 4 of this act.*

7. If the action is brought by the ~~[holder of a certificate of purchase]~~ *assignee* of a tax lien ~~[issued]~~ *assigned* pursuant to NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act,* that the defendant has redeemed the tax lien pursuant to NRS 361.7326. ~~[The defendant shall file the certificate of redemption issued pursuant to NRS 361.7326 with his or her answer.]~~

Sec. 11. NRS 361.731 is hereby amended to read as follows:

361.731 ~~[As used in NRS 361.731 to 361.733, inclusive, unless the context otherwise requires, "tax]~~ *"Tax* lien" means a perpetual lien which remains against a parcel of real property until the taxes assessed against that parcel and any penalties, interest *, fees* and costs which may accrue thereon are paid ~~[.]~~ *:*

1. To the county treasurer; or

2. If the lien is assigned pursuant to NRS 361.731 to 361.733, inclusive, and sections 2, 3 and 4 of this act, to the assignee or any successor in interest of the assignee.

Sec. 12. NRS 361.7312 is hereby amended to read as follows:

361.7312 1. Except as otherwise provided in ~~[this section,]~~ *subsection 2,* a county ~~[may,]~~ *treasurer shall* ~~[in lieu of the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive, sell]~~ *assign* a tax lien against a parcel of real property upon which the taxes are delinquent ~~[pursuant to the provisions of NRS 361.731 to 361.733, inclusive.]~~ *if the assignee:*

(a) Presents the county treasurer with:

(1) Written authorization for the assignment, duly executed by the owner of the property in accordance with section 4 of this act; and

(2) Evidence that the assignee has posted and maintains the bond required by NRS 361.7314 in the penal sum required by that section, or an affidavit showing that the assignee is exempt from the requirement pursuant to subsection 4 of that section; and

(b) Tenders to the county treasurer the full amount of the delinquent taxes assessed against the property and any applicable penalties, interest, fees and

costs. Payment must be made in cash or by certified check, money order or wire transfer.

2. ~~[Except as otherwise provided in this section, a county may sell a tax lien to any purchaser.]~~ A county *treasurer* may not ~~[sell]~~ *assign* a tax lien to a government, governmental agency or political subdivision of a government . ~~[, or to any insurer other than an insurer that:~~

~~(a) Is entitled to receive the credit set forth in NRS 680B.050 because it owns and substantially occupies and uses a building in this State as its home office or as a regional home office; or~~

~~(b) Issues in this State a policy of insurance for medical malpractice.]~~

3. ~~[For the purposes of this section:~~

~~(a) "Insurer" has the meaning ascribed to it in NRS 679A.100.~~

~~(b) "Policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.]~~ *An assignment of a tax lien pursuant to this section does not affect the priority of the tax lien.*

Sec. 13. NRS 361.7314 is hereby amended to read as follows:

361.7314 1. ~~[Before a county may offer for sale tax liens against parcels of real property located within the county, the board of county commissioners of that county must adopt by resolution a procedure for the sale and transfer of tax liens by the county treasurer.~~

~~2. The procedure must include, but is not limited to:~~

~~(a) The requirements for notice of the sale of the tax lien. The notice must include:~~

~~(1) The date, time and location of the sale; and~~

~~(2) An indication of all other tax liens against the property that have been previously sold.~~

~~(b) The manner in which:~~

~~(1) A tax lien is selected for sale;~~

~~(2) The price to purchase a tax lien is determined; and~~

~~(3) The holder of a certificate of purchase issued pursuant to NRS 361.7318 may collect the delinquent taxes, interest, penalties and costs on the parcel of real property which is the subject of the tax lien.]~~ *Except as otherwise provided in subsection 4, an assignee shall post a cash bond or surety bond:*

(a) In the penal sum of $500,000; and

(b) Conditioned to provide indemnification to any owner of real property in this State with respect to which a tax lien is assigned to the assignee if the owner is determined to have suffered damage as a result of the assignee's wrongful failure or refusal to perform the obligations of the assignee under an agreement entered into pursuant to section 4 of this act.

2. No part of the bond required by this section may be withdrawn while any agreement entered into pursuant to section 4 of this act, to which the assignee is a party, remains in effect with respect to real property in this State.

3. Except as otherwise provided in subsection 4, each assignee shall annually submit to the Secretary of State a written statement, made under penalty of perjury:

(a) That the assignee has posted the bond required by this section; and

(b) Stating the name and business address of the surety or person with whom the bond has been posted.

➥ *Any assignee or other person who knowingly makes or causes to be made a false statement to the Secretary of State pursuant to this subsection is guilty of a misdemeanor.*

4. The provisions of this section do not apply to any assignee who is related within the third degree of consanguinity to the owner of the real property that is the subject of the assignment.

Sec. 14. NRS 361.7316 is hereby amended to read as follows:

361.7316 1. A county treasurer may ~~[sell]~~ *assign* a tax lien against a parcel of real property *at any time* after the ~~[first Monday in June after the]~~ taxes on that parcel become delinquent *and before judgment in favor of the county is entered pursuant to NRS 361.700* if:

(a) The parcel is on the secured roll; *and*

(b) The taxes on the parcel are delinquent pursuant to the provisions of NRS 361.483 . ~~[;~~

~~(c) The tax receiver has given notice of the delinquency pursuant to NRS 361.5648; and~~

~~(d) The price for the tax lien established by the county treasurer is at least equal to the amount of the taxes which are delinquent for the parcel and any penalties, interest and costs which may accrue thereon.~~

~~2. The county treasurer may sell a tax lien separately or in combination with other tax liens in accordance with the procedure adopted by the board of county commissioners pursuant to NRS 361.7314.~~

~~3. Each tax lien must relate to the taxes assessed against the parcel for at least 1 year, and any penalties, interest and costs which may accrue thereon.~~

~~4. The county treasurer may sell a tax lien which relates to the taxes assessed against the parcel for any year of assessment and any penalties, interest and costs accrued thereon if those taxes are delinquent pursuant to the provisions of NRS 361.483.~~

~~5.]~~ *2.* If two or more parcels are assessed as a single parcel, one tax lien may be ~~[sold]~~ *assigned* for that single parcel.

~~[6. A tax lien must be purchased in cash or by certified check, money order or wire transfer of money.~~

~~7. If a tax lien offered for sale is not sold at the sale conducted by the county treasurer, the county may collect the delinquent taxes pursuant to the remedies for the collection of delinquent taxes set forth in NRS 361.5648 to 361.730, inclusive.]~~

Sec. 15. NRS 361.7318 is hereby amended to read as follows:

361.7318 1. The county treasurer shall issue a certificate of ~~[purchase]~~ *assignment* to each ~~[purchaser]~~ *assignee* of a tax lien.

2. ~~[The holder of a certificate of purchase is entitled to receive:~~

~~(a) The amount of the taxes which are delinquent for the year those taxes are assessed against the parcel of real property which is the subject of the tax lien and any penalties, interest and costs imposed pursuant to the provisions of this chapter; and~~

~~(b) Interest on the amount described in paragraph (a) which accrues at a rate established by the board of county commissioners. The interest must be calculated annually from the date on which the certificate of purchase is issued. The rate of interest established by the board may not be less than 10 percent per annum or more than 20 percent per annum.~~

~~3.]~~ Each certificate of ~~[purchase]~~ *assignment* must include:

(a) ~~[A]~~ *The legal* description *and parcel number* of the ~~[parcel of]~~ real property which is the subject of the tax lien;

(b) The *year or* years *for which* the *delinquent* taxes ~~[which are delinquent]~~ were assessed on the parcel;

(c) The *name of the owner of the property, if known;*

(d) The amount the county treasurer received for the tax lien ~~[,~~

~~(d) The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter;]~~ *pursuant to NRS 361.7312;* and

(e) A statement that the amount indicated on the certificate ~~[pursuant to paragraph (d)]~~ bears interest at the rate established by the ~~[board of county commissioners, from the date on which the certificate of purchase is issued.~~

~~4. The holder of a certificate of purchase may transfer the certificate to another person by signing the certificate before a notary public. A certificate of purchase may not be transferred to a government, governmental agency or political subdivision of a government. The transferee must submit the certificate to the county treasurer for entry of the transfer in the record of sales tax liens maintained by the county treasurer pursuant to NRS 361.7322.~~

~~5.]~~ *agreement entered into pursuant to section 4 of this act.*

3. Notwithstanding the provisions of NRS 104.9109, a security interest in a certificate of ~~[purchase]~~ *assignment* may be created and perfected in the manner provided for general intangibles set forth in NRS 104.9101 to 104.9709, inclusive.

Sec. 16. NRS 361.732 is hereby amended to read as follows:

361.732 If ~~[the holder of a certificate of purchase]~~ *an assignee* requests the county treasurer to issue a duplicate certificate ~~[,]~~ *of assignment,* the ~~[holder]~~ *assignee* must submit to the county treasurer a notarized affidavit which attests that the *original* certificate was lost or destroyed. The county treasurer shall, upon receipt of the affidavit, issue to the ~~[holder]~~ *assignee* an exact duplicate of the certificate of ~~[purchase.]~~ *assignment.*

Sec. 17. NRS 361.7322 is hereby amended to read as follows:

361.7322 The county treasurer shall ~~[prepare and maintain a record of each tax lien]~~ *make a notation in his or her records whenever* he or she ~~[sells]~~ *assigns a tax lien* pursuant to the provisions of NRS 361.731 to

361.733, inclusive ~~[.]~~ *, and sections 2, 3 and 4 of this act.* ~~[The record must include:~~

~~1. The date of the sale of the tax lien;~~

~~2. A description of the parcel of real property which is the subject of the tax lien;~~

~~3. The year the taxes which are delinquent were assessed on the parcel;~~

~~4. The name of the owner of the parcel, if known;~~

~~5. The name and address of the original purchaser of the tax lien;~~

~~6. The amount of the delinquent taxes owed on the parcel and any penalties, interest and costs imposed pursuant to the provisions of this chapter on the date the county treasurer sells the tax lien;~~

~~7. The name and address of any person to whom the certificate of purchase is transferred and the date of the transfer;~~

~~8. The name of the person who redeems the tax lien, the date of that redemption and the amount paid to redeem the tax lien; and~~

~~9. The date of any judgment entered pursuant to NRS 361.700.]~~

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 361.7326 is hereby amended to read as follows:

361.7326 1. ~~[In addition to the persons authorized to redeem a tax lien pursuant to NRS 361.7324, any]~~ *An owner of property may redeem a* tax lien ~~[sold]~~ *assigned* pursuant to the provisions of NRS 361.731 to 361.733, inclusive, *and sections 2, 3 and 4 of this act* ~~[may be redeemed by any of the following persons, as their interests in the parcel of real property which is the subject of the tax lien may appear of record:~~

~~(a) The owner of the parcel of real property.~~

~~(b) The beneficiary under a deed of trust.~~

~~(c) The mortgagee under a mortgage.~~

~~(d) The person to whom the property was assessed.~~

~~(e) The person who holds a contract to purchase the property before its conveyance to the county treasurer.~~

~~(f) The successor in interest of any person specified in this subsection.~~

~~2. A person who redeems a tax lien must pay to the county treasurer the amount stated on the certificate of purchase of the tax lien, including interest at the rate stated on the certificate and any fees paid by the holder of the certificate of purchase to the county treasurer.]~~ *without a prepayment penalty at any time after the assignment by paying the amounts owed to the assignee under the agreement entered into pursuant to section 4 of this act.*

2. If ~~[the person]~~ *an owner* who redeems the tax lien has been served with a summons pursuant to NRS 361.670, the ~~[person]~~ *owner* must pay the costs incurred by the ~~[holder of the certificate of purchase]~~ *assignee* to commence the action.

~~[4. The county treasurer]~~

3. Within 20 business days after the redemption of the tax lien, the assignee shall issue a ~~[certificate of redemption to each person who redeems a tax lien pursuant to this section.~~

~~5.]~~ *release of the lien to the owner.*

4. A ~~[certificate of redemption]~~ *release* issued pursuant to subsection ~~[4]~~ *3* must include:

(a) ~~[A]~~ *The legal* description *and parcel number* of the ~~[parcel of real]~~ property which is the subject of the tax lien;

(b) The *year or years for which the taxes related to the lien were assessed on the parcel;*

(c) The recording information for the documents recorded pursuant to subsection 3 of section 4 of this act; and

(d) The date the tax lien is redeemed . ~~[;~~

~~(c) The name and address of the person who redeems the tax lien; and~~

~~(d) The amount paid to redeem the tax lien.~~

~~6. The county treasurer shall record the information set forth in subsection 5 in the record he or she maintains pursuant to NRS 361.7322.~~

~~7. A certificate of redemption may be recorded in the office of the county recorder.]~~

5. The assignee shall ~~[cause]~~ :

(a) Cause the release to be recorded in the office of the county recorder of the county in which the property is located ~~[.]~~ ; and

(b) Cause a copy of the release to be sent to the county treasurer of that county.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 361.733 is hereby amended to read as follows:

361.733 ~~[If]~~

1. Except as otherwise provided in this section, if a tax lien is not redeemed pursuant to NRS 361.7326 *,* ~~[within the time allowed for the collection of the delinquent taxes set forth in NRS 361.5648 to 361.620, inclusive,]~~ the ~~[holder of the certificate of purchase]~~ *assignee* may commence an action *pursuant to NRS 361.625 to 361.730, inclusive,* for the collection of the delinquent taxes, penalties, interest *, fees* and costs ~~[.]~~ *owed pursuant to the certificate of assignment and the agreement entered into pursuant to section 4 of this act. An assignee may not commence such an action before the earliest date on which an action could be commenced by the district attorney of the county pursuant to NRS 361.635.*

2. Not later than 60 days before commencing such an action, the assignee shall cause written notice of the intended action and the assignee's claim, stating the amount owed to the assignee, to be mailed by certified mail to:

(a) The owner of the property at the owner's last known address; and

(b) Each of the following persons, as their interest in the property appears of record:

(1) The beneficiary under any deed of trust; and

(2) The mortgagee under any mortgage.

3. At any time after notice is given pursuant to subsection 2 and before the commencement of an action by the assignee, any person related to the

owner of the property within the third degree of consanguinity or any beneficiary or mortgagee described in subsection 2 may obtain an assignment of the tax lien from the assignee by paying the assignee the amount then owed to the assignee.

Sec. 22. NRS 40.430 is hereby amended to read as follows:

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, and except as otherwise provided in NRS 118C.220, there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) *Pursuant to an agreement entered into pursuant to section 4 of this act between an owner of the property and the assignee of a tax lien against the property, or an action which is authorized by NRS 361.733.*

(p) Which is exempted from the provisions of this section by specific statute.

~~[(p)]~~ *(q)* To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 22.5. NRS 361.7324 and 361.7328 are hereby repealed.

Sec. 23. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

361.7324 Procedure when taxes on parcel again become delinquent during year after tax lien sold.

1. If a tax lien against a parcel of real property has been sold in the year immediately preceding the date that taxes on that parcel again become delinquent pursuant to NRS 361.483, the county treasurer shall:

(a) Collect the delinquent taxes in the manner set forth in NRS 361.5648 to 361.730, inclusive;

(b) Redeem the tax lien pursuant to NRS 361.7326; or

(c) Cause written notice of the delinquency to be sent by certified mail to the holder of the certificate of purchase who is listed in the record maintained by the county treasurer pursuant to NRS 361.7322.

2. Within 90 days after receiving a notice from the county treasurer pursuant to paragraph (c) of subsection 1, the holder of the certificate of purchase may:

(a) Purchase from the county treasurer a tax lien against the parcel for the current year of assessment pursuant to NRS 361.7318; or

(b) Consent to the redemption of the tax lien pursuant to NRS 361.7326.

3. If the holder of the certificate of purchase consents to the redemption of the tax lien pursuant to NRS 361.7326, the county treasurer shall:

(a) Redeem the tax lien pursuant to that section; or

(b) Sell the tax lien to another person, who shall redeem any previous tax lien pursuant to NRS 361.7326.

361.7328 Redemption of tax lien after sale: Notification and payment of holder of certificate of purchase.

1. The county treasurer shall, within 10 days after a tax lien is redeemed pursuant to NRS 361.7326, mail a certified copy of the certificate of redemption to the holder of the certificate of purchase of the tax lien.

2. The county treasurer shall pay to the holder of the certificate of purchase the amount indicated on the certificate pursuant to NRS 361.7318 at the time the holder presents the certificate for payment.

Senator Kihuen moved that the Senate concur in the Assembly Amendment No. 711 to Senate Bill No. 301.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 314.

The following Assembly Amendment was read:

Amendment No. 747.

"SUMMARY—Provides that the right of parents to make choices regarding the ~~[upbringing, education and]~~ care , custody and management of their children is a fundamental right. (BDR 11-880)"

"AN ACT relating to parentage; providing that the right of a parent to make decisions regarding the ~~[upbringing, education and]~~ care , custody and management of his or her child is a fundamental right; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill provides that the ~~[right]~~ liberty interest of a parent ~~[to direct]~~ in the ~~[upbringing, education and]~~ care , custody and management of his or her child is a fundamental right. ~~[Under this bill, in implementing a statute, local ordinance or regulation, the State or any agency, instrumentality or political subdivision of the State is prohibited from violating this right without demonstrating a compelling governmental interest that as applied to the child~~

~~involved is of the highest order.]~~ This bill also provides that this fundamental right does not: (1) authorize a parent to engage in unlawful conduct or to abuse or neglect a child; or (2) prohibit courts, law enforcement officers or agencies which provide child welfare services from acting within their official capacity.

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

Section 1. Chapter 126 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The liberty interest of a parent ~~[to direct the upbringing, education and]~~ in the care , custody and management of the parent's child is a fundamental right. ~~[The State of Nevada or any agency, instrumentality or political subdivision of the State shall not violate this right without demonstrating a compelling governmental interest that as applied to the child involved is of the highest order.]~~

2. Nothing in this section shall be construed to:

(a) Authorize a parent to engage in any unlawful conduct or to abuse or neglect a child in violation of the laws of this State.

(b) Prohibit courts, law enforcement officers or employees of an agency which provides child welfare services from acting in their official capacity within the scope of their authority.

3. Except as otherwise provided by specific statute, the provisions of this section apply to any statute, local ordinance or regulation and the implementation of such statute, local ordinance or regulation regardless of whether such statute, local ordinance or regulation was adopted or effective before, on or after October 1, 2013.

4. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 747 to Senate Bill No. 314.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 319.

The following Assembly Amendments were read:

Amendment No. 782.

