

Amendment No. 793

Senate Amendment to Assembly Bill No. 457 First Reprint	(BDR 1-937)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/BAW



Date: 5/15/2015

A.B. No. 457—Revises provisions governing reports required to be submitted by various entities. (BDR 1-937)



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

(ON BEHALF OF THE LEGISLATIVE COMMISSION)

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

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

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Legislative Counsel's Digest:

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

Section 3 of this bill eliminates the requirements that the Central Repository for Nevada Records of Criminal History submit: (1) an annual report to the Governor containing statistical data relating to crime in this State; and (2) an annual report to the Director of the Legislative Counsel Bureau containing statistical data about domestic violence in this State. **Instead, section 3 only requires the Central Repository to post both reports on its Internet website.**

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

Section 9 of this bill eliminates the requirement that the Administrator of the Office of Economic Development submit a biennial report evaluating the effectiveness of the programs relating to zones for economic development established pursuant to chapter 274 of NRS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

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

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

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

(b) *Concerning:*

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

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

1 (3) *Statistics compiled from information required to be maintained by*
2 *clerks of the district courts pursuant to NRS 3.275 concerning specialty courts,*
3 *including, without limitation, the number of participants in such programs, the*
4 *nature of the criminal charges that were filed against participants, the number of*
5 *participants who have completed the programs and the disposition of the cases;*
6 *and*

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

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

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

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

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

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

22 ~~12. On or before February 15 of each odd-numbered year, submit to the~~
23 ~~Governor and to the Director of the Legislative Counsel Bureau for transmittal to~~
24 ~~the next regular session of the Legislature a written report compiling the~~
25 ~~information submitted by clerks of courts to the Court Administrator pursuant to~~
26 ~~NRS 630.307 and 633.533 which includes only aggregate information for statistical~~
27 ~~purposes and excludes any identifying information related to a particular person;~~
28 ~~and~~

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

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

32 38.255 1. The rules adopted by the Supreme Court pursuant to NRS 38.253
33 to provide guidelines for the establishment by a district court of a program must
34 include provisions for a:

35 (a) Mandatory program for the arbitration of civil actions pursuant to NRS
36 38.250.

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

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

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

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

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

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

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

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

53 (b) Class actions;

- (c) Actions in equity;
(d) Actions concerning the title to real estate;
(e) Probate actions;
(f) Appeals from courts of limited jurisdiction;
(g) Actions for declaratory relief;
(h) Actions involving divorce or problems of domestic relations;
(i) Actions brought for relief based on any extraordinary writs;
(j) Actions for the judicial review of an administrative decision;
(k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action or pursuant to rules adopted by the Supreme Court, have submitted the controversy to arbitration or any other alternative method for resolving a dispute;
(l) Actions that present unusual circumstances that constitute good cause for removal from the program;
(m) Actions in which any of the parties is incarcerated; and
(n) Actions submitted to mediation pursuant to rules adopted by the Supreme Court.

4. The rules must include:

- (a) Provisions for the payment of fees to an arbitrator who is appointed to hear a case pursuant to the rules. The rules must provide that an arbitrator must be compensated at a rate of \$100 per hour, to a maximum of \$1,000 per case, unless otherwise authorized by the arbitration commissioner for good cause shown.
(b) Guidelines for the award of attorney's fees and maximum limitations on the costs to the parties of the arbitration.
(c) Disincentives to appeal.
(d) Provisions for trial upon the exercise by either party of the party's right to a trial anew after the arbitration.

~~15. The Supreme Court shall, on or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Assembly and Senate Standing Committees on Judiciary. The report must include, for the period since the previous such report, if any:~~

- ~~— (a) A listing of the number of actions which were submitted to arbitration or other alternative methods of resolving disputes pursuant to NRS 38.250 or 38.258 and their manner of disposition;~~
~~— (b) A statement of the amount of money collected in each judicial district pursuant to NRS 19.0315 and a summary of the manner in which the fees were expended; and~~
~~— (c) Any recommendations for legislation or other information regarding the programs on arbitration deemed relevant by the Supreme Court.]~~

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

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

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

- (a) Collect and maintain records, reports and compilations of statistical data required by the Department; and
(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

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

specimen is obtained pursuant to NRS 176.09123 or 176.0913, to the Division. The information must be submitted to the Division:

- (a) Through an electronic network;
- (b) On a medium of magnetic storage; or
- (c) In the manner prescribed by the Director of the Department,

➤ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

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

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

- (1) Records of criminal history; and

- (2) The DNA profile of a person from whom a biological specimen is obtained pursuant to NRS 176.09123 or 176.0913.