"SUMMARY—Revises provisions governing ~~[certain professions]~~ physicians. (BDR 54-713)"

"AN ACT relating to ~~[professions;]~~ physicians; revising certain provisions governing certain continuing education requirements for physicians; ~~[authorizing certain qualified professionals who hold a license in another state or territory of the United States to apply for a license by endorsement to practice in this State;]~~ and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law generally provides for the regulation of ~~[professions]~~ allopathic and osteopathic physicians in this State. ~~[(Title 54)~~ (Chapters 630 and 633 of NRS) Section 1 of this bill authorizes ~~[a]~~ an allopathic physician to substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. Section 2 of this bill requires the State Board of Osteopathic Medicine to require, as part of the continuing education requirements approved by the Board, the biennial completion by an osteopathic physician of at least 2 hours of credit in pain management and addiction care. ~~[Sections 3 and 11 of this bill authorize certain qualified professionals who are licensed in another state or territory of the United States to practice as a clinical professional counselor, marriage and family therapist, alcohol and drug abuse counselor or problem gambling counselor to apply for and receive a license or certificate by endorsement to practice their respective profession in this State. If the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the applicant is entitled to a 50 percent reduction in the fees otherwise provided for the application, endorsement and issuance of the license or certificate.]~~

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. *A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.*

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[5]~~ *6* and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of

continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. *The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in pain management or addiction care.*

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. ~~[Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Board may issue a license by endorsement to practice as a clinical professional counselor or marriage and family therapist to an applicant who meets the requirements set forth in this section and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States.*~~

~~*2. Except as otherwise provided in subsection 5, an applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*~~

~~*(a) The fee provided by NRS 641A.290 for an application for a license and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of $200;*~~

~~*(b) Proof satisfactory to the Board that the applicant:*~~

~~*(1) Satisfies the requirements of subsection 1;*~~

~~*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*~~

~~*(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license to practice his or her respective profession; and*~~

~~*(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;*~~

~~*(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and*~~

~~*(d) Any other information required by the Board.*~~

~~*3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to the applicant not later than 30 days after receiving all materials, documentation and other information required by the Board to evaluate the application.*~~

~~*4. A license by endorsement may be issued at a meeting of the Board.*~~

~~*5. If an applicant for a license by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one half of the fees specified by NRS 641A.290 and subsection 2 of this section for the application, endorsement and issuance of the license by endorsement.]~~ (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~[NRS 641A.220 is hereby amended to read as follows:~~

~~641A.220 —~~ [Each] ~~*Except as otherwise provided in section 3 of this act, each* applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:~~

~~1. Is at least 21 years of age;~~

~~2. Is of good moral character;~~

~~3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;~~

~~5. Has:~~

~~(a) At least 2 years of postgraduate experience in marriage and family therapy; and~~

~~(b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and~~

~~6. Holds an undergraduate degree from an accredited institution approved by the Board.]~~ (Deleted by amendment.)

Sec. 8. ~~[NRS 641A.230 is hereby amended to read as follows:~~

~~641A.230 1. Except as otherwise provided in subsection 2~~ [,] ~~*and section 3 of this act,* each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.~~

~~2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.~~

~~3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.]~~ (Deleted by amendment.)

Sec. 9. ~~[NRS 641A.231 is hereby amended to read as follows:~~

~~641A.231~~ [Each] ~~*Except as otherwise provided in section 3 of this act, each* applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:~~

~~1. Is at least 21 years of age;~~

~~2. Is of good moral character;~~

~~3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~4. Has:~~

~~(a) Completed residency training in psychiatry from an accredited institution approved by the Board;~~

~~(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or~~

~~(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and~~

~~5. Has:~~

~~(a) At least 2 years of postgraduate experience in professional counseling;~~

~~(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:~~

~~(1) At least 1,500 hours of direct contact with clients; and~~

~~(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and~~

~~(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.]~~ (Deleted by amendment.)

Sec. 10. ~~[NRS 641A.290 is hereby amended to read as follows:~~

~~641A.290 --~~[The] ~~*Except as otherwise provided in section 3 of this act, the* Board shall charge and collect not more than the following fees, respectively:~~

~~For application for a license~~ ..... ~~$75~~

~~For examination of an applicant for a license~~ ..... ~~200~~

~~For issuance of a license~~ ..... ~~50~~

~~For annual renewal of a license~~ ..... ~~150~~

~~For reinstatement of a license revoked for nonpayment of the fee for renewal~~ ..... ~~100~~

~~For an inactive license~~ .....~~150]~~ (Deleted by amendment.)

Sec. 11. ~~[Chapter 641C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The Board may issue a license or certificate by endorsement to practice as a certified counselor or licensed counselor to an applicant who meets the requirements set forth in this section and who demonstrates competency by satisfying any requirements for course work, supervision and experience as provided in regulations adopted by the Board. An applicant may submit to the Board an application for such a license or certificate if the applicant holds a corresponding valid and unrestricted license or certificate to practice his or her respective profession in the District of Columbia or in any other state or territory of the United States.*~~

~~*2. Except as otherwise provided in subsection 5, an applicant for a license or certificate by endorsement pursuant to this section must submit to the Board with his or her application:*~~

~~*(a) The fee provided by NRS 641C.470 for an initial application for a license or certificate and, in lieu of the fee for the examination otherwise required by that section, a fee for the endorsement in the amount of $200;*~~

~~*(b) Proof satisfactory to the Board that the applicant:*~~

~~*(1) Satisfies the requirements of subsection 1;*~~

~~*(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;*~~

~~*(3) Has not been disciplined or investigated by the corresponding regulatory authority of the state or territory in which the applicant holds a license or certificate to practice his or her respective profession; and*~~

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States more than once;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license or certificate by endorsement pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license or certificate by endorsement to the applicant not later than 30 days after receiving all materials, documentation and other information required by the Board to evaluate the application.

4. A license or certificate by endorsement may be issued at a meeting of the Board.

5. If an applicant for a license or certificate by endorsement provides with his or her application proof satisfactory to the Board or the President of the Board, as applicable, that the applicant is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States, the Board shall not charge or collect more than one half of the fees specified by NRS 641C.470 and subsection 2 of this section for the application, endorsement and issuance of the license or certificate by endorsement.] (Deleted by amendment.)

Sec. 12. ~~[NRS 641C.300 is hereby amended to read as follows:~~

~~641C.300 The Board shall issue a license or certificate without examination to a person who holds a license or certificate as a clinical alcohol and drug abuse counselor or an alcohol and drug abuse counselor in another state, a territory or possession of the United States or the District of Columbia if the *license or certificate is issued by endorsement pursuant to section 11 of this act, or if the* requirements of that jurisdiction at the time the license or certificate was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the provisions of this chapter.]~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 641C.330 is hereby amended to read as follows:~~

~~641C.330 [The] *Except as otherwise provided in section 11 of this act, the* Board shall issue a license as a clinical alcohol and drug abuse counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board that~~

~~includes comprehensive course work in clinical mental health, including the diagnosis of mental health disorders;~~

~~(d) Has completed a program approved by the Board consisting of at least 2,000 hours of supervised, postgraduate counseling of alcohol and drug abusers;~~

~~(e) Has completed a program that:~~

~~(1) Is approved by the Board; and~~

~~(2) Consists of at least 2,000 hours of postgraduate counseling of persons with mental illness who are also alcohol and drug abusers that is supervised by a licensed clinical alcohol and drug abuse counselor who is approved by the Board;~~

~~(f) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Pays the fees required pursuant to NRS 641C.470; and~~

~~(h) Submits all information required to complete an application for a license.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is:~~

~~(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS; or~~

~~(3) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;~~

~~(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all the information required to complete an application for a license.~~] (Deleted by amendment.)

Sec. 14. ~~[NRS 641C.350 is hereby amended to read as follows:~~

~~641C.350~~ [The] ~~*Except as otherwise provided in section 11 of this act, the* Board shall issue a license as an alcohol and drug abuse counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a license.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is:~~

~~(1) Licensed as a clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) Licensed as a clinical professional counselor pursuant to chapter 641A of NRS;~~

~~(3) Licensed as a marriage and family therapist pursuant to chapter 641A of NRS;~~

~~(4) A nurse who is licensed pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university; or~~

~~(5) Licensed as a clinical alcohol and drug abuse counselor pursuant to this chapter;~~

~~(d) Has completed at least 6 months of supervised counseling of alcohol and drug abusers approved by the Board;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a license.~~] (Deleted by amendment.)

Sec. 15. ~~[NRS 641C.390 is hereby amended to read as follows:~~

~~641C.390 1.~~ [The] ~~*Except as otherwise provided in section 11 of this act, the* Board shall issue a certificate as an alcohol and drug abuse counselor to a person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Except as otherwise provided in subsection 2, has received a bachelor's degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed 4,000 hours of supervised counseling of alcohol and drug abusers;~~

~~(e) Passes the written and oral examinations prescribed by the Board pursuant to NRS 641C.290;~~

~~(f) Pays the fees required pursuant to NRS 641C.470; and~~

~~(g) Submits all information required to complete an application for a certificate.~~

~~2. The Board may waive the educational requirement set forth in paragraph (c) of subsection 1 if an applicant for a certificate has contracted with or receives a grant from the Federal Government to provide services as an alcohol and drug abuse counselor to persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq. An alcohol and drug abuse counselor certified pursuant to this section for whom the educational requirement set forth in paragraph (c) of subsection 1 is waived may provide services as an alcohol and drug abuse counselor only to those persons who are authorized to receive those services pursuant to 25 U.S.C. §§ 450 et seq. or 25 U.S.C. §§ 1601 et seq.~~

~~3. A certificate as an alcohol and drug abuse counselor is valid for 2 years and may be renewed.~~

~~4. A certified alcohol and drug abuse counselor may:~~

~~(a) Engage in the practice of counseling alcohol and drug abusers; and~~

~~(b) Diagnose or classify a person as an alcoholic or abuser of drugs.~~] (Deleted by amendment.)

Sec. 16. ~~[NRS 641C.430 is hereby amended to read as follows:~~

~~641C.430~~ [The] ~~Except as otherwise provided in section 11 of this act,~~ *the* ~~Board may issue a certificate as a problem gambling counselor to:~~

~~1. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Has received a bachelor's degree, master's degree or a doctoral degree from an accredited college or university in a field of social science approved by the Board;~~

~~(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;~~

~~(e) Has completed at least 2,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;~~

~~(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Presents himself or herself when scheduled for an interview at a meeting of the Board;~~

~~(h) Pays the fees required pursuant to NRS 641C.470; and~~

~~(i) Submits all information required to complete an application for a certificate.~~

~~2. A person who:~~

~~(a) Is not less than 21 years of age;~~

~~(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;~~

~~(c) Is licensed as:~~

~~(1) A clinical social worker pursuant to chapter 641B of NRS;~~

~~(2) A clinical professional counselor pursuant to chapter 641A of NRS;~~

~~(3) A marriage and family therapist pursuant to chapter 641A of NRS;~~

~~(4) A physician pursuant to chapter 630 of NRS;~~

~~(5) A nurse pursuant to chapter 632 of NRS and has received a master's degree or a doctoral degree from an accredited college or university;~~

~~(6) A psychologist pursuant to chapter 641 of NRS;~~

~~(7) An alcohol and drug abuse counselor pursuant to this chapter; or~~

~~(8) A clinical alcohol and drug abuse counselor pursuant to this chapter;~~

~~(d) Has completed not less than 60 hours of training specific to problem gambling approved by the Board;~~

~~(e) Has completed at least 1,000 hours of supervised counseling of problem gamblers in a setting approved by the Board;~~

~~(f) Passes the written examination prescribed by the Board pursuant to NRS 641C.290;~~

~~(g) Pays the fees required pursuant to NRS 641C.470; and~~

~~(h) Submits all information required to complete an application for a certificate.~~] (Deleted by amendment.)

Sec. 17. ~~[NRS 641C.470 is hereby amended to read as follows:~~

~~641C.470 1.~~ [The] ~~*Except as otherwise provided in section 11 of this act, the* Board shall charge and collect not more than the following fees:~~

~~For the initial application for a license or certificate ..... $150~~

~~For the issuance of a provisional license or certificate ..... 125~~

~~For the issuance of an initial license or certificate ..... 60~~

~~For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor ..... 300~~

~~For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern ..... 75~~

~~For the renewal of a delinquent license or certificate ..... 75~~

~~For the restoration of an expired license or certificate ..... 150~~

~~For the restoration or reinstatement of a suspended or revoked license or certificate ..... 300~~

~~For the issuance of a license or certificate without examination ..... 150~~

~~For an examination ..... 150~~

~~For the approval of a course of continuing education ..... 150~~

~~2. The fees charged and collected pursuant to this section are not refundable.~~] (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Amendment No. 824.

"SUMMARY—Revises provisions governing physicians. (BDR 54-713)"

"AN ACT relating to physicians; revising certain provisions governing certain continuing education requirements for physicians; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law generally provides for the regulation of allopathic and osteopathic physicians in this State. (Chapters 630 and 633 of NRS) Section 1 of this bill authorizes an allopathic physician to substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics. Section 2 of this bill requires the State Board of Osteopathic Medicine to require, as part of the continuing education requirements approved by the Board, the biennial completion by an osteopathic physician of at least 2 hours of credit in ethics, pain management ~~[and]~~ or addiction care.

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

Section 1. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. *A holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management or addiction care for the purposes of satisfying an equivalent requirement for continuing education in ethics.*

6. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 2. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[5]~~ *6* and NRS 633.491, every holder of a license issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

5. *The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management or addiction care.*

6. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Senator Atkinson moved that the Senate concur in the Assembly Amendments Nos. 782, 824, to Senate Bill No. 319.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 383.

The following Assembly Amendment was read:

Amendment No. 685.

"SUMMARY—Revises provisions governing time shares. (BDR 10-916)"

"AN ACT relating to time shares; ~~[requiring developers of time shares to disclose certain information]~~ revising provisions governing the public offering statement provided to prospective purchasers; ~~[requiring developers to provide the Real Estate Division of the Department of Business and Industry with certain information;]~~ revising provisions concerning the renewal of a permit to sell a time share; requiring certain persons to notify the Real Estate Division of certain convictions; authorizing the Real Estate Commission to take certain actions against certain people in certain circumstances; prohibiting certain people from working in certain time-share related professions without a proper license; making various other changes relating to time shares; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a developer from offering to sell a time share without first obtaining a permit. (NRS 119A.270) Existing law requires that the Administrator of the Real Estate Division of the Department of Business and Industry issue a permit and a public offering statement to a developer who submits certain information to the Division. (NRS 119A.300) Existing law further requires: (1) each developer, through his or her project broker and sales agents, to provide each prospective purchaser with a copy of the developer's public offering statement and a copy of the developer's permit to sell time shares; and (2) the project broker or sales agent to review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement. (NRS 119A.400) Section 4 of this bill requires that a developer submit a ~~[sample]~~ public offering statement to the Division ~~[.]~~ for approval for use by the developer. Section 4 also sets forth the information that must be included in ~~[a sample]~~ the public offering statement. ~~[Sections 5 and]~~ Section 6 of this bill ~~[require]~~ requires a developer to provide ~~[each purchaser and sales and marketing entity of a time share]~~ the board of the association for the time-share plan with a copy of an approved public offering statement and certain other information. Section 21.5 of this bill revises the provision of existing law requiring the developer to provide the public offering statement to prospective purchasers of a time share. Sections 8-13 of this bill revise certain definitions concerning time shares. Section 14 of this bill revises provisions concerning the applicability of the provisions governing time shares in certain circumstances.

Existing law prohibits a provisional sales agent from conducting sales-related activities unless certain circumstances apply. (NRS 119A.237) Section 15 of this bill authorizes a provisional licensee to conduct

sales-related activities if he or she is under the supervision of certain persons. Existing law provides that the Administrator of the Division is required to issue to a developer a public offering statement and a permit to sell time shares if certain requirements are satisfied. (NRS 119A.300) Section 16 of this bill adds certain items to the list of requirements such a developer must satisfy. ~~[Section 6.5 of this bill provides certain requirements that apply to a time-share plan that is located outside of this State.~~

~~Existing law requires the Division to issue an order within 30 days after receiving an application for a permit to sell a time share. (NRS 119A.320) Section 18 of this bill permits the Division 60 days to issue such an order if it is a time-share plan containing only one component site, or 120 days if it contains more than one component site. Section 18 also requires the Division to notify the applicant of its decision to issue a public offering statement and permit to sell time shares.~~

~~Existing law requires that a permit to sell a time share be renewed on an annual basis. (NRS 119A.355) Section 19 of this bill requires the Division to renew the permit of an applicant within 30 days after receiving evidence that any deficiencies in the renewal application have been cured.]~~

Existing law requires certain persons to notify the Division of any criminal convictions or guilty pleas. (NRS 119A.357) Section 20 of this bill adds ~~[certain other persons]~~ time-share resale brokers and persons licensed as real estate salespersons, real estate broker-salespersons and real estate brokers to the list of persons required to notify the Division of such convictions or pleas. ~~[Existing law requires that certain information be included in a reservation to purchase a time share. (NRS 119A.390) Section 21 of this bill provides that a reservation to purchase a time share is required to provide for the placement of a deposit in escrow until the public offering statement is approved and a permit to sell is issued.]~~

Existing law requires a board of an association of time-share owners to conduct a study, through a qualified person, of the reserves required to repair the major components of the time-share plan, and to review the results of the study. (NRS 119A.542) Section 24 of this bill places this requirement on a developer as well as on the board of an association. Existing law authorizes the Real Estate Commission to take certain action against a project broker who fails to adequately supervise certain persons. (NRS 119A.670) Section 25 of this bill authorizes the Real Estate Commission to take the same actions against certain other persons. Existing law prohibits any person from working as a project manager without first obtaining the appropriate license from the Division. (NRS 119A.680) Section 26 of this bill ~~[prohibits any person]~~ revises the list of persons prohibited from performing certain work without first obtaining the appropriate license from the Division.

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

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6.5, inclusive, of this act.

Sec. 2. *"Component site" means a specific geographic location where units are located. The term includes new units added to a single project in the same specific geographic location and under common management.*

Sec. 3. *"Sales and marketing entity" means an entity hired by a developer to manage the sale or marketing of a ~~[time share.]~~ time-share plan.*

Sec. 4. *1. The developer shall file a ~~[sample]~~ public offering statement with the Division for approval for use as prescribed in NRS 119A.300.*

2. ~~[If the Division determines that the sample public offering statement submitted by the developer is deficient, the Division shall issue to the developer by mail or electronic mail a notice of deficiency. The developer may revise and resubmit the sample public offering statement within 30 days after receiving the Division's notice of deficiency. Within 30 days after receipt of the revised sample public offering statement, the Division shall notify the developer by mail or electronic mail whether the Division has approved the revised sample public offering statement. If the developer fails to correct the cited deficiencies within 30 days after receiving the Division's notice of deficiency, the Division may reject the developer's application. Subsequent to such a rejection, a new filing fee pursuant to NRS 119A.360 will apply to any additional filing.~~

~~3. Any material change to an approved public offering statement must be filed with the Division for approval as an amendment before the change becomes effective. Within 45 days after receipt of the developer's amendment, the Division shall notify the developer by mail or electronic mail whether the Division has approved the amendment. If the developer fails to adequately respond to any notice of deficiency within 30 days, the Division may reject the amendment. Subsequent to such a rejection, a new filing fee pursuant to NRS 119A.360 will apply to any refiling or further review of the rejected amendment.~~

~~4.~~ The ~~[sample]~~ public offering statement must include the following disclosures in substantially the following form, in at least 12-point bold type:

> *This Public Offering Statement is ~~[issued]~~ prepared by the Developer to provide you with basic and relevant information on a specific time-share offering. The Developer or Owner of the offering that is the subject of this Public Offering Statement has provided certain information and documentation to the Real Estate Division of the Department of Business and Industry (the "Division") ~~[that has enabled the Division to issue this Public Offering Statement.]~~ as required by law.*
>
> *The statements contained in this Public Offering Statement are only summary in nature. A prospective purchaser should review ~~[all references, accompanying exhibits,]~~ the purchase contract , all documents governing the time-share plan or provided or available to the purchaser and the sales materials. You should not rely upon oral representations as being correct. Refer to this ~~[document and any~~*

~~accompanying exhibits]~~ public offering statement, the purchase contract and the documents governing the time-share plan for correct representations. ~~[A prospective purchaser should only rely on the representations contained in the contract and this Public Offering Statement.]~~

While the Division makes every effort to confirm the information provided and to ensure that the offering will be developed, managed and operated as planned, there is no guarantee this will always be the case. The Division cannot and does not make any promise or guarantee as to the viability or continuance of the offering or the financial future of the offering or any plan, club or association affiliated therewith.

The information included in this Public Offering Statement is applicable as of ~~[the]~~ its effective date . ~~[of issuance.]~~ Expenses of operation are difficult to predict accurately and even if accurately estimated initially, most expenses increase with the age of facilities and with increases in the cost of living.

The Division strongly suggests that before executing an agreement or contract, you read all of the documentation and information provided to you and seek additional assistance if necessary to assure that you understand all aspects of the offering and are aware of any potential adverse circumstances that could result from a time-share purchase in this Offering.

The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The right of cancellation may not be waived. Any attempt by the Developer to obtain a waiver results in a contract which is voidable by the purchaser. The notice of cancellation may be delivered personally to the Developer or sent by certified mail, return receipt requested, or by providing notice by express, priority or ~~[standard]~~ recognized overnight ~~[common carrier]~~ delivery service, with proof of service, to the business address of the Developer. The Developer must, within 20 days after receipt of the notice of cancellation, return all payments made by the Purchaser.

~~[5.]~~ 3. The ~~[sample]~~ public offering statement must include, without limitation, the following information in a form prescribed by the Division:

(a) A brief history of the developer's business background, experience in real estate and regulatory history.

(b) A description of any judgment against the developer or sales and marketing entity ~~[,]~~ which has a material adverse effect on the developer or the time-share plan. If no such judgment exists, there must be a statement of such fact.

(c) The status of any pending proceeding to which the developer or sales and marketing entity is a party ~~[,]~~ and which has a material adverse effect on

the developer or the time-share plan. If no ~~[judgments or pending]~~ such proceedings exist, there must be a statement of such fact.

(d) The name and address of the developer, ~~[a detailed description of the type of time share plan being offered,]~~ the name of the time-share plan and the address of ~~[the project.]~~ each component site.

(e) A summary of the current annual budget of the project or the time-share plan, including:

(1) The projected assessments for each type of unit offered in the time-share plan; and

(2) A statement of property taxes assessed against the project and , if not included in the projected assessments, the projected amount of the purchaser's share of responsibility ~~[.]~~ for the property taxes assessed against the project.

(f) A detailed description of the type of time-share plan being offered, a description of the type of interest and use rights the purchaser will receive ~~[.]~~ and a description of the total number of time shares in the time-share plan at the time the permit is issued.

(g) A description of all restrictions, easements, reservations or zoning requirements which may limit the purchaser's use , sale, lease, transfer or conveyance of the time share. The description must include any restrictions to be imposed on time shares concerning the use of any of the accommodations or facilities, and whether there are restrictions upon children or pets. For the purposes of this paragraph:

(1) The description may reference a list of the documents containing the restrictions and state that the copies of the documents are available to the purchaser upon request.

(2) If there are any restrictions upon the sale, lease, transfer or conveyance of a time share, the description must include a statement, in at least 12-point bold type, in substantially the following form:

> *The sale, lease, transfer or conveyance of a time share is restricted or controlled.*
>
> *(Immediately following this statement, a description of the nature of the restriction, limitation or control on the sale, lease, transfer or conveyance of the time share must be included.)*

(3) If there are no restrictions, there must be a statement of that fact.

(h) A description of the duration, projected phases and operation of the time-share plan.

(i) A representation by the developer ensuring that the time-share plan maintains a one-to-one use night to use right ratio. For the purposes of the ratio calculation in this paragraph, each purchaser must be counted according to the use rights held by that purchaser in any calendar year. For the purposes of this paragraph, "one-to-one use night to use right ratio" has the meaning ascribed to it in NRS 119A.525.

(j) A summary of the organization of the association ~~[.]~~ for the time-share plan, the voting rights of the members, the developer's ~~[position]~~ voting

rights in ~~[the]~~ that association, a description of what constitutes a quorum for voting purposes and at what point in the sales program the developer relinquishes his or her control of ~~[the]~~ that association, if applicable, and any other ~~[material]~~ information pertaining to ~~[the]~~ that association ~~[.]~~ which is material to the right of the purchaser to use a time share.

(k) A description of the existing or proposed accommodations, including a description of the type and number of time shares in the accommodations which is expressed in periods of 7-day use availability or other time increments applicable to the time-share plan and, if the accommodations are proposed or not yet completed or fully functional, an estimated date of completion. ~~[~~

~~(l) Each~~ For the purposes of this paragraph, the type of accommodation must be described in terms of the number of bedrooms, bathrooms and sleeping capacity, and a statement of whether the accommodation contains a full kitchen. ~~[For the purposes of]~~ As used in this paragraph, "full kitchen" means a kitchen that includes , at a minimum, a dishwasher, range, sink, oven and refrigerator.

~~[(m)]~~ (l) A description of any existing or proposed amenities of the time-share plan and, if the amenities are proposed or not yet completed or fully functional, the estimated date of completion, including a description of the extent to which financial assurances have been made for the completion of any incomplete but promised ~~[improvements.]~~ amenities.

~~[(n)]~~ (m) The name and principal address of the manager, if any, of the project or time-share plan, as applicable, and a description of the procedures, if any, for altering the powers and responsibilities of the manager and for removing or replacing the manager.

~~[(o) A summary of the current annual budget of the project or the time-share plan, as applicable, including the projected assessments for each unit type offered in the time-share plan.~~

~~(p)~~ (n) A description of any liens, defects or encumbrances on or affecting the title to the time share which materially affects the purchaser's use of the units or facilities within the time-share plan.

~~[(q)]~~ (o) Any special fee due from the purchaser at closing, other than customary closing costs, together with a description of the purpose of the fee.

~~[(r)]~~ (p) Any current or expected fees or charges to be paid by purchasers for the use of any amenities ~~[related to]~~ of the time-share plan.

~~[(s)]~~ (q) A statement of whether or not the amenities of the time-share plan will be used exclusively by purchasers of time-shares in, or authorized under, the time-share plan and, if the amenities are not to be used exclusively by such purchasers or authorized users, a statement of whether or not the purchasers of time shares in the time-share plan are required to pay any portion of the maintenance expenses of such amenities in addition to any fees for the use of such amenities.

(r) A statement indicating that hazard insurance coverage is provided for the project.

~~[(t) A statement disclosing any right of first refusal or other restraint on the transfer of all or any portion of a time share.~~

~~(u)]~~ (s) A description of the purchaser's right to cancel the purchase contract.

(t) A statement ~~[disclosing that a]~~ of whether or not the purchaser's deposit ~~[made in connection with the purchase of a time share]~~ will be held by an escrow agent until the expiration of any right to cancel the contract ~~[and]~~ or, if the purchaser's deposit will not be held by such an escrow agent, a statement that the purchaser's deposit will be immediately released to the developer and that the developer has posted a surety bond.

(u) A statement that the deposit plus any interest earned must be returned to the purchaser if he or she elects to exercise his or her right of cancellation. ~~[A surety bond may be posted in lieu of a deposit if the designated obligee is acceptable to the Division.~~

~~(v) A statement as to whether the facilities will be used exclusively by purchasers of the time share plan and, if the facilities are not to be used exclusively by purchasers, a statement as to whether the purchasers of the time-share plan are required to pay any portion of the maintenance expenses of such facilities.~~

~~(w) A description of the purchaser's right of cancellation of the purchase contract.~~

~~(x) A statement of the total number of time shares in the time share plan at the time a permit has been issued.~~

~~(y)]~~ (v) If the time-share plan provides purchasers with the opportunity to participate in an exchange program, ~~[a description of]~~ the name and address of the exchange company and a description of the method by which a purchaser ~~[can]~~ may choose to participate in the exchange program.

~~[(z)]~~ (w) A description of the reservation system, if applicable, which must include:

(1) The name of the entity responsible for operating the reservation system, its relationship to the developer and the duration of any agreement for operation of the reservation system; and

(2) A summary of the rules and regulations governing access to and use of the reservation system, including, without limitation, the existence of and an explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first-come, first-served basis;

~~[(3)]~~ (x) A description of the points system, if applicable, including, without limitation, whether ~~[the]~~ additional points may be acquired by purchase or otherwise, in the future and the manner in which future purchases of points may be made, and the transferability of points to other persons, other years or other time-share plans. ~~[;~~

~~(4)]~~ The description must include:

(1) A statement that no owner shall be prevented from using a time share as a result of changes in the manner in which point values may be used;

~~[(5)]~~ (2) A statement that in the event point values are changed or adjusted, no owner shall be prevented from using his or her home resort, if any, in the same manner as was provided for under the original purchase contract; and

~~[(6)]~~ (3) A description of any limitations or restrictions upon the use of point values . ~~[; and~~

~~(7)]~~ (y) A statement as to whether any unit within the time-share plan is within a mixed-use project containing ~~[full]~~ whole ownership condominiums.

(z) A statement that documents filed with the Division as part of the statement of record which are not delivered to the purchaser are available from the developer upon request.

(aa) For a time-share plan with more than one component site, ~~[the public offering statement must contain]~~ a description of each component site . ~~[, which]~~ With respect to a component site, the information required by subparagraph (2) and paragraphs (d), (k), (l), (p), (q) and (r) may be disclosed in written, graphic, tabular or any other form approved by the Division. ~~[The]~~ In addition to the information required by paragraphs (a) to (z), inclusive, the description of ~~[each]~~ a time-share plan with more than one component site must include the following information:

(1) ~~[The name and address of each component site.~~

~~(2) A description of amenities available for use by the purchaser at each component site.~~

~~(3)]~~ A general statement as to whether the developer has a right to make additions, substitutions or deletions of any accommodations, amenities or component sites, and a statement of the basis upon which accommodations, amenities or component sites may be added to, substituted for or deleted from the time-share plan.

~~[(4) A description of the purchaser's liability for any user fees or special assessments associated with the time-share plan.~~

~~(5)]~~ (2) The location of each component site of the time-share plan, the historical occupancy of the units in each component site for the previous 12-month period, if the component site was part of the time-share plan during the previous 12-month time period, or any other description acceptable to the Division that reasonably informs a purchaser regarding the relative use demand per component site, as well as a statement of any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual use patterns and changes in use demand for the accommodations existing at that time within the time-share plan.

~~[(6)]~~ (3) The number of accommodations and time shares, expressed in periods of 7-day use availability or other time increments applicable to the time-share plan, committed to the time-share plan, and available for use by

purchasers, and a statement describing how adequate periods of time for maintenance and repair will be provided.

(bb) Any other information that the developer, with the approval of the Administrator, decides to include in the public offering statement.

~~[6.]~~ *4. Copies of the following documents and plans, or proposed documents if the time-share plan has not been declared or created at the time the application for a permit is submitted, to the extent they are applicable, must be provided to the purchaser with the public offering statement:*

(a) Copies of the time-share instruments.

(b) The estimated or, if applicable, actual operating budget of the time-share plan.

~~[7.]~~ *5. The ~~[sample]~~ public offering statement must include a list of the following documents, if applicable to the time-share plan, and must state that the documents listed are available to the purchaser upon request:*

(a) Any ground lease or other underlying lease of the real property associated with the time-share plan.

(b) The management agreement of the project or time-share plan, as applicable.

(c) The floor plan of each type of accommodation and any existing plot plan showing the location of all accommodations and facilities declared as part of the time-share plan and filed with the Division.

(d) The lease for any facilities that are part of the time-share plan.

(e) Any executed agreement for the escrow of payments made to the developer before closing.

(f) Any letter from the escrow agent confirming that the escrow agent and its officers, directors or other partners are independent.

~~[8.]~~ *6. The Administrator may, upon finding that the subject matter is otherwise adequately covered or the information is unnecessary or inapplicable, waive any requirement set forth in this section.*

Sec. 5. ~~[*Before a purchase contract is signed by the parties, the developer shall provide to each purchaser:*~~

~~*1. A copy of the public offering statement as approved by the Division;*~~

~~*2. A receipt, to be signed by the purchaser, for the time-share plan documents;*~~

~~*3. A list describing any exhibit submitted to the Division along with the developer's application for a permit and which was not delivered to the purchaser;*~~

~~*4. A statement indicating that any exhibit described in subsection 3 will be made available to the purchaser upon request; and*~~

~~*5. Any pending amendments that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval.]~~ (Deleted by amendment.)

Sec. 6. *The developer shall provide the ~~[manager]~~ board with a copy of the approved public offering statement and any ~~[approved]~~ amendments*

thereto, to be maintained by the ~~[manager]~~ association as part of the records of the time-share plan.

Sec. 6.5. ~~[1. For time-share plans located outside of this State, a public offering statement or public report that has been authorized for use by the situs state regulatory agency and which contains disclosures, as determined by the Administrator upon review, to be substantially equivalent to or greater than the information required to be disclosed pursuant to this section and NRS 119A.300, may be used by the developer to meet the requirements of this section and NRS 119A.300 or any regulations adopted pursuant thereto. A developer may, upon approval by the Administrator, submit a public offering statement or public report that combines, in a manner prescribed by the Administrator, the information required to be disclosed by the applicable provisions of this section and NRS 119A.300 and the information required to be disclosed in a public offering statement or public report issued by a regulatory agency in one or more other states. A developer filing an abbreviated registration application must, in addition to paying the fee provided for in this chapter, provide the following:~~

~~(a) The developer's legal name, any assumed names used by the developer and the developer's principal office location, mailing address, primary contact person and telephone number;~~

~~(b) The name, location, mailing address, primary contact person and telephone number of the time-share plan;~~

~~(c) The name and principal address of the developer's authorized project broker who must be a real estate broker licensed to maintain offices within this State;~~

~~(d) The name and principal address of all sales and marketing entities and the manager of the time-share plan;~~

~~(e) Evidence of registration or compliance with the laws and regulations of the jurisdiction in which the time-share plan is located, approved or accepted;~~

~~(f) A brief description as to whether the time-share plan contains one or more component sites, and of the types of time-shares offered in the time-share plan;~~

~~(g) Disclosure of each jurisdiction in which the developer has applied for registration of the time-share plan, and whether the time-share plan or its developer was denied registration or was the subject of any disciplinary proceedings;~~

~~(h) Copies of any disclosure documents required to be given to purchasers or to be filed with the state or jurisdiction in which the time-share plan is located, approved or accepted;~~

~~(i) The disclosures required by subsection 4 of section 4 of this act;~~

~~(j) A copy of the current annual or projected budget for the association, if not otherwise included in the disclosure documents; and~~

~~*(k) Any other information regarding the developer, time share plan, project broker, manager, or sales and marketing entity, as established by the Division by regulation.*~~

~~*2. A developer of a time share plan with units located solely in this State may not submit an abbreviated filing.]*~~ (Deleted by amendment.)

Sec. 7. NRS 119A.010 is hereby amended to read as follows:

119A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 119A.020 to 119A.160, inclusive, *and sections 2 and 3 of this act,* have the meanings ascribed to them in those sections.

Sec. 8. NRS 119A.040 is hereby amended to read as follows:

119A.040 "Developer" means any person who ~~[offers to dispose of or disposes of his or her interest in a time share.]~~ *:*

1. Creates a time-share plan or is in the business of selling time shares, other than those employees or agents of the developer who sell time shares on the developer's behalf; or

2. ~~[Employs agents to sell time shares on the developer's behalf; or~~

~~3.]~~ Succeeds to the interest of a developer by sale, lease, assignment, mortgage or other transfer.

➥ *The term includes only those persons who offer time shares for disposition in the ordinary course of business.*

Sec. 9. NRS 119A.090 is hereby amended to read as follows:

119A.090 "Project broker" means any person *licensed pursuant to chapter 645 of NRS* who coordinates the sale of time shares for ~~[a]~~ *one or more* time-share ~~[plan]~~ *plans* and to whom sales agents and representatives are responsible ~~[.]~~ *on behalf of one or more developers.*

Sec. 10. NRS 119A.100 is hereby amended to read as follows:

119A.100 "Public offering statement" means a ~~[report, issued]~~ *disclosure document prepared and signed by the developer and approved ~~[for use]~~* by the ~~[Administrator]~~ ~~[pursuant to the provisions of this chapter, which authorizes a developer to offer to sell or sell time shares in the time share plan which is the subject of the report.]~~ *Division for use by the developer which contains information required by this chapter and the regulations adopted pursuant thereto.*

Sec. 11. NRS 119A.130 is hereby amended to read as follows:

119A.130 "Sales agent" means a person who, on behalf of a developer ~~[.]~~ *and under the direct supervision of a person licensed pursuant to the provisions of chapter 645 of NRS,* sells or offers to sell a time share to a purchaser or who, if he or she is not registered as a representative, may act to induce other persons to attend a sales presentation on the behalf of a developer.

Sec. 12. ~~[NRS 119A.152 is hereby amended to read as follows:~~

~~119A.152 "Time share plan" means [the rights to time shares and the obligations and interests appurtenant thereto created by a time share instrument.] *any arrangement, plan, scheme or similar device, other than an*~~

~~*exchange program, whether by membership agreement, sale, lease, deed, license right to use agreement or by any other means, whereby a purchaser, for consideration, receives ownership rights in or a right to use accommodations for a period of time less than 365 days during any given year, on a recurring basis for more than 1 year, but not necessarily consecutive years.*~~] (Deleted by amendment.)

Sec. 13. NRS 119A.156 is hereby amended to read as follows:

119A.156 "Time-share resale broker" means a person who is *licensed pursuant to chapter 645 of NRS and is* registered as a time-share resale broker pursuant to the provisions of this chapter [.] *and who, for compensation, lists, advertises, transfers, assists in transferring, promotes for resale or solicits prospective purchasers of previously sold time shares, on behalf of an owner other than a developer.*

Sec. 14. NRS 119A.170 is hereby amended to read as follows:

119A.170 1. The provisions of this chapter, except subsection 4, *and unless a method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS,* do not apply to:

(a) The sale of 12 or fewer time shares in a [~~project~~] *time-share plan* or the sale of 12 or fewer time shares in the same subdivision;

(b) The sale or transfer of a time share by an owner who is not the developer, unless the time share is sold in the ordinary course of business of that owner;

(c) Any transfer of a time share:

(1) By deed in lieu of foreclosure;

(2) At a foreclosure sale; or

(3) By the resale of a time share that has been acquired by an association [~~by~~] *as a result of nonpayment of association assessments:*

(I) By termination of a contractual right of occupancy;

(II) By deed *or other transfer* in lieu of foreclosure or [~~at~~] *termination; or*

(III) At a foreclosure sale . [~~,~~]

(d) A gratuitous transfer of a time share;

(e) A transfer by devise or descent or a transfer to an inter vivos trust; or

(f) The sale or transfer of the right to use and occupy a unit on a periodic basis which recurs over a period of less than 5 years . [~~,~~

~~➥ unless the method of disposition is adopted to evade the provisions of this chapter or chapter 645 of NRS.~~]

2. Any campground or developer who is subject to the requirements of chapter 119B of NRS and complies with those provisions is not required to comply with the provisions of this chapter.

3. The Division may waive any provision of this chapter if it finds that the enforcement of that provision is not necessary in the public interest or for the protection of purchasers.

4. The provisions of chapter 645 of NRS apply to the sale of time shares, except any sale of a time share to which this chapter applies, and for that

purpose the terms "real property" and "real estate" as used in chapter 645 of NRS shall be deemed to include a time share, whether it is an interest in real property or merely a contractual right to occupancy.

Sec. 15. NRS 119A.237 is hereby amended to read as follows:

119A.237 1. A provisional licensee shall not:

(a) Conduct sales-related activities unless the provisional licensee is:

(1) Under the supervision of:

(I) His or her project broker; or

(II) *A person licensed pursuant to chapter 645 of NRS* . ~~[*for a project; or*~~

~~*(III)* A cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto.]~~

(2) At the principal place of business or a branch office of the project broker ~~[,]~~ *or person licensed pursuant to chapter 645 of NRS* or at the physical location of a time-share development.

(b) Collect personal information from a prospective purchaser or purchaser of a time share.

2. A project broker *or person licensed pursuant to chapter 645 of NRS* shall not grant to a provisional licensee:

(a) Access to a time-share lockbox; or

(b) The ability to enter a private residence or a time-share unit that an unlicensed person otherwise would not have.

3. A project broker ~~*[,]*~~ *or a person licensed pursuant to chapter 645 of NRS* ~~[or a cooperating real estate broker designated by the project broker in accordance with the provisions of this chapter and any regulations adopted pursuant thereto]~~ shall:

(a) Supervise the provisional licensee *;* ~~[employed by the project broker;]~~ ~~*[he or she employs;]*~~ and

(b) Review and approve in writing any contract prepared by the provisional licensee that relates to the sale of a time share.

4. A provisional licensee may receive a commission for the sale of a time share in which the provisional licensee is involved.

5. As used in this section:

(a) "Personal information" has the meaning ascribed to it in NRS 603A.040.

(b) "Provisional licensee" means an applicant who receives a provisional sales agent's license from the Division pursuant to NRS 119A.233.

Sec. 16. NRS 119A.300 is hereby amended to read as follows:

119A.300 Except as otherwise provided in NRS 119A.310, the Administrator shall issue ~~[a public offering statement and]~~ a permit to sell time shares to each applicant who:

1. Submits an application, in the manner provided by the Division, which includes:

(a) The name and address of the project broker;

(b) A copy of each time-share instrument that relates to the time-share plan;

(c) A preliminary title report *issued within 30 days of submittal* for the project and copies of the documents listed as exceptions in the report;

(d) Copies of any other documents which relate to the time-share plan or the project, including any contract, agreement or other document to be used to establish and maintain an association and to provide for the management of the time-share plan or the project, or both;

(e) Copies of instructions for escrow, deeds, sales contracts and any other documents that will be used in the sale of the time shares;

(f) A copy of any proposed trust agreement which establishes a trust for the time-share plan or the project, or both;

(g) Documents which show the current assessments for property taxes on the project;

(h) Documents which show compliance with local zoning laws;

(i) If the units which are the subject of the time-share plan are in a condominium project, or other form of common-interest ownership of property, documents which show that use of the units is in compliance with the documents which created the common-interest ownership;

(j) Copies of all documents which will be given to a purchaser who is interested in participating in a program for the exchange of occupancy rights among owners and copies of the documents which show acceptance of the time-share plan in such a program;

(k) A copy of the budget or a projection of the operating expenses of the association, if applicable;

(l) *A copy of the current point-value use directory, along with rules and procedures for changes by the developer or the association in the manner in which point values may be used;*

(m) A financial statement of the developer; ~~[and~~

~~(m)]~~ *(n) The ~~[sample]~~ public offering statement described in section 4 of this act ~~[,]~~ in a form prescribed by the Division; and*

(o) Such other information as the Division, by regulation, requires; ~~[and]~~

2. Pays the fee provided for in this chapter.

3. Cures any deficiency in the application, including, without limitation, any deficiencies in the ~~[sample]~~ public offering statement submitted pursuant to section 4 of this act.

Sec. 17. NRS 119A.305 is hereby amended to read as follows:

119A.305 The terms and conditions of the documents and agreements submitted pursuant to NRS 119A.300 *, and ~~[sections]~~ section 4 ~~[and 6.5]~~ of this act,* which relate to the creation and management of the time-share plan and to the sale of time shares and to which the applicant or an affiliate of the applicant is a party must be described in the public offering statement and constitute ~~[additional]~~ *the* terms and conditions of the applicant's permit to sell time shares.

Sec. 18. NRS 119A.320 is hereby amended to read as follows:

119A.320 1. The ~~[Division]~~ *Administrator* shall ~~*[,]*~~ issue an order, within 30 ~~*[60]*~~ days after the receipt of an application for a permit to sell time shares , notifying ~~*[in a time-share plan containing only one component site, or within 120 days after the receipt of an initial application for a permit to sell time shares in a time-share plan containing more than one component site, notify]*~~ the applicant of ~~[its]~~ *his or her* decision to:

(a) ~~*[Issue a public offering statement and permit to sell time shares;*~~

~~*(b)]*~~ Issue a preliminary permit to sell time shares, including a list of all deficiencies, if any, which must be corrected before a permit is issued; or

(b) ~~*[(c)]*~~ Deny the application and list the reasons for denial . ~~*[in sufficient detail to allow the developer to cure the deficiencies.]*~~

2. The ~~[Division]~~ *Administrator* shall, within 45 days after:

(a) The receipt of evidence that the deficiencies in the application for a permit to sell time shares are cured, issue a ~~*[public offering statement and]*~~ permit to sell time shares or deny the application and list the ~~*[specific]*~~ reasons for denial ; ~~*[pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;]*~~ or

(b) The issuance of a preliminary permit, ~~*[receipt of all information necessary to cure the identified deficiencies and satisfaction of all the requirements for the issuance of a permit to sell time shares,]*~~ issue a ~~*[public offering statement and]*~~ permit to sell time shares.

Sec. 19. NRS 119A.355 is hereby amended to read as follows:

119A.355 1. A permit must be renewed annually by the developer by filing an application with and paying the fee for renewal to the Administrator. The application must be filed and the fee paid not later than 30 days before the date on which the permit expires. The application must include the budget of the association and any change that has occurred in the information previously provided to the Administrator or in a *public offering* statement ~~[of disclosure]~~ provided to a prospective purchaser pursuant to the provisions of NRS 119A.400.

2. The renewal ~~*[of a permit with no material changes to the public offering statement]*~~ is effective on the 30th day after the filing of the application unless the Administrator:

(a) Denies ~~*[Issues a written denial of]*~~ the renewal pursuant to NRS 119A.654 ~~*[, describing the reasons for denial pursuant to the provisions of this chapter in sufficient detail to allow the developer to cure such deficiencies;]*~~ or for any other reason; or

(b) Approves the renewal on an earlier date.

~~*[3. The Division shall, within 30 days after the receipt of evidence that the deficiencies in the renewal of a permit to sell time shares are cured, renew the permit to sell time shares or deny the renewal and list the specific reasons for denial pursuant to the provisions of this chapter and any regulations adopted pursuant thereto.]*~~

Sec. 20. NRS 119A.357 is hereby amended to read as follows:

119A.357 1. A sales agent, representative, manager, developer *,* ~~[or]~~ project broker *, time-share resale broker or person licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter* shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude.

2. A sales agent, representative, manager, developer *,* ~~[or]~~ project broker*, time-share resale broker or person licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter* shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a license, registration or permit issued pursuant to this chapter.

Sec. 21. NRS 119A.390 is hereby amended to read as follows:

119A.390 A reservation to purchase a time share must:

1. Be on a form approved by the Division;

2. Include a provision which grants the prospective purchaser the right to cancel the reservation at any time before the execution of the contract of sale with the full refund of any deposit;

3. Provide for the placement of any deposit in escrow until ~~*[the public offering statement is approved and]*~~ a permit is issued by the Administrator pursuant to NRS ~~[119A.300;]~~ *119A.320;*

4. Guarantee the purchase price for the time share for a certain period after the ~~*[public offering statement is approved and]*~~ issuance of the permit to sell time shares; and

5. Require that any interest earned on the deposit for the reservation be paid to the prospective purchaser.

Sec. 21.5. NRS 119A.400 is hereby amended to read as follows:

119A.400 1. ~~[Each]~~ *Before the execution of any contract for the sale of a time share, the* developer ~~[,]~~ *or, if the developer sells time shares* through his or her project broker and sales agents*, the project broker and sales agent,* shall provide each prospective purchaser with ~~[a]~~ *:*

(a) A copy of the developer's public offering statement *which was approved by the Division pursuant to section 4 of this act and* which must contain a copy of the developer's permit to sell time shares ~~[.]~~ *; and*

(b) An addendum to the public offering statement summarizing any pending amendments to the public offering statement that have been submitted to the Division but have not yet been approved, along with a statement to the purchaser that the amendment has been submitted to the Division for approval.

2. The project broker or sales agent shall review the public offering statement with each prospective purchaser before the execution of any contract for the sale of a time share and obtain a receipt signed by the purchaser for a copy of the public offering statement.

3. If a contract is signed by the purchaser, the signed receipt for a copy of the public offering statement must be kept by the project broker for 3 years and is subject to such inspections and audits as may be prescribed by regulations adopted by the Division.

Sec. 22. NRS 119A.410 is hereby amended to read as follows:

119A.410 1. The purchaser of a time share may cancel, by written notice, the contract of sale until midnight of the fifth calendar day following the date of execution of the contract. The contract of sale must include a statement of this right.

2. The right of cancellation may not be waived. Any attempt by the developer to obtain a waiver results in a contract which is voidable by the purchaser.

3. The notice of cancellation may be delivered personally to the developer *,* ~~[or]~~ sent by certified mail, return receipt requested, *or sent by* ~~*[standard]*~~ *express, priority or recognized overnight* ~~*[common carrier]*~~ *delivery service, with proof of service,* to the business address of the developer.

4. The developer shall, within ~~[15]~~ *20* days after receipt of the notice of cancellation, return all payments made by the purchaser.

Sec. 23. NRS 119A.534 is hereby amended to read as follows:

119A.534 1. A manager *of a project located in this State* who enters into or renews an agreement that must comply with the provisions of subsection 3 of NRS 119A.530 shall submit to the association and to the Division a disclosure statement that contains a description of any arrangement made by the manager or an affiliate of the manager relating to:

(a) The resale of time shares on behalf of the association or its members;

(b) Actions taken for the collection of assessments and the foreclosure of liens on behalf of the association or its members;

(c) The exchange or rental of time shares owned by the association or its members; and

(d) The use of the names of the members of the association for purposes unrelated to the duties of the association as set forth in the time-share instrument and this chapter.

2. The disclosure statement must be:

(a) Submitted annually at a time designated by the Administrator and at least 120 days before any date on which the agreement is automatically renewed.

(b) Signed by the manager or an authorized representative of the manager under penalty of perjury.

3. The Administrator shall adopt regulations prescribing the form and contents of the disclosure statements required by this section.

Sec. 24. NRS 119A.542 is hereby amended to read as follows:

119A.542 1. The *developer or* board of an association shall:

(a) Cause to be conducted at least once every 5 years, a study of the reserves required to repair, replace and restore the major components of the project;

(b) Review the results of that study at least annually to determine if those reserves are sufficient; and

(c) Make any adjustments it deems necessary to maintain the required reserves.

2. The study required by subsection 1 must be conducted by a person qualified by training and experience to conduct such a study, including a member of the board or the manager of the time-share plan or the project, or both, who is so qualified. The study must include, without limitation:

(a) A summary of an inspection of the major components of the project;

(b) An identification of the major components of the project which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component identified pursuant to paragraph (b);

(d) An estimate of the cost of repair, replacement or restoration of each major component identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be required to cover the cost of repairing, replacing or restoring the major components identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study.

3. The Administrator shall adopt by regulation the qualifications required for conducting a study required by subsection 1.

Sec. 25. NRS 119A.670 is hereby amended to read as follows:

119A.670 The Real Estate Commission may take action pursuant to NRS 645.630 against any project broker *or person who is licensed pursuant to chapter 645 of NRS and subject to the provisions of this chapter* who fails to adequately supervise the conduct of any sales agent or representative with whom the project broker *or person* is associated.

Sec. 26. NRS 119A.680 is hereby amended to read as follows:

119A.680 1. It is unlawful for any person to engage in the business of, act in the capacity of, advertise or assume to act as a:

(a) Project broker *, person who is licensed pursuant to chapter 645 of NRS* or ~~[sales agent]~~ *time-share resale broker* within the State of Nevada without first obtaining a license from the Division pursuant to chapter 645 of NRS . ~~[or NRS 119A.210.]~~

(b) *Sales agent for a project broker within the State of Nevada without first obtaining a license from the Division pursuant to NRS 119A.210* ~~[;]~~ , *unless he or she is licensed as a real estate salesperson pursuant to chapter 645 of NRS; or*

(c) Representative, manager or time-share resale broker within the State of Nevada without first registering with the Division.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 685 to Senate Bill No. 383.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 384.

The following Assembly Amendments were read:

Amendment No. 856.

Section 8.5 of Senate Bill No. 384 First Reprint is hereby amended as follows:

Sec. 8.5. *Except as otherwise provided in section 9.9 of this act, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:*

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

~~[4.]~~ 5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of sections 2 to 22, inclusive, of this act on an ongoing basis with respect to the project;

~~[5.]~~ 6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

~~[6.]~~ 7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Amendment No. 886.

"SUMMARY—Revises provisions relating to charter schools. (BDR 34-687)"

"AN ACT relating to charter schools; authorizing the Director of the Department of Business and Industry to issue bonds, notes and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools; establishing the procedure for the issuance of such obligations; providing for the payment of the obligations; revising provisions relating to the closure of a charter school and the payment of its debts; authorizing a charter school to incorporate as a nonprofit corporation, borrow money and encumber its assets; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

This bill authorizes the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools. Sections 1-22 of this bill enact the Charter School Financing Law and provide for the issuance of such obligations by the Director.

Section 29 of this bill revises provisions governing the closure of a charter school to provide, among other things, for notice of the closure, the development of a plan for closure, an audit and the winding up of the financial affairs of the charter school. Section 30 of this bill authorizes a charter school to incorporate as a nonprofit corporation. Section 31 of this bill authorizes a charter school to borrow money and encumber its property and other assets, and to use public money to purchase property with the approval of the charter school's sponsor.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. *Sections 2 to 22, inclusive, of this act may be cited as the Charter School Financing Law.*

Sec. 3. *As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Bond" or "revenue bond" means any bond, note, security or other evidence of indebtedness issued pursuant to sections 2 to 22, inclusive, of this act.*

Sec. 4.3. *"Cost of the project" means all or a designated part of the cost of any project, including any incidental cost pertaining to the project. The cost of a project may include, without limitation, the costs of:*

1. Surveys, audits, preliminary plans, other plans, specifications, estimates and other costs of preparations;

2. Appraising, printing, estimating, advice and services of engineers, architects, financial consultants, attorneys, clerical personnel and other agents and employees;

3. Publishing, posting, mailing and otherwise giving notice, filing or recording instruments, taking options and fees to banks;

4. Establishment of a reserve for contingencies;

5. Interest on bonds for any time which does not exceed the estimated period of construction plus 1 year, discounts on bonds, reserves for the payment of the principal of and interest on bonds, replacement expenses and other costs of issuing bonds;

6. Amending any resolution or other instrument authorizing the issuance of, or otherwise relating to, bonds for the project; and

7. Short-term financing and the expense of operation and maintenance of the project.

Sec. 4.5. *"Director of the Department of Business and Industry" means the Director of the Department of Business and Industry or any person within the Department of Business and Industry designated by the Director to perform duties in connection with a project or the issuance of bonds pursuant to sections 2 to 22, inclusive, of this act.*

Sec. 4.7. *"Expense of operation and maintenance" means any reasonable and necessary expense of the State for the operation, maintenance and administration of a project or of the collection and administration of revenues from a project and includes, without limitation:*

1. Expenses for engineering, auditing, reporting, legal services and other expenses of the Director of the Department of Business and Industry which are directly related to the administration of projects.

2. Premiums for fidelity bonds and policies of property and liability insurance pertaining to projects, and shares of the premiums of blanket bonds and policies which may be reasonably allocated to the State.

3. Payments to pension, retirement, health insurance and other insurance funds.

4. Reasonable charges made by any paying agent, commercial bank, credit union, trust company or other depository bank pertaining to bonds issued pursuant to sections 2 to 22, inclusive, of this act.

5. Services rendered under the terms of a contract, services of professionally qualified persons, salaries, administrative expenses and the cost of materials, supplies and labor pertaining to the issuance of any bonds pursuant to sections 2 to 22, inclusive, of this act, including the expenses of any trustee, receiver or other fiduciary.

6. Costs incurred in the collection and any refund of revenues from a project, including the amount of the refund.

7. Fees and costs incurred by the Director of the Department of Business and Industry for ensuring compliance with the provisions of sections 2 to 22, inclusive, of this act.

Sec. 5. *"Finance" or "financing" includes, without limitation, the issuance of bonds by the Director of the Department of Business and Industry for the purpose of using all or any part of the proceeds to pay for or to reimburse a user or the designee of a user for the cost of acquiring,*

improving or equipping the facilities of a project, or to provide money for the project itself, where appropriate, whether these costs are incurred by the obligor or a designee of the obligor.

Sec. 5.5. *"Financing agreement" means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to sections 2 to 22, inclusive, of this act to finance one or more projects and the obligor agrees to:*

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director or his or her designee or assignee, including a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;

2. Pay other amounts required by sections 2 to 22, inclusive, of this act; and

3. Comply with all the applicable provisions of sections 2 to 22, inclusive, of this act.

Sec. 6. *"Mortgage" means a mortgage, trust deed or other security device.*

Sec. 6.5. *"Obligor" means a charter school, natural person, partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, agent or assigns, who agrees to make the payments required by a financing agreement.*

Sec. 7. *"Project" means:*

1. Any building, structure or real property owned, to be acquired or used by a charter school for any of its educational purposes and all related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping and parking facilities, together with all the personal property necessary, convenient or appurtenant thereto; or

2. Any capital equipment owned, to be acquired or used by a charter school for any of its educational purposes.

Sec. 7.5. *"Revenues" includes, with respect to a project, payments under a lease, agreement of sale or financing agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of an obligor executed and delivered by the obligor to the Director of the Department of Business and Industry or his or her designee or assignee, including a trustee, pursuant to a lease, agreement of sale or financing agreement, or under any guarantee of or insurance with respect to any such lease, agreement of sale or financing agreement.*

Sec. 8. (Deleted by amendment.)

Sec. 8.1. *1. It is the intent of the Legislature to authorize the Director of the Department of Business and Industry to finance facilities or other improvements to be owned, acquired and used by a charter school for any of its educational purposes.*

2. The Director of the Department of Business and Industry has all the powers necessary to accomplish the purposes set forth in sections 2 to 22, inclusive, of this act, but these powers must be exercised for the health, safety, convenience, prosperity and welfare of the inhabitants of this State.

3. Sections 2 to 22, inclusive, of this act must be liberally construed in conformity with the purposes set forth in this section.

Sec. 8.3. *When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees, purchasers or other obligors, the Director may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor's designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.*

Sec. 8.5. *Except as otherwise provided in section 9.9 of this act, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director finds and the State Board of Finance approves the findings of the Director that:*

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of sections 2 to 22, inclusive, of this act on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 8.7. *1. Except as otherwise provided in section 9.9 of this act, before financing a project pursuant to section 8.5 of this act, the Director of*

the Department of Business and Industry and the State Board of Finance must:

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least $100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director and the State Board of Finance before financing a project pursuant to section 8.5 of this act.

Sec. 8.9. *1. The Director of the Department of Business and Industry may provide financing for a project pursuant to sections 2 to 22, inclusive, of this act if:*

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and

(2) The cost of the project;

(b) The Director makes the findings required by section 8.5 of this act; and

(c) The Director complies with the guidelines established by the Director pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to sections 2 to 22, inclusive, of this act.

Sec. 9. (Deleted by amendment.)

Sec. 9.1. *1. All bonds issued by the Director of the Department of Business and Industry pursuant to sections 2 to 22, inclusive, of this act are special, limited obligations of the State. The principal of and interest on such bonds are payable, subject to the security provisions of sections 2 to 22, inclusive, of this act, solely out of the revenues derived from the financing, leasing or sale of the project or projects to be financed by the bonds.*

2. The bonds and interest coupons, if any, which are part of those bonds do not constitute the debt or indebtedness of the State or any city or county within the meaning of any provision or limitation of the Constitution of the State of Nevada or statutes, and do not constitute or give rise to a pecuniary liability of the State or a charge against its general credit or taxing powers. This limitation must be plainly stated on the face of each bond.

Sec. 9.3. *1. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act must be authorized by an order of the Director of the Department of Business and Industry and must:*

(a) Be in denominations;

(b) Bear the date or dates;

(c) Mature at the time or times, not exceeding 40 years after their respective dates;

(d) Bear interest at a rate or rates;

(e) Be in the form;

(f) Carry the registration privileges;

(g) Be executed in the manner;

(h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,

➥ *as provided by the order authorizing their issuance.*

2. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

Sec. 9.5. *The principal of, the interest on and any prior redemption premiums due in connection with the bonds issued pursuant to sections 2 to 22, inclusive, of this act are payable from, secured by a pledge of, and constitute a lien on the revenues out of which the bonds have been made*

payable. In addition, they may, in the discretion of the Director of the Department of Business and Industry, be secured by:

1. A mortgage or mortgages covering all or part of any project financed with the proceeds of the bonds, or upon any other property of the lessees, purchasers or obligors of those projects, or by a pledge of the lease, the agreement of sale or the financing agreement with respect to one or more of the projects, or both.

2. A pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor of one or more of the projects.

3. The proceeds of the bonds and income from investment of the proceeds and of revenues.

Sec. 9.7. *The Director of the Department of Business and Industry shall adopt regulations to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, regulations for:*

1. Investment and reinvestment of the proceeds from the sale of the bonds, including, without limitation:

(a) Bonds or other obligations of the United States of America.

(b) Bonds or other obligations, the payment of the principal and interest of which is unconditionally guaranteed by the United States of America.

(c) Obligations issued or guaranteed as to principal and interest by any agency or person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(d) Obligations issued or guaranteed by any state of the United States of America, or any political subdivision of any state.

(e) Prime commercial paper.

(f) Prime finance company paper.

(g) Bankers' acceptances drawn on and accepted by commercial banks.

(h) Repurchase agreements fully secured by obligations issued or guaranteed as to principal and interest by the United States of America or by any person controlled or supervised by and acting as an instrumentality of the United States of America pursuant to authority granted by the Congress of the United States of America.

(i) Certificates of deposit issued by credit unions or commercial banks, including banks domiciled outside of the United States of America.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

2. Receiving, holding and disbursing of proceeds of the sale of bonds by one or more banks, credit unions or trust companies located within or without this State.

Sec. 9.9. *1. Any bonds issued pursuant to sections 2 to 22, inclusive, of this act may be refunded by the Director of the Department of Business and Industry by the issuance of refunding bonds in an amount which the Director determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.*

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by section 8.5 of this act are not required with respect to refunding bonds issued pursuant to this section.

Sec. 10. (Deleted by amendment.)

Sec. 10.1. *1. Except as otherwise provided in subsection 2, bonds and other securities issued pursuant to sections 2 to 22, inclusive, of this act, their transfer and the income produced by the bonds and other securities is and must forever be and remain free and exempt from taxation by this State or any political subdivision of this State.*

2. The provisions of subsection 1 do not apply to the tax on the transfers of taxable estates imposed by chapter 375A of NRS or the tax on generation-skipping transfers imposed by chapter 375B of NRS.

Sec. 10.3. *No action may be brought questioning the legality of any contract, lease, agreement, indenture, mortgage, order or bonds executed, adopted or taken in connection with any project or improvements authorized by sections 2 to 22, inclusive, of this act more than 30 days after the effective date of the order of the Director of the Department of Business and Industry authorizing the issuance of those bonds.*

Sec. 10.5. *The faith of the State is hereby pledged that sections 2 to 22, inclusive, of this act will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.*

Sec. 10.7. *1. Sections 2 to 22, inclusive, of this act, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.*

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by sections 2 to 22, inclusive, of this act, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in sections 2 to 22, inclusive, of this act, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any action taken pursuant to sections 2 to 22, inclusive, of this act, except that the provisions of NRS ~~[338.010]~~ 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to sections 2 to 22, inclusive, of this act without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by sections 2 to 22, inclusive, of this act are in addition and supplemental to, and not in substitution for, and the limitations

imposed by those sections do not affect, the powers conferred by any other law.

7. No part of sections 2 to 22, inclusive, of this act repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of sections 2 to 22, inclusive, of this act without the assistance or intervention of any other officer.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.610, inclusive, *and sections 2 to 22, inclusive, of this act,* the words and terms defined in NRS 386.495, 386.500 and 386.503 have the meanings ascribed to them in those sections.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 386.5125 is hereby amended to read as follows:

386.5125 The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.490 to 386.610, inclusive ~~[.]~~ *, and sections 2 to 22, inclusive, of this act.* The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools in accordance with the provisions of NRS 386.490 to 386.610, inclusive ~~[.]~~ *, and sections 2 to 22, inclusive, of this act.*

Sec. 29. NRS 386.536 is hereby amended to read as follows:

386.536 1. ~~[Except as otherwise provided in subsections 2 and 3, if]~~ *If* a charter school ceases to operate voluntarily or upon revocation of its written charter, the governing body of the charter school shall ~~[appoint]~~ *:*

(a) Give written notice of the closure to:

(1) The sponsor of the charter school, unless the closure results from the revocation of the written charter;

(2) The Director of the Department of Business and Industry;

(3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the revocation of the written charter;

(4) The Department;

(5) The parents or legal guardians of the pupils enrolled in the charter school; and

(6) The creditors of the charter school;

(b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure ~~[.]~~ *;*

(c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;

(d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;

(e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;

(f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;

(g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;

(h) Supply any information or documents required by the sponsor of the charter school; and

(i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.

2. The notice of the closure required by subsection 1 must include:

(a) The date of closure;

(b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and

(c) The telephone number, mailing address and physical address of the office required by subsection 1.

3. The administrator *appointed pursuant to subsection 1 shall carry out the duties prescribed for the governing body of the charter school by paragraphs (c) to (i), inclusive, of subsection 1 if the governing body ceases to exists or is otherwise unable to perform those duties and* shall assume the responsibility for the records of the:

(a) Charter school;

(b) Employees of the charter school; and

(c) Pupils enrolled in the charter school.

~~[2.]~~ *4.* If an administrator for the charter school is no longer available to carry out the duties set forth in subsection ~~[1,]~~ *3,* the governing body of the charter school shall appoint a qualified person to assume those duties.

~~[3.]~~ *5.* If the governing body of the charter school ceases to exist or is otherwise unable to appoint an administrator pursuant to subsection 1 or a qualified person pursuant to subsection ~~[2,]~~ *4,* the sponsor of the charter school shall appoint an administrator or a qualified person to carry out the duties set forth in subsection ~~[1.]~~ *3.*

~~[4.]~~ *6. In addition to performing the duties set forth in subsection 3, the administrator appointed by the governing body of the charter school or the sponsor, or the qualified person appointed to carry out the duties of the administrator, shall:*

(a) Cause to be paid and discharged all the liabilities and obligations of the charter school to the extent of the charter school's assets;

(b) Terminate any lease, service agreement or any other contract of the charter school that is not necessary to complete the closure of the charter school;

(c) Supply any information or documents required by the sponsor of the charter school; and

(d) After the financial affairs of the charter school have been wound up and the closure of the charter school has otherwise been completed, cause a financial audit to be prepared and cause a written report of the audit to be prepared for the sponsor of the charter school and the Department.

7. The governing body of the charter school or the sponsor of the charter school may, to the extent practicable, provide financial compensation to the administrator or person appointed to carry out the provisions of this section. If the sponsor of the charter school provides such financial compensation, the sponsor is entitled to receive reimbursement from the charter school for the costs incurred by the sponsor in providing the financial compensation. Such reimbursement must not exceed costs incurred for a period longer than 6 months.

Sec. 30. NRS 386.553 is hereby amended to read as follows:

386.553 A charter school ~~[shall]~~ *:*

1. Shall not operate for profit.

2. May be incorporated as a nonprofit corporation pursuant to the provisions of chapter 82 of NRS.

Sec. 31. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district

or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. *A charter school may:*

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

~~[5.]~~ *6.* Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in

which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

~~[6.]~~ *7.* The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections ~~[4 and]~~ 5 *and 6* if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 32. NRS 386.562 is hereby amended to read as follows:

386.562 1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; or

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school.

2. As used in this section, *"contractor" or* "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 33. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share

of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the Superintendent of Public Instruction shall pay to the sponsor of a charter school one-quarter of the yearly sponsorship fee for the administrative costs associated with sponsorship for that school quarter, which must be deducted from the quarterly apportionment to the charter school made pursuant to NRS 387.124. Except as otherwise provided in subsection 4, the yearly sponsorship fee for the sponsor of a charter school must be in an amount of money not to exceed 2 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124.

4. If the governing body of a charter school satisfies the requirements of this subsection, the governing body may submit a request to the sponsor of the charter school for approval of a sponsorship fee in an amount that is less than 2 percent but at least 1 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124. The sponsor of the charter school shall approve such a request if the sponsor of the charter school determines that the charter school satisfies the requirements of this subsection. If the sponsor of the charter school approves such a request, the sponsor shall provide notice of the decision to the governing body of the charter school and the Superintendent of Public Instruction. If the sponsor of the charter school denies such a request, the governing body of the charter school may appeal the decision of the sponsor to the Superintendent of Public Instruction. Upon appeal, the sponsor of the charter school and the governing body of the charter school are entitled to present evidence. The decision of the Superintendent of Public Instruction on the appeal is final and is not subject to judicial review. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this subsection if:

(a) The charter school satisfies the requirements of subsection 1 of NRS 386.5515; and

(b) There has been a decrease in the duties of the sponsor of the charter school that justifies a decrease in the sponsorship fee.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

~~[8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.]~~

Sec. 34. NRS 386.575 is hereby amended to read as follows:

386.575 1. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, ~~[the governing body of the charter school shall make an assignment of all]~~ *any* real property ~~[and]~~ *or* other property ~~[of the charter school to the State of Nevada for the repayment of all money received]~~ *held* by the charter school ~~[from this state for the operation of the charter school during that year. The governing body shall make full settlement with this state for such repayment, and the State may take any lawful action necessary to recover the money.]~~ *must be disposed of as provided in NRS 386.536.*

2. If a charter school files a voluntary petition of bankruptcy or is declared bankrupt during a school year, neither the State of Nevada nor the sponsor of the charter school may be held liable for any claims resulting from the bankruptcy.

Sec. 35. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection ~~[4]~~ *5* of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in

each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 36. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another

school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.475 on the last day of the first school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection ~~[4]~~ *5* of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive

School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 37. (Deleted by amendment.)

Sec. 38. This act becomes effective on July 1, 2013.

Senator Woodhouse moved that the Senate concur in the Assembly Amendments Nos. 856, 886, to Senate Bill No. 384.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 399.

The following Assembly Amendments were read:

Amendment No. 823.

"SUMMARY—Revises provisions relating to special fuels. (BDR 51-1052)"

"AN ACT relating to special fuels; prohibiting certain conduct related to the sale of biodiesel , biomass-based diesel or biomass-based diesel blend

that does not conform to certain specifications; amending the definition of "biodiesel" and defining "biomass-based diesel" and "biomass-based diesel blend" for the purpose of provisions relating to taxes imposed on special fuels; ~~[specifying that the sale or use of certain special fuels is taxed at a certain rate;]~~ amending the definition of "special fuel" for the purpose of provisions relating to taxes imposed on special fuels; revising the conversion factor of compressed natural gas for purposes of the taxation of the sale or use of compressed natural gas; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that it is a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture. (NRS 590.070, 590.150) Section 1 of this bill provides that it is also a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale biodiesel , biomass-based diesel or biomass-based diesel blend that does not conform to certain standards . ~~[of ASTM International.]~~

Under existing law, special fuels , which include, without limitation, biodiesel, biodiesel blend and an emulsion of water-phased hydrocarbon fuel, are taxed at the rate of 27 cents per gallon. (NRS 366.060, 366.190) ~~[Section]~~ Sections 2.5 and 3 of this bill ~~[specifies]~~ specify that diesel, ~~[biodiesel and biodiesel blend]~~ , biomass-based diesel, biomass-based diesel blend, liquefied natural gas, kerosene and jet fuel are among the combustible gases or liquids taxed as special fuels ~~[taxed]~~ at ~~[that]~~ the rate ~~[.]~~ of 27 cents per gallon, as is any product used in lieu of or blended with the combustible gas or liquid.

Existing law defines "biodiesel" as any fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle. (NRS 366.022) Biodiesel fuels are considered "special fuels" for the purpose of taxes imposed on fuels. (NRS 366.060, 366.190) Section 2 of this bill revises the definition of "biodiesel" ~~[so that fuels other than those]~~ to provide that a fuel composed of mono-alkyl esters of long-chain fatty acids ~~[must be]~~ derived from ~~[renewable resources and must be suitable for use in a diesel engine to be considered]~~ plant or animal matter and conforming to certain standards is a biodiesel for the purposes of taxes imposed on special fuel.

Section 3.5 of this bill amends the factor for conversion of volumetric measurement for purposes of taxing the sale or use of compressed natural gas.

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

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale ~~[, any]~~ *:*

(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it ~~[:~~

~~*(1) Is composed of mono-alkyl esters of long-chain fatty acids and conforms to]*~~ *meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM* ~~*[International]*~~ *Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels." [";*~~

~~*(2) Conforms to ASTM International Standard D975, "Standard Specification for Diesel Fuel Oils"; or*~~

~~*(3) Conforms to a current standard of ASTM International for biodiesel.]*~~

(c) Any biomass-based diesel or biomass-based diesel blend unless it meets the registration requirements for fuels and fuel additives established by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. § 7545.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

6. As used in this section ~~*[, "biodiesel" has the meaning ascribed to it in NRS 366.022.]*~~ *:*

(a) "Biodiesel" means a fuel that is composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter.

(b) "Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources, such as fuel derived from animal

wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

(c) "Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 1.2. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. *"Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources and meets the registration requirements for fuels and fuel additives established by the Administrator of the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7545, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.*

Sec. 1.6. *"Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.*

Sec. 1.8. NRS 366.020 is hereby amended to read as follows:

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.022 to 366.100, inclusive, *and sections 1.4 and 1.6 of this act* have the meanings ascribed to them in those sections.

Sec. 2. NRS 366.022 is hereby amended to read as follows:

366.022 "Biodiesel" means a fuel *that is* composed of mono-alkyl esters of long-chain fatty acids ~~[or any other fuel]~~ ~~[sold or labeled as biodiesel]~~ ~~*[derived from renewable resources*~~ ~~which is suitable for use as a fuel in a]~~ ~~[motor vehicle.]~~ ~~*[diesel engine.]*~~ *derived from plant or animal matter and that meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."*

Sec. 2.5. NRS 366.060 is hereby amended to read as follows:

366.060 "Special fuel" means any combustible gas or liquid used for the generation of power for the propulsion of motor vehicles, including, without limitation, *diesel,* biodiesel, biodiesel blend ~~[and]~~ *, biomass-based diesel, biomass-based diesel blend, liquefied natural gas,* an emulsion of water-phased hydrocarbon fuel ~~[.]~~ *, kerosene or jet fuel or any other product used in lieu of or blended with the combustible gas or liquid.* The term does not include motor vehicle fuel as defined in chapter 365 of NRS.

Sec. 3. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels [.] *, including, without limitation:*

(a) Diesel;

(b) Biodiesel;

(c) Biodiesel blend;

(d) Biomass-based diesel;

(e) Biomass-based diesel blend; and

(f) Liquefied natural gas.

2. A tax is hereby imposed at:

(a) ~~*[1.]*~~ The rate of 19 cents per gallon on the sale or use of an emulsion of water-phased hydrocarbon fuel;

(b) ~~*[2.]*~~ The rate of 22 cents per gallon on the sale or use of liquefied petroleum gas; and

(c) ~~*[3.]*~~ The rate of 21 cents per gallon on the sale or use of compressed natural gas . ~~*[; and*~~

~~*4. The rate of 27 cents per gallon on the sale or use of:*~~

~~*(a) Diesel;*~~

~~*(b) Biodiesel; and*~~

~~*(c) Biodiesel blend.]*~~

Sec. 3.5. NRS 366.197 is hereby amended to read as follows:

366.197 For the purpose of taxing the sale or use of [~~compressed~~] *:*

1. Compressed natural gas [~~or liquefied~~] *, 126.67 cubic feet of natural gas or 5.660 pounds of natural gas shall be deemed to equal 1 gallon of special fuel.*

2. Liquefied petroleum gas, 125 cubic feet of natural gas or liquefied petroleum gas shall be deemed to equal 1 gallon of special fuel.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

Amendment No. 875.

"SUMMARY—Revises provisions relating to special fuels. (BDR 51-1052)"

"AN ACT relating to special fuels; prohibiting certain conduct related to the sale of biodiesel, biomass-based diesel or biomass-based diesel blend that does not conform to certain specifications; amending the definition of "biodiesel" and defining "biomass-based diesel" and "biomass-based diesel blend" for the purpose of provisions relating to taxes imposed on special fuels; amending the definition of "special fuel" for the purpose of provisions relating to taxes imposed on special fuels; revising the conversion factor of compressed natural gas for purposes of the taxation of the sale or use of compressed natural gas; providing a penalty; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law provides that it is a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture. (NRS 590.070, 590.150) Section 1 of this bill provides that it is also a misdemeanor to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale biodiesel, biomass-based diesel or biomass-based diesel blend that does not conform to certain standards.

Under existing law, special fuels, which include, without limitation, biodiesel, biodiesel blend and an emulsion of water-phased hydrocarbon fuel, are taxed at the rate of 27 cents per gallon. (NRS 366.060, 366.190) Sections 2.5 and 3 of this bill specify that diesel, biomass-based diesel, biomass-based diesel blend, liquefied natural gas ~~[,]~~ and kerosene ~~[and jet fuel]~~ are among the combustible gases or liquids taxed as special fuels at the rate of 27 cents per gallon, as is any product used in lieu of or blended with the combustible gas or liquid.

Existing law defines "biodiesel" as any fuel composed of mono-alkyl esters of long-chain fatty acids or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle. (NRS 366.022) Biodiesel fuels are considered "special fuels" for the purpose of taxes imposed on fuels. (NRS 366.060, 366.190) Section 2 of this bill revises the definition of "biodiesel" to provide that a fuel composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter and conforming to certain standards is a biodiesel for the purposes of taxes imposed on special fuel.

Section 3.5 of this bill amends the factor for conversion of volumetric measurement for purposes of taxing the sale or use of compressed natural gas.

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

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale ~~[, any]~~ *:*

(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(c) Any biomass-based diesel or biomass-based diesel blend unless it meets the registration requirements for fuels and fuel additives established by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. § 7545.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

6. As used in this section:

(a) "Biodiesel" means a fuel that is composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter.

(b) "Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

(c) "Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 1.2. Chapter 366 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.4 and 1.6 of this act.

Sec. 1.4. *"Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources and meets the registration requirements for fuels and fuel additives established by the Administrator of the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7545, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.*

Sec. 1.6. *"Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.*

Sec. 1.8. NRS 366.020 is hereby amended to read as follows:

366.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 366.022 to 366.100, inclusive, *and sections 1.4 and 1.6 of this act* have the meanings ascribed to them in those sections.

Sec. 2. NRS 366.022 is hereby amended to read as follows:

366.022 "Biodiesel" means a fuel *that is* composed of mono-alkyl esters of long-chain fatty acids ~~[or any other fuel sold or labeled as biodiesel which is suitable for use as a fuel in a motor vehicle.]~~ *derived from plant or animal matter and that meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."*

Sec. 2.5. NRS 366.060 is hereby amended to read as follows:

366.060 "Special fuel" means any combustible gas or liquid used for the generation of power for the propulsion of motor vehicles, including, without limitation, *diesel,* biodiesel, biodiesel blend ~~[and]~~ *, biomass-based diesel, biomass-based diesel blend, liquefied natural gas,* an emulsion of water-phased hydrocarbon fuel ~~[.]~~ *[,] or kerosene ~~[or jet fuel]~~ or any other product used in lieu of or blended with the combustible gas or liquid.* The term does not include motor vehicle fuel as defined in chapter 365 of NRS.

Sec. 3. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 27 cents per gallon on the sale or use of special fuels ~~[.]~~ *, including, without limitation:*

(a) Diesel;

(b) Biodiesel;

(c) Biodiesel blend;

(d) Biomass-based diesel;

(e) Biomass-based diesel blend; and

(f) Liquefied natural gas.

2. A tax is hereby imposed at:

(a) The rate of 19 cents per gallon on the sale or use of an emulsion of water-phased hydrocarbon fuel;

(b) The rate of 22 cents per gallon on the sale or use of liquefied petroleum gas; and

(c) The rate of 21 cents per gallon on the sale or use of compressed natural gas.

Sec. 3.5. NRS 366.197 is hereby amended to read as follows:

366.197 For the purpose of taxing the sale or use of ~~[compressed]~~ *:*

1. Compressed natural gas ~~[or liquefied]~~ *, 126.67 cubic feet of natural gas or 5.660 pounds of natural gas shall be deemed to equal 1 gallon of special fuel.*

2. Liquefied petroleum gas, 125 cubic feet of natural gas or liquefied petroleum gas shall be deemed to equal 1 gallon of special fuel.

Sec. 4. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2014, for all other purposes.

Senator Ford moved that the Senate concur in the Assembly Amendments Nos. 823, 875, to Senate Bill No. 399.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 405.

The following Assembly Amendment was read:

Amendment No. 598.

Legislative Counsel's Digest:

Existing law requires various state and local officers and agencies to submit reports to the Legislative and Executive Departments of the State Government. Sections ~~[2-39]~~ 2-38 and 39 of this bill eliminate the requirement for the submission of certain obsolete and redundant reports. ~~[Section]~~

In addition, section 1 of this bill requires the Director of the Legislative Counsel Bureau to review existing law and develop recommendations for the elimination or revision of ~~[the requirement for the]~~ any other provisions that require submission of ~~[certain other]~~ obsolete and redundant reports. Section 1 further requires: (1) the recommendations to be presented biennially to the Legislative Commission; and (2) the Legislative Commission, as it deems appropriate, to request the preparation of a bill draft to facilitate the recommendations.

During this session, the Legislature passed Assembly Bill No. 350, which requires the Legislative Commission to review certain requirements in existing law for submitting reports to the Legislature and to determine whether such requirements should be repealed, revised or continued. Section 38.5 of this bill amends A.B. 350 to require the Legislative Commission to consider, in addition to other criteria, the recommendations made by the Director pursuant to section 1 of this bill regarding the elimination or revision of requirements in existing law for submitting reports to the Legislature.

Section 1 of Senate Bill No. 405 is hereby amended as follows:

Section 1. Chapter ~~[220]~~ 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director ~~[of the Legislative Counsel Bureau]~~ shall develop recommendations for the:

(a) Elimination of any requirements to submit obsolete or redundant reports to the Legislature; and

(b) Revision of any requirements for reporting to reduce the frequency or to change the due dates, or any other revision of the requirements deemed appropriate by the Director.

2. In developing the recommendations required pursuant to subsection 1, the Director shall consider:

(a) The length of time the requirement has been in existence and whether the requirement remains relevant;

(b) The ability of the Legislature and the public to obtain the information provided in a report from another source; and

(c) Any other criteria determined by the Director to be appropriate.

3. The Director's recommendations, if any, must be ~~[presented]~~ :

(a) Presented to the Legislative Commission on or before July 1 of each even-numbered year ~~[.]~~ ; and

(b) Considered by the Legislative Commission when it conducts its review pursuant to section 1 of Assembly Bill No. 350 of this session of the requirements in state legislation for submitting such reports to the Legislature.

4. ~~[The]~~ Based on the Director's recommendations and its review pursuant to section 1 of Assembly Bill No. 350 of this session, the Legislative Commission shall, as it deems appropriate ~~[, request the preparation of a bill draft]~~ :

(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting such reports to the Legislature should be repealed, revised or continued; and

(b) Request the drafting of a legislative measure pursuant to NRS 218D.160 to facilitate ~~[the]~~ its recommendations.

NEW section 38.5 of Senate Bill No. 405 is hereby added as follows:

Sec. 38.5. Section 1 of Assembly Bill No. 350 of this session is hereby amended to read as follows:

Section 1. Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any provision of state legislation enacted on or after July 1, 2013, which adds or revises a requirement to submit a report to the Legislature must:

(a) Expire by limitation 5 years after the effective date of the addition or revision of the requirement; or

(b) Contain a statement by the Legislature setting forth the justifications for continuing the requirement for more than 5 years. The statement must include, without limitation:

(1) If the requirement is being revised, the date the requirement was enacted;

(2) If the requirement concerns a report regarding the implementation or monitoring of a new program, an analysis of the continued usefulness of such a report after 5 years; and

(3) An identification and analysis of any costs or benefits associated with or expected to be associated with the report.

2. The Legislative Commission shall review the requirements in state legislation for submitting a report to the Legislature which have been in existence for 4 years or more to determine whether the requirements should be repealed, revised or continued. In making its determination pursuant to this subsection, the Legislative Commission shall:

(a) Identify and analyze any costs or benefits associated with the report;

(b) Consider the ability of the Legislature to obtain the information provided in the report from another source; ~~[and]~~

(c) Consider any recommendations made by the Director pursuant to section 1 of Senate Bill No. 405 of this session regarding the elimination or revision of requirements in state legislation to submit obsolete or redundant reports to the Legislature; and

(d) Consider any other criteria determined by the Legislative Commission to be appropriate.

3. ~~[The Legislative Commission may, based]~~ Based upon its review of the requirements pursuant to subsection 2, ~~[make]~~ the Legislative Commission shall, as it deems appropriate:

(a) Make recommendations to the Legislature regarding whether the requirements in state legislation for submitting ~~[those]~~ such reports to the Legislature should be repealed, revised or continued ~~[.]~~ ; and

(b) Request the drafting of a legislative measure pursuant to NRS 218D.160 to facilitate its recommendations.

Senator Spearman moved that the Senate concur in the Assembly Amendment No. 598 to Senate Bill No. 405.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 414.

The following Assembly Amendment was read:

Amendment No. 663.

"SUMMARY—Prohibits transmitting or distributing certain images of bullying involving a child under certain circumstances. (BDR 15-70)"

"AN ACT relating to juveniles; prohibiting a minor from transmitting or distributing certain images of bullying committed against another minor under certain circumstances; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Section 1 of this bill prohibits a minor from knowingly and willfully using an electronic communication device, such as a cell phone, to transmit or distribute, or otherwise knowingly and willfully transmitting or distributing, an image of bullying committed against another minor for the purpose of encouraging, furthering or promoting bullying ~~[or]~~ and harming the minor. A minor who violates this provision is considered: (1) for a first violation, a child in need of supervision for the purposes of the laws governing juvenile justice; and (2) for a second or subsequent violation, to have committed a delinquent act.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A minor shall not knowingly and willfully use an electronic communication device to transmit or distribute, or otherwise knowingly and willfully transmit or distribute, an image of bullying committed against a minor to another person with the intent to encourage, further or promote bullying ~~[or]~~ and to cause harm to the minor.

2. A minor who violates subsection 1:

(a) For the first violation, is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child; and

(b) For the second or a subsequent violation, commits a delinquent act, and the court may order the detention of the minor in the same manner as if the minor had committed an act that would have been a misdemeanor if committed by an adult.

3. For the purposes of this section, to determine whether a person who is depicted in an image of bullying is a minor, the court may:

(a) Inspect the person in question;

(b) View the image;

(c) Consider the opinion of a witness to the image regarding the person's age;

(d) Consider the opinion of a medical expert who viewed the image; or

(e) Use any other method authorized by the rules of evidence at common law.

4. As used in this section:

(a) "Bullying" ~~[has the meaning ascribed to it in NRS 388.122.]~~ means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" means any electronic device that is capable of transmitting or distributing an image of bullying, including, without limitation, a cellular telephone, personal digital assistant, computer, computer network and computer system.

(c) "Image of bullying" means any visual depiction, including, without limitation, any photograph or video, of a minor bullying another minor.

(d) "Minor" means a person who is under 18 years of age.

Sec. 2. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation; ~~[or]~~

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737 ~~[.]~~ *; or*

(e) Transmits or distributes an image of bullying committed against a minor in violation of section 1 of this act.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. As used in this section:

(a) *"Bullying"* ~~*[has the meaning ascribed to it in NRS 388.122.]*~~ *means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:*

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(b) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

~~[(b)]~~ *(c)* "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 3. (Deleted by amendment.)

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 663 to Senate Bill No. 414.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 427.

The following Assembly Amendment was read:

Amendment No. 664.

"SUMMARY—Revises provisions governing bullying. (BDR 5-72)"

"AN ACT relating to education; requiring departments of juvenile services to inform juvenile courts and school districts of incidents of unlawful bullying or cyber-bullying; requiring courts to inform school districts of incidents of unlawful bullying or cyber-bullying; revising the definition of bullying and cyber-bullying; expanding the prohibition against bullying and cyber-bullying to include members of a club or organization which uses the facilities of any public school; repealing certain definitions; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires a court to provide certain information to a school district if a court determines that a child who is currently enrolled in the school district has unlawfully caused or attempted to cause serious bodily injury to another person. (NRS 62E.030) Section 1 of this bill likewise requires a department of juvenile services to inform the juvenile court and the school district if a child who is currently enrolled in the school district has unlawfully engaged in bullying or cyber-bulling. Section 1.5 of this bill requires a court to inform a school district if a child who is currently enrolled in the school district has unlawfully engaged in bullying or cyber-bullying.

Existing law provides definitions of bullying, cyber-bullying, harassment and intimidation for the purposes of providing a safe and respectful learning environment and prohibiting certain conduct in such a manner that the definition of bullying includes most of the elements of the definitions of harassment and intimidation. (NRS 388.123-388.129) Section 7 of this bill revises the definition of bullying to include all the elements of the definitions of harassment and intimidation. Section 7 also effectively revises in the same manner the definition of cyber-bullying, which is bullying through the use of electronic communication. (NRS 388.123) Section 19 of this bill repeals the existing definitions of harassment and intimidation.

Existing law prohibits a member of the board of trustees of a school district, an employee of the board of trustees or a pupil from engaging in bullying, cyber-bullying, harassment or intimidation on the premises of any public school, at an activity sponsored by a public school or on any school bus. (NRS 388.135) Section 15 of this bill: (1) removes the references to harassment and intimidation, consistent with the removal of these terms by

section 19; and (2) prohibits a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school, from engaging in bullying or cyber-bullying.

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

Section 1. Chapter 62C of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a department of juvenile services determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the department shall provide the information specified in subsection 2 to the juvenile court in the judicial district in which the child resides and to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

(a) The name of the child;

(b) The name of the person who was the subject of the bullying or cyber-bullying; and

(c) A description of any bullying or cyber-bullying committed by the child against the other person.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

~~[Section 1.]~~ *Sec. 1.5.* NRS 62E.030 is hereby amended to read as follows:

62E.030 1. If a court determines that a child who is currently enrolled in school unlawfully caused or attempted to cause serious bodily injury to another person, the court shall provide the information specified in subsection 2 to the school district in which the child is currently enrolled.

2. The information required to be provided pursuant to subsection 1 must include:

(a) The name of the child;

(b) A description of any injury sustained by the other person;

(c) A description of any weapon used by the child; and

(d) A description of any threats made by the child against the other person before, during or after the incident in which the child injured or attempted to injure the person.

3. If a court determines that a child who is currently enrolled in school unlawfully engaged in bullying or cyber-bullying, the court shall provide the information specified in subsection 4 to the school district in which the child is currently enrolled.

4. The information required to be provided pursuant to subsection 3 must include:

(a) The name of the child;

(b) The name of the person who was the subject of the bullying or cyber-bullying; and

(c) A description of any bullying or cyber-bullying committed by the child against the other person.

5. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

Sec. 2. NRS 236.073 is hereby amended to read as follows:

236.073 1. The Governor shall annually proclaim the first week in October to be "Week of Respect."

2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying ~~[,]~~ *and* cyber-bullying, ~~[harassment and intimidation in schools,]~~ including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied ~~[,]~~ *or* cyber-bullied ~~[, harassed or intimidated in schools]~~ each year;

(2) The methods to identify and assist pupils who are at risk of bullying ~~[,]~~ *or* cyber-bullying *;* ~~[, harassment or intimidation;]~~ and

(3) The methods to prevent bullying ~~[,]~~ *and* cyber-bullying *;* ~~[, harassment and intimidation in schools;]~~ and

(b) School districts to provide instruction on the ways in which pupils can prevent bullying ~~[,]~~ *and* cyber-bullying ~~[, harassment and intimidation]~~ during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

~~[(c) "Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.]~~

Sec. 3. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school district in each category,

the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(m) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(o) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(p) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(q) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(w) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(x) Each source of funding for this State to be used for the system of public education.

(y) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(z) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(cc) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(dd) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(ee) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ff) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(gg) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(hh) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ii) The number of incidents resulting in suspension or expulsion for bullying ~~[,]~~ *or* cyber-bullying, ~~[harassment or intimidation,]~~ reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) ~~["Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d)]~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.~~

~~(f)]~~ *(d)* "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 4. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance;

(5) Possession or use of alcohol; and

(6) Bullying ~~[,]~~ *or* cyber-bullying *;* ~~[, harassment or intimidation;]~~

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination administered pursuant to NRS 389.015; and

(s) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before October 20 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State

Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

~~[(c) "Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.]~~

Sec. 5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school sponsored by the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools sponsored by the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school sponsored by the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school sponsored by the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(d) The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:

(1) "Administrator" means a person who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, and who is not classified by the board of trustees of the school district as a professional-technical employee.

(2) "Other staff" means all persons who are not reported as administrators or teachers, including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school sponsored by the district. Each such person must be reported as either an administrator, a teacher or other staff and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph, "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) The number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(g) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(h) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school sponsored by the district.

(i) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(j) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(k) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(l) Efforts made by the school district and by each school in the district, including, without limitation, each charter school sponsored by the district, to increase:

(1) Communication with the parents of pupils enrolled in the district;

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees; and

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(m) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school sponsored by the district.

(n) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school sponsored by the district.

(o) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(p) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(q) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(r) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(s) Each source of funding for the school district.

(t) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) An identification of each program of remedial study, listed by subject area.

(u) For each high school in the district, including, without limitation, each charter school sponsored by the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(v) The technological facilities and equipment available at each school, including, without limitation, each charter school sponsored by the district, and the district's plan to incorporate educational technology at each school.

(w) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adult diploma.

(3) An adjusted diploma.

(4) A certificate of attendance.

(x) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, the number

and percentage of pupils who failed to pass the high school proficiency examination.

(y) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(z) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school sponsored by the district.

(aa) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(bb) Information on whether each public school in the district, including, without limitation, each charter school sponsored by the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(cc) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(dd) For each high school in the district, including, without limitation, each charter school sponsored by the district that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(ee) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) For each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(gg) The number of incidents resulting in suspension or expulsion for bullying ~~[,]~~ *or* cyber-bullying ~~[, harassment or intimidation,]~~ for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(hh) Such other information as is directed by the Superintendent of Public Instruction.

3. The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before September 30 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (hh), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.

4. The records of attendance maintained by a school for purposes of paragraph (k) of subsection 2 or maintained by a charter school for purposes of the reporting required pursuant to subsection 3 must include the number of teachers who are in attendance at school and the number of teachers who are

absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

5. The annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

6. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsections 2 and 3 and provide the forms to the respective school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

8. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (i) of subsection 2.

(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a

charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.

9. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to subsection 2 or 3, as applicable, is available on the Internet website maintained by the school district, State Public Charter School Authority or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 or 3, as applicable, in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection 9 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to subsection 2 or 3, as applicable.

11. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) ~~["Harassment" has the meaning ascribed to it in NRS 388.125.~~

~~(d)]~~ "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.~~

~~(f)]~~ *(d)* "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 6. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, unless the context otherwise requires, the words and terms defined in NRS 388.122 ~~[to 388.129, inclusive,]~~ *, 388.123 and 388.124* have the meanings ascribed to them in those sections.

Sec. 7. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not *otherwise* authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

2. *Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;*

3. Places the person in reasonable fear of harm or serious emotional distress; or

~~[3.]~~ *4.* Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 8. NRS 388.132 is hereby amended to read as follows:

388.132 The Legislature declares that:

1. A learning environment that is safe and respectful is essential for the pupils enrolled in the public schools in this State to achieve academic success and meet this State's high academic standards;

2. Any form of bullying ~~[,]~~ *or* cyber-bullying ~~[, harassment or intimidation in public schools]~~ seriously interferes with the ability of teachers to teach in the classroom and the ability of pupils to learn;

3. The use of the Internet by pupils in a manner that is ethical, safe and secure is essential to a safe and respectful learning environment and is essential for the successful use of technology;

4. The intended goal of the Legislature is to ensure that:

(a) The public schools in this State provide a safe and respectful learning environment in which persons of differing beliefs, characteristics and backgrounds can realize their full academic and personal potential;

(b) All administrators, principals, teachers and other personnel of the school districts and public schools in this State demonstrate appropriate behavior on the premises of any public school by treating other persons, including, without limitation, pupils, with civility and respect and by refusing

to tolerate bullying ~~[,]~~ *and* cyber-bullying *;* ~~[, harassment or intimidation;]~~ and

(c) All persons in public schools are entitled to maintain their own beliefs and to respectfully disagree without resorting to bullying, cyber-bullying ~~[,]~~ *or* violence *;* ~~[, harassment or intimidation;]~~ and

5. By declaring its goal that the public schools in this State provide a safe and respectful learning environment, the Legislature is not advocating or requiring the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but is requiring that pupils with differing beliefs be free from abuse . ~~[and harassment.]~~

Sec. 9. NRS 388.1325 is hereby amended to read as follows:

388.1325 1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.

2. In accordance with the regulations adopted by the State Board pursuant to NRS 388.1327, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying ~~[,]~~ *and* cyber-bullying *;* ~~[, harassment and intimidation;]~~

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive.

Sec. 10. NRS 388.133 is hereby amended to read as follows:

388.133 1. The Department shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State, and individual parents and legal guardians whose children are enrolled in public schools throughout this State, prescribe by regulation a policy for all school districts and public schools to provide a safe and respectful learning environment that is free of bullying ~~[,]~~ *and* cyber-bullying . ~~[, harassment and intimidation.]~~

2. The policy must include, without limitation:

(a) Requirements and methods for reporting violations of NRS 388.135; and

(b) A policy for use by school districts to train administrators, principals, teachers and all other personnel employed by the board of trustees of a school district. The policy must include, without limitation:

(1) Training in the appropriate methods to facilitate positive human relations among pupils without the use of bullying ~~[,]~~ *and* cyber-bullying ~~[, harassment and intimidation]~~ so that pupils may realize their full academic and personal potential;

(2) Methods to improve the school environment in a manner that will facilitate positive human relations among pupils; and

(3) Methods to teach skills to pupils so that the pupils are able to replace inappropriate behavior with positive behavior.

Sec. 11. NRS 388.1341 is hereby amended to read as follows:

388.1341 1. The Department, in consultation with persons who possess knowledge and expertise in bullying ~~[,]~~ *and* cyber-bullying, ~~[harassment and intimidation in public schools,]~~ shall, to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying ~~[,]~~ *or* cyber-bullying . ~~[, harassment or intimidation.]~~ If developed, the pamphlet must include, without limitation:

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.139, inclusive;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying ~~[,]~~ *and* cyber-bullying *;* ~~[, harassment or intimidation;]~~ and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

2. If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To the extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1, if such a pamphlet is developed by the Department.

Sec. 12. NRS 388.1342 is hereby amended to read as follows:

388.1342 1. The Department, in consultation with persons who possess knowledge and expertise in bullying ~~[,]~~ *and* cyber-bullying, ~~[harassment and intimidation in public schools,]~~ shall:

(a) Establish a program of training on methods to prevent, identify and report incidences of bullying ~~[,]~~ *and* cyber-bullying ~~[, harassment and intimidation in public schools]~~ for members of the State Board.

(b) Recommend a program of training on methods to prevent, identify and report incidences of bullying ~~[,]~~ *and* cyber-bullying ~~[, harassment and intimidation in public schools]~~ for members of the boards of trustees of school districts.

(c) Recommend a program of training for school district personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying ~~[,]~~ *and* cyber-bullying ~~[, harassment and intimidation in public schools]~~ established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Each member of a board of trustees of a school district may complete the program of training on bullying ~~[,]~~ *and* cyber-bullying ~~[, harassment and intimidation in public schools]~~ recommended pursuant to paragraph (b) of subsection 1 and may undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each program of training established and recommended pursuant to subsection 1 must, to the extent money is available, be made available on the Internet website maintained by the Department or through another provider on the Internet.

5. The board of trustees of a school district may allow school district personnel to attend the program recommended pursuant to paragraph (c) of subsection 1 during regular school hours.

6. The Department shall review each program of training established and recommended pursuant to subsection 1 on an annual basis to ensure that the program contains current information concerning the prevention of bullying ~~[,]~~ *and* cyber-bullying . ~~[, harassment and intimidation.]~~

Sec. 13. NRS 388.1343 is hereby amended to read as follows:

388.1343 The principal of each public school or his or her designee shall:

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying ~~[,]~~ *and* cyber-bullying *;* ~~[, harassment and intimidation;]~~

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 14. NRS 388.1344 is hereby amended to read as follows:

388.1344 1. Each school safety team established pursuant to NRS 388.1343 must consist of the principal or his or her designee and the following persons appointed by the principal:

(a) A school counselor;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; and

(d) Any other persons appointed by the principal.

2. The principal or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying ~~[,]~~ *or* cyber-bullying *;* ~~[, harassment or intimidation at the school;]~~

(c) Review and strengthen school policies to prevent and address bullying ~~[,]~~ *or* cyber-bullying *;* ~~[, harassment or intimidation;]~~

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying ~~[,]~~ *and* cyber-bullying *;* ~~[, harassment and intimidation;]~~ and

(e) To the extent money is available, participate in any training conducted by the school district regarding bullying ~~[,]~~ *and* cyber-bullying . ~~[, harassment and intimidation.]~~

Sec. 15. NRS 388.135 is hereby amended to read as follows:

388.135 A member of the board of trustees of a school district, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher or other staff member, *a member of a club or organization which uses the facilities of any public school, regardless of whether the club or organization has any connection to the school,* or any pupil shall not engage in bullying ~~[,]~~ *or* cyber-bullying ~~[, harassment or intimidation]~~ on the premises of any public school, at an activity sponsored by a public school or on any school bus .

Sec. 16. NRS 388.1353 is hereby amended to read as follows:

388.1353 1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidences of bullying ~~[,]~~ *and* cyber-bullying, ~~[harassment and intimidation,]~~ including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

Sec. 17. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.139, inclusive, and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying ~~[,]~~ *and* Cyber-Bullying ~~[, Harassment and Intimidation]~~ Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 18. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 3, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid ~~[harassment,]~~ cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

4. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

5. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

6. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

7. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 19. NRS 388.125 and 388.129 are hereby repealed.

Sec. 20. This act becomes effective on July 1, 2013.

TEXT OF REPEALED SECTIONS

388.125 "Harassment" defined. "Harassment" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Is intended to cause or actually causes another person to suffer serious emotional distress;

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

388.129 "Intimidation" defined. "Intimidation" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law, is highly offensive to a reasonable person and:

1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 664 to Senate Bill No. 427.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 478.

The following Assembly Amendment was read:

Amendment No. 687.

"SUMMARY—Revises provisions relating to the employment of offenders. (BDR 16-1202)"

"AN ACT relating to offenders; requiring the Director of the Department of Corrections to provide certain information to the Committee on Industrial Programs; requiring private employers who enter into contracts for the employment of offenders to comply with certain requirements; revising the membership of the Committee; revising the duties of the Committee; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish programs for the employment of offenders who are committed to the custody of the Department. (NRS 209.459, 209.461) Section 1 of this bill requires ~~[,]~~ the Director to: (1) provide to the Committee on Industrial

Programs certain information concerning the potential impacts the employment of offenders may have on private employers and labor in this State; and (2) submit any contract regarding such employment to the State Board of Examiners for approval. Section 1.3 of this bill additionally requires: (1) the Director to submit to the Director of the Legislative Counsel Bureau a report every 5 years concerning contracts with private employers for the employment of offenders and the impacts such employment may have on private industry; (2) the Director to appear before the Committee ~~[on Industrial Programs]~~ and submit certain information if a state-sponsored program for the employment of offenders does not operate profitably under certain circumstances; and (3) all private employers who contract for the employment of offenders to comply with certain requirements.

Existing law establishes the Committee on Industrial Programs and directs the Committee to review and report on certain issues relating to programs for the employment of offenders. (NRS 209.4817, 209.4818) Section 1.7 of this bill adds to the Committee an additional member representing organized labor in this State. Section 2 of this bill: (1) requires the Committee to review and make recommendations on certain information concerning any proposed new contract with a private employer for the employment of offenders; and (2) revises provisions relating to the review of state-sponsored industrial programs for profitability.

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

Section 1. NRS 209.459 is hereby amended to read as follows:

209.459 *1.* The Director shall *:*

(a) Submit a report to the Committee on Industrial Programs identifying the potential impacts of any new program for the employment of offenders on private employers and labor in this State. In preparing such a report, the Director shall include any information required pursuant to paragraph (b) of subsection 7 of NRS 209.461 and must perform due diligence in obtaining such information from:

(1) The Department of Employment, Training and Rehabilitation;

(2) The Department of Business and Industry;

(3) The Office of Economic Development; and

(4) Representatives of organized labor in this State.

(b) Seek and present the recommendations of the Committee on Industrial Programs to the Board of State Prison Commissioners and, with the approval of the Board of State Prison Commissioners, establish and carry out a program for the employment of offenders in services and manufacturing conducted by institutions of the Department or by private employers.

2. Before any new program for the employment of offenders is established pursuant to this section, the Director shall submit any contract related to the employment of such offenders to the State Board of Examiners for approval.

~~[Section 1.]~~ *Sec. 1.3.* NRS 209.461 is hereby amended to read as follows:

209.461 1. The Director shall:

(a) To the greatest extent possible, approximate the normal conditions of training and employment in the community.

(b) Except as otherwise provided in this section, to the extent practicable, require each offender, except those whose behavior is found by the Director to preclude participation, to spend 40 hours each week in vocational training or employment, unless excused for a medical reason or to attend educational classes in accordance with NRS 209.396. The Director shall require as a condition of employment that an offender sign an authorization for the deductions from his or her wages made pursuant to NRS 209.463. Authorization to make the deductions pursuant to NRS 209.463 is implied from the employment of an offender and a signed authorization from the offender is not required for the Director to make the deductions pursuant to NRS 209.463.

(c) Use the earnings from services and manufacturing conducted by the institutions and the money paid by private employers who employ the offenders to offset the costs of operating the prison system and to provide wages for the offenders being trained or employed.

(d) Provide equipment, space and management for services and manufacturing by offenders.

(e) Employ craftsmen and other personnel to supervise and instruct offenders.

(f) Contract with governmental agencies and private employers for the employment of offenders, including their employment on public works projects under contracts with the State and with local governments.

(g) Contract for the use of offenders' services and for the sale of goods manufactured by offenders.

(h) On or before January 1, 2014, and every 5 years thereafter, submit a report to the Director of the Legislative Counsel Bureau for distribution to the Committee on Industrial Programs. The report must include, without limitation, an analysis of existing contracts with private employers for the employment of offenders and the potential impact of those contracts on private industry in this State.

(i) Submit a report to each meeting of the Interim Finance Committee identifying any accounts receivable related to a program for the employment of offenders.

2. Every program for the employment of offenders established by the Director must:

(a) Employ the maximum number of offenders possible;

(b) Except as otherwise provided in NRS 209.192, provide for the use of money produced by the program to reduce the cost of maintaining the offenders in the institutions;

(c) Have an insignificant effect on the number of jobs available to the residents of this State; and

(d) Provide occupational training for offenders.

3. An offender may not engage in vocational training, employment or a business that requires or permits the offender to:

(a) Telemarket or conduct opinion polls by telephone; or

(b) Acquire, review, use or have control over or access to personal information concerning any person who is not incarcerated.

4. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the Director must result in a profit for the Department. The following must not be included in determining whether there is a profit for the Department:

(a) Fees credited to the Fund for Prison Industries pursuant to NRS 482.268, any revenue collected by the Department for the leasing of space, facilities or equipment within the institutions or facilities of the Department, and any interest or income earned on the money in the Fund for Prison Industries.

(b) The selling expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the Central Administrative Office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the Deputy Director of Industrial Programs and the salaries of any other personnel of the Central Administrative Office and related payroll taxes and costs, the costs of telephone usage, and the costs of office supplies used and postage used.

5. *If any state-sponsored program incurs a net loss for 2 consecutive fiscal years, the Director shall appear before the Committee on Industrial Programs to explain the reasons for the net loss and provide a plan for the generation of a profit in the next fiscal year. If the program does not generate a profit in the third fiscal year, the Director shall take appropriate steps to resolve the issue.*

6. Except as otherwise provided in subsection 3, the Director may, with the approval of the Board:

(a) Lease spaces and facilities within any institution of the Department to private employers to be used for the vocational training and employment of offenders.

(b) Grant to reliable offenders the privilege of leaving institutions or facilities of the Department at certain times for the purpose of vocational training or employment.

~~[6.]~~ *7. Before entering into any contract with a private employer for the employment of offenders pursuant to subsection 1, the Director shall obtain from the private employer:*

(a) A personal guarantee ~~[,]~~ to secure an amount fixed by the Director but not less than 100 percent of the prorated annual amount of the contract, a surety bond made payable to the State of Nevada in an amount fixed by the Director but not less than ~~[50]~~ 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract, or a security agreement to secure any debt, obligation or other liability of the private employer under the contract, including, without limitation, lease payments, wages earned by offenders and compensation earned by personnel of the Department.

(b) A detailed written analysis on the estimated impact of the contract on private industry in this State. The written analysis must include, without limitation:

(1) The number of private companies in this State currently providing the types of products and services offered in the proposed contract.

(2) The number of residents of this State currently employed by such private companies.

(3) The number of offenders that would be employed under the contract.

(4) The skills that the offenders would acquire under the contract.

~~*[(c) Proof of the publication of the intent to provide the types of products and services offered in the proposed contract in an industry or trade publication designed to most effectively provide notice to private companies that may be impacted by the contract.*~~

~~*(d) Written assurances that the private employer has performed due diligence in meeting with all labor organizations and local private companies that may be impacted by the contract.]*~~

8. The provisions of this chapter do not create a right on behalf of the offender to employment or to receive the federal or state minimum wage for any employment and do not establish a basis for any cause of action against the State or its officers or employees for employment of an offender or for payment of the federal or state minimum wage to an offender.

9. As used in this section, "state-sponsored program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 1.7. NRS 209.4817 is hereby amended to read as follows:

209.4817 1. The Committee on Industrial Programs is hereby created.

2. The Committee consists of the Director of the Department, the Administrator of the Purchasing Division of the Department of Administration and ~~[eight]~~ *nine* regular members appointed by the Interim Finance Committee as follows:

(a) Two members of the Senate.

(b) Two members of the Assembly.

(c) Two persons who represent manufacturing in this State.

(d) One person who represents business in this State.

(e) ~~[One person]~~ *Two persons* who ~~[represents]~~ *represent* organized labor in this State.

3. The regular members of the Committee shall select a Chair from among their membership.

4. Each regular member of the Committee appointed by the Interim Finance Committee must be appointed to a term of 2 years and may be reappointed.

5. At the first meeting of the Committee following each regular session of the Legislature, the Chair of the Committee may appoint ~~[eight]~~ *nine* alternate members to serve in the place of regular members who are unable to attend a meeting or perform their duties, as follows:

(a) Two members of the Senate, each of whom may serve in the place of a member of the Senate appointed pursuant to paragraph (a) of subsection 2.

(b) Two members of the Assembly, each of whom may serve in the place of a regular member of the Assembly appointed pursuant to paragraph (b) of subsection 2.

(c) Two persons who represent manufacturing in this State, each of whom may serve in the place of a person appointed pursuant to paragraph (c) of subsection 2.

(d) One person who represents business in this State, who may serve in the place of the person appointed pursuant to paragraph (d) of subsection 2.

(e) ~~[One person]~~ *Two persons* who ~~[represents]~~ *represent* organized labor in this State, ~~[who]~~ *each of whom* may serve in the place of ~~[the]~~ *a* person appointed pursuant to paragraph (e) of subsection 2.

➥ Each alternate member appointed by the Chair must be appointed to a term of 2 years and may be reappointed.

6. Except during a regular or special session of the Legislature, each Legislator who is a regular member or an alternate member of the Committee is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session for each day or portion of a day during which the Legislator attends a meeting of the Committee or is otherwise engaged in the work of the Committee. Each nonlegislative regular member or alternate member appointed by the Interim Finance Committee or the Chair of the Committee on Industrial Programs is entitled to receive compensation for the member's service on the Committee on Industrial Programs in the same amount and manner as the legislative regular members or alternate members whether or not the Legislature is in session. Each nonlegislative regular member or alternate member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. Each Legislator who is a regular member or an alternate member of the Committee is entitled to receive the per diem allowance provided for state officers and employees generally and the travel expenses provided

pursuant to NRS 218A.655. All compensation, allowances and travel expenses must be paid from the Fund for Prison Industries.

Sec. 2. NRS 209.4818 is hereby amended to read as follows:

209.4818 1. The Committee on Industrial Programs shall:

(a) Be informed on issues and developments relating to industrial programs for correctional institutions;

(b) Submit a semiannual report to the Interim Finance Committee before July 1 and December 1 of each year on the status of current and proposed industrial programs for correctional institutions;

(c) Report to the Legislature on any other matter relating to industrial programs for correctional institutions that it deems appropriate;

(d) Meet at least quarterly and at the call of the Chair to review the operation of current and proposed industrial programs;

(e) Recommend three persons to the Director for appointment as the Deputy Director for Industrial Programs whenever a vacancy exists;

(f) Before any new industrial program is established by the Director , ~~[in an institution of the Department,]~~ review the proposed program for compliance with the requirements of subsections 2, 3 , ~~[and]~~ 4 *and 7* of NRS 209.461 and submit to the Director its recommendations concerning the proposed program; and

(g) Review each *state-sponsored* industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably. ~~[within 3 years after its establishment.]~~ If the Committee determines that a program ~~[is not operating profitably within 3 years after its establishment,]~~ *has incurred a net loss in 3 consecutive fiscal years,* the Committee shall report its finding to the Director with a recommendation regarding whether the program should be continued or terminated. *If the Director does not accept the recommendation of the Committee, the Director shall submit a written report to the Committee setting forth his or her reasons for rejecting the recommendation.*

2. Upon the request of the Committee on Industrial Programs, the Director and the Deputy Director for Industrial Programs shall provide to the Committee any information that the Committee determines is relevant to the performance of the duties of the Committee.

3. As used in this section, "state-sponsored industry program" means a program for the vocational training or employment of offenders which does not include a contract of employment with a private employer.

Sec. 3. This act becomes effective on July 1, 2013.

Senator Segerblom moved that the Senate concur in the Assembly Amendment No. 687 to Senate Bill No. 478.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 347.

The following Assembly Amendment was read:

Amendment No. 887.

"SUMMARY—Requires the [Advisory] Legislative Commission [on the Administration of Justice] to [consider certain matters] conduct an interim study relating to [parole.] the supervision of offenders. (BDR S-1050)"

"AN ACT relating to the criminal justice ~~[procedure; directing]~~ system; requiring the ~~[Advisory]~~ Legislative Commission ~~[on the Administration of Justice]~~ to ~~[consider certain matters]~~ conduct an interim study relating to ~~[parole;]~~ the supervision of offenders; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

~~[Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission, among other duties, to identify and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125)]~~ This bill requires the ~~[Advisory]~~ Legislative Commission to ~~[include, as an item on an agenda, consideration of certain matters]~~ conduct an interim study relating to ~~[parole.]~~ the supervision of offenders.

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

Section 1. The ~~[Advisory]~~ Legislative Commission ~~[on the Administration of Justice shall, at a meeting held by the Commission, include as an item on the agenda a discussion of the following matters]~~ is hereby directed to conduct an interim study relating to ~~[parole:~~

~~1.]~~ the supervision of offenders.

2. The study must include, without limitation, the following matters:

(a) A survey of the parole systems of this State and other states and territories of the United States.

~~[2.]~~ (b) A review of states that replaced discretionary parole systems with mandatory parole systems.

~~[3.]~~ (c) A review of whether the Division of Parole and Probation of the Department of Public Safety or any of its function or duties should be reorganized or transferred to the Department of Corrections.

(d) A review of any other matter relating to the supervision of offenders that the ~~[Advisory Commission]~~ committee determines is relevant to the ~~[discussion.]~~ study.

3. As soon as practicable after July 1, 2013, the Legislative Committee shall appoint a committee composed of:

(a) Three members of the Assembly, two of whom are appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

(b) Three members of the Senate, two of whom are appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate.

4. The Legislative Commission shall designate one of the members of the committee to serve as Chair of the committee.

5. The Legislative Commission may require the study to be completed not less than 45 days before the first day of the 78th Session of the Legislature.

6. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the Committee.

7. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 78th Session of the Nevada Legislature.

Sec. 2. This act becomes effective on July 1, 2013.

Senator Segerblom moved that the Senate do not concur in the Assembly Amendment No. 887 to Senate Bill No. 347.

Motion carried.

Bill ordered transmitted to the Assembly.

Senator Smith moved that the action whereby the Senate did not concur in Assembly Amendment No. 887 to Senate Bill No. 347 be rescinded.

Motion carried.

Senate Bill No. 425.

The following Assembly Amendment was read:

Amendment No. 751.

"SUMMARY—~~[Revises certain provisions relating to pari-mutuel wagering.]~~ Authorizes the Nevada Gaming Commission to establish a study group relating to pari-mutuel wagering. (BDR 41-1111)"

"AN ACT relating to gaming; ~~[revising certain provisions]~~ authorizing the Nevada Gaming Commission to establish a study group relating to pari-mutuel wagering; and providing other matters properly relating thereto."

Legislative Counsel's Digest:

Existing law prohibits a person who is licensed to engage in off-track pari-mutuel wagering from: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or (3) increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager. (NRS 464.075) This bill ~~[instead]~~ authorizes ~~[a person who is licensed to engage in off-track pari-mutuel wagering to accept certain wagers, agree to refunds or rebates, increase payoffs or pay bonuses on off-track pari-mutuel wagers, unless]~~ the Nevada Gaming Commission ~~[otherwise prohibits such conduct by regulation.]~~ to establish a study group to review issues relating to the offering of rebates or pari-mutuel wagers, including the feasibility of: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; and (3) increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 464.075 is hereby amended to read as follows:

464.075 1. Except as otherwise provided in subsection ~~[subsections]~~ 4 , ~~[and 5,]~~ a person who is licensed to engage in off-track pari-mutuel wagering shall not: ~~[may:]~~

(a) Accept from a patron less than the full face value of an off-track pari-mutuel wager;

(b) Agree to refund or rebate to a patron any portion or percentage of the full face value of an off-track pari-mutuel wager; or

(c) Increase the payoff of, or pay a bonus on, a winning off-track pari-mutuel wager.

2. A person who is licensed to engage in off-track pari-mutuel wagering and who:

(a) Attempts to evade the provisions of subsection 1 ~~[4]~~ by offering to a patron a wager that is not posted and offered to all patrons; or

(b) Otherwise violates the provisions of subsection 1, ~~[4,]~~

➥ is subject to the investigatory and disciplinary proceedings that are set forth in NRS 463.310 to 463.318, inclusive, and shall be punished as provided in those sections.

3. The Nevada Gaming Commission shall ~~[may]~~ adopt regulations to carry out the provisions of subsections 1 and 2. ~~[of this section.]~~ ~~[and 4.]~~

4. The Nevada Gaming Commission may, by regulation, exempt ~~[prohibit]~~ certain bets, refunds, rebates, payoffs or bonuses from ~~[under]~~ the provisions of subsection 1 if the Commission determines that such exemptions ~~[prohibitions]~~ are in the best interests of the State of Nevada and licensed gaming in this state. Any ~~[5. A person who is licensed to engage in off-track pari-mutuel wagering may not accept]~~ bets, ~~[agree to]~~ refunds , ~~[or]~~ rebates, ~~[increase]~~ payoffs or ~~[pay]~~ bonuses that would result in the amount of such bets, refunds, rebates, payoffs or bonuses being directly or indirectly deductible from gross revenue ~~[.]~~ may not be exempt.

5. The Commission may establish and appoint a study group to review issues relating to the offering of rebates on pari-mutuel wagers. The study group may:

(a) Be comprised of the members of the Off-Track Pari-Mutuel Wagering Committee established pursuant to NRS 464.020 and any other operators of a race book.

(b) Evaluate the feasibility of:

(1) Accepting less than the full face value of an off-track pari-mutuel wager;

(2) Agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; or

(3) Increasing the payoff of or paying a bonus on a winning off-track pari-mutuel wager.

6. The Commission may consider any findings by the study group appointed pursuant to subsection 5 in determining whether to adopt regulations to exempt bets, refunds, rebates, payoffs or bonuses from the provisions of subsection 1.

Sec. 4. This act becomes effective ~~[:~~

~~1. Upon]~~ upon passage and approval . ~~[for the purpose of adopting regulations; and~~

~~2. On October 1, 2013, for all other purposes.]+~~

Senator Segerblom moved that the Senate do not concur in the Assembly Amendment No. 751 to Senate Bill No. 425.

Motion carried.

Bill ordered transmitted to the Assembly.

Senate Bill No. 443.

The following Assembly Amendment was read.

Amendment No. 641.

Section 1 of Senate Bill No. 443 is hereby amended as follows:

Section 1. ~~[NRS 386.505 is hereby amended to read as follows:~~

~~386.505 The Legislature declares that by authorizing the formation of charter schools it is not authorizing:~~

~~1. The conversion of an existing public school, homeschool or other program of home study to a charter school.~~

~~2. A means for providing financial assistance for private schools or programs of home study. The provisions of this subsection do not preclude:~~

~~(a) A private school from ceasing to operate as a private school and~~ [reopening] ~~*using the private school facility* as a charter school in compliance with the provisions of NRS 386.490 to 386.610, inclusive.~~

~~(b) The payment of money to a charter school for the enrollment of children in classes at the charter school pursuant to subsection 5 of NRS 386.580 who are enrolled in a public school of a school district or a private school or who are homeschooled.~~

~~3. The formation of charter schools on the basis of a single race, religion or ethnicity.]~~ (Deleted by amendment.)

Senator Woodhouse moved that the Senate concur in the Assembly Amendment No. 641 to Senate Bill No. 443.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 55, 99, 107, 177, 237, 269, 278.

REMARKS FROM THE FLOOR

Senator Denis requested that the following remarks be entered in the Journal.

SENATOR DENIS:

Thank you, Mr. President. Today, we have a first-of-its-kind visit via video conference. One of the things we have talked about is how can we increase participation from southern Nevada, and our schools. It is expensive to bring kids up here from out of the area, but we do have technology. It is with pleasure and honor that I welcome Rancho High School in Las Vegas to the Senate Chamber via video conference. Rancho High is my alma mater. My colleague from Senate District No. 10 also went to Rancho High School. We are proud to be Rancho Rams. Please join me in welcoming Rancho High School.

MR. PRESIDENT:

Rancho Rams, thank you for being part of our day. We appreciate you assisting us in having an almost on-time Floor Session today; there are many things going on here in the Legislature this week. It is a pleasure to see your smiling faces, and it is a pleasure to have two alumni from Rancho High serving in this Body. One of them would like to speak to you now.

SENATOR KIHUEN:

Thank you, Mr. President. I would be remiss if I did not say thank you to all of the students from the best high school in Nevada—Rancho High School. Go Rancho Rams! I want to thank the students and their teacher for taking the time to be away from class to join us in the Nevada Senate. Please wave to us and we will wave to you. Mr. Freeman, thank you very much for participating in this process. As we move forward with technology in this era, this enhances our accessibility to our constituents, to all Nevadans. Also, thank you to the Secretary of the Senate for putting this together.

MR. PRESIDENT:

Mr. Secretary, thank you for bringing this technology to the Chamber. This has been one of your good ideas, we really appreciate that. And hopefully someday soon we can see your kids video conferenced from Las Vegas so they can see their dad in action.

MR. SECRETARY:

Mr. President, I would like to recognize our Broadcast and Production Services team here at the Legislative Counsel Bureau. There was a lot of work that had to be done to make sure we could connect the Legislature's video conferencing system and the system of Clark County School District. We had to "knock the dust off" of their system down there at Rancho High. So thank you to Dan Dalluhn, Chuck Anderson and to everybody on the Broadcast and Production Services team for making this possible.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of President Krolicki, the privilege of the Floor of the Senate Chamber for this day was extended to Theirry Prissert, Beth Haddad, Valerie Miller-Moore, Dave Pursell and Tom Robinson.

On request of Senator Denis, the privilege of the Floor of the Senate Chamber for this day was extended to the students from Mr. Freeman's class at Rancho High School, Las Vegas; fifth period: Raul Aguilar, Isidro Anzaldo-Vega, Jomel Atangan, Daisy Avelar, Flavio Bojorquez, Sabrina Carrillo, Arieyanna Carson, Cesar Carvajal, Jocelyn Conchas, Ruben Cortez, Josue Diaz, Silvia Galeno, Elmer Garcia, Erick Garcia, Joshua Garcia, Elizabeth Govea, Carl Guerra, Erika Guerrero, Lourdes Hernandez, Omar Lopez, Lindsay Morales, Jose Moreno, Elizabeth Neri, Vaness Neypes, Jesai Olmedo, Aura Ortiz, Jennifer Ramirez, Cynthia Robles, Miguel Rodriguez,

Rojelio Rojas-Rosas, Marie Salazar, Andrew Sanabia, Kimberly Sanchez, Cristina Sarabia, Julia Ullmann, Mary Karen Uriostegui and Moesha Williams; and seventh period: Karina Arevalo, Itzel Andrade, Sandra Cadena, Berthiely Camacho, Divyne Camberos, Reyes Chavez, Tyler Collins-Pellington, Yazmin Covarrubias, Juan Deleon, Steve Delgadillo, Heidi Diaz, Adriana Fernandez, Linda Fierro, Abraham Garcia, Elmer Gomez, Carlos Gutierrez, Jose Maya, Christian Mejia, Brandy Minniear, Alison Miranda, Gersain Monarrez, Pedro Ortega, Maria Perez, Chance Pfrimmer, Jasmynn Russell, Jose Solis, Stephan Thornton, Jr., Sergio Torres, Daniel Villegas and DeJoy Williams.

On request of Senator Kieckhefer, the privilege of the Floor of the Senate Chamber for this day was extended to Mike Houghton and Mike Willden; also to the students, teacher and chaperones from Bordewich-Bray Elementary School; students: Meika Adams, Emily Baird, Kyle Campbell, Gavin Cerniglia, Ava Covington, Charish Creon, Deanna Duncan, Zackery Durham, Stacy Ferrel, Amar Foster, Jonathan Francone, Isaac Fuentes, Adessa Kight, Mia Liao, Owen Lieder, Arturo Mercado, Catelynn Nelson, Patrick Olvera II, Varun Pandit, Ruben Perez, Areli Rivera, Johnathan Santora, Wynter Setzer, Andrew Street, Macie Thomas, MacKenzie Wilson and Lauren Winne; teacher: Marianna Gillilan; and chaperones: Cheryl Duncan, Kaysha Kight, Gary Santora, Donald Winne Jr. and Paula Winne; and also to the students and chaperones from Empire Elementary School; students: Xavier Adkins, Anthony Aguilar, Chantel Angel, Samantha Araiza Chavez, Isael Arroyo, Hector Avila, Gabriela Avina, Leonardo Barajas-Mejorado, Kaya Burdett-Wanamaker, Juan Canedo, Kaiya Carlson, Gabriela Carrasco Solano, Dustin Cater, Roberto Cazares, Dylan Clark, Victor Clavel, Tyler Connell, Gary Cortez, Jovita Cortez, Junior Cronan, Kali Davis, Angelmarie Delgado-Bracamonte, Eduardo De Paz, Sebastian Diaz Varela, Daniel Espino Cortes, Tania Fernandez, Belen Figueroa, Verenice Garcia, Felix Gimenez, Mary Giles, Omar Godinez, Cristal Gonzalez, Earl Harris, Destiny Hernandez, Anthony Hernandez-Galvan, Jorge Hernandez-Galvan, Randy Herrera, Karla Herrera, Rebekah Lasley, Adrian Lopez-Meraz, Marisol Lopez-Ramos, Antonio Madera, Garrette Magana, Karina Mariscal, Lily Martinez Rivera, Alondra Mata Izquierdo, Cesar Medina-Rojas, Alexander Melara, Makeyla Mendoza, Lorelie Montez, Jose Munoz, Angel Natividad, Michael Oliveira Jr., Mireya Ornelas, Jason Orozco, Carlos Ortiz-Osty, Alexandra Perez, Diego Quezada Lara, Fernanda Rios, Rogelio Rocha, Piper Roe, Danny Rojas Nungaray, Cloe Roman, Dianna Romero, Sebastian Ruacho, Neftaly Rubio, Gabriel Salas Chadwick, Alexandria Salciedo, Blanca Salguero Herrera, Malintzy Sanchez, Haylee Sauer, Serenity Seslar, Daniel Silva, Camille Swanson, Haylie Taddi, Kane Taddi, Dylan Taylor, Rose Thornhill, Jennifer Vargas, Maria Vazquez, Gilbert Vazquez Polanco, Kameron Waldroop, Cody West and Johnny Zuniga-Santander; and chaperones: Marlana Burdett, Roger Churchill, Gayle

Edwards, Hazel Ellington, Kay Elvrum, Mary Foster, Jon Elizabeth Frey, Gail Omohundro, Cecila Orona and Terry Snelling.

On request of Senator Kihuen, the privilege of the Floor of the Senate Chamber for this day was extended to Jesseca Pacheco and Yesenia Pacheco.

On request of Senator Roberson, the privilege of the Floor of the Senate Chamber for this day was extended to the students from Hummel Elementary School: Kevin Campbell, Kyle Costolo, Andrew Ditter, Kendall Eagar, Stephanie Kaplan, Evan Kasprowicz, Angel Leon, Rylee McCord, Avi McGaughey, Riley McMurray, Alejandra Mendoza, Liann Perez-Odents, Lidberto Rosa, Jersey Tager, Joy Watkins, Cody Clemens, Tristan Hansen, Adam Fuka, Daniel Martinez, E Lise Miller, Ariana Pulestasi-Acosta, Triton Querubin, Alona Sturdivant and Eduardo Villasana.

On request of Senator Segerblom, the privilege of the Floor of the Senate Chamber for this day was extended to Kristen Muth and Bill Myer.

Senator Denis moved that the Senate adjourn until Thursday, May 30, 2013, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:55 p.m.

Approved:

BRIAN K. KROLICKI
President of the Senate

Attest: DAVID A. BYERMAN
Secretary of the Senate