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

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

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

5. The Division may:

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

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

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

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

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

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

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

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

➤ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political

subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

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

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

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

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

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

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

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

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

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

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

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation, who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

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

(g) On or before July 1 of each year, prepare and present to the Governor a printed, post on the Central Repository's Internet website an annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor posted to the Central Repository's Internet website throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, post on the Central Repository's Internet website a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in

subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

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

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

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

8. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

2. Except as otherwise provided in subsection 6, the Repository for Information Concerning Orders for Protection Against Domestic Violence must contain a complete and systematic record of all temporary and extended orders for protection against domestic violence issued or registered in the State of Nevada, in accordance with regulations adopted by the Director of the Department, including,

1 without limitation, any information received pursuant to NRS 33.095. Information
2 received by the Central Repository pursuant to NRS 33.095 must be entered in the
3 Repository for Information Concerning Orders for Protection Against Domestic
4 Violence not later than 8 hours after it is received by the Central Repository.

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

8 4. On or before ~~February 15~~ **July 1** of each year, the Director of the
9 Department shall submit to the Director of the Legislative Counsel Bureau a written
10 report concerning all temporary and extended orders for protection against domestic
11 violence issued pursuant to NRS 33.020 during the previous calendar year that were
12 transmitted to the Repository for Information Concerning Orders for Protection
13 Against Domestic Violence. The report must include, without limitation,
14 information for each court that issues temporary or extended orders for protection
15 against domestic violence concerning:

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

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

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

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

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

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

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

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

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

34 213.10885 1. The Board shall adopt by regulation specific standards for
35 each type of convicted person to assist the Board in determining whether to grant or
36 revoke parole. The regulations must include standards for determining whether to
37 grant or revoke the parole of a convicted person:

38 (a) Who committed a capital offense.

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

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

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

43 (e) Who is a repeat offender.

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

45 ➤ The standards must be based upon objective criteria for determining the person's
46 probability of success on parole.

47 2. In establishing the standards, the Board shall consider the information on
48 decisions regarding parole that is compiled and maintained pursuant to NRS
49 213.10887 and all other factors which are relevant in determining the probability
50 that a convicted person will live and remain at liberty without violating the law if
51 parole is granted or continued. The other factors the Board considers must include,
52 but are not limited to:

53 (a) The severity of the crime committed;

- (b) The criminal history of the person;
- (c) Any disciplinary action taken against the person while incarcerated;
- (d) Any previous parole violations or failures;
- (e) Any potential threat to society or to the convicted person; and
- (f) The length of his or her incarceration.

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

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

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

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

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

- (a) The number and percentage of the Board's decisions that conflicted with the standards;
- (b) The results and conclusions from the Board's review pursuant to subsection 6; and
- (c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.

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

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

- (a) The Board's reasons for each decision to grant, deny, revoke or continue parole.
- (b) The number of decisions made by the Board granting parole, denying parole, revoking parole and continuing parole.

2. The Board shall ~~organize~~ :

- (a) Organize* and tabulate the information compiled pursuant to this section at regular intervals, which must not exceed 3 months ~~+~~ ; and
- (b) Publish such information on its Internet website.*

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

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

- (a) Based on the usual and customary fee charged as a commission by dealers of similar medallions or bars; and
- (b) Adjusted at least once each year to ensure it is competitive with the usual and customary fee.

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

~~(a) The amount of the royalties being charged; and~~
~~(b) The information used to determine the usual and customary fee charged by dealers.~~

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

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

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

2. The Administrator shall:

(a) Administer this chapter.

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

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

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

287.230 The state agency shall ~~+~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An amount equal to that part of the allocation which represents 2.35 cents of the tax per gallon must be allocated to the county, if there are no incorporated

1 cities in the county, or, if there is at least one incorporated city in the county,
2 allocated monthly by the Department to the county and each incorporated city in
3 the county using, except as otherwise provided in paragraph (c), the following
4 formula:

5 (1) Determine the average monthly amount the county and each
6 incorporated city in the county received in the fiscal year ending on June 30, 2005,
7 and allocate to the county and each incorporated city in the county that amount, or
8 if the total amount to be allocated is less than that amount, allocate to the county
9 and each incorporated city in the county a percentage of the total amount to be
10 allocated that is equal to the percentage of the total amount allocated to that county
11 or incorporated city, as applicable, in the fiscal year ending on June 30, 2005.

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

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

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

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

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

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

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

31 (I) Subtract the amount determined pursuant to subparagraph (1) from
32 the amount determined pursuant to subparagraph (2); and

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

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

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

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

43 (5) Subtract the amount determined pursuant to sub-subparagraph (II) of
44 subparagraph (4) from the amount determined pursuant to sub-subparagraph (II) of
45 subparagraph (3).

46 (6) Divide the amount determined pursuant to sub-subparagraph (I) of
47 subparagraph (3) for the county and each incorporated city in the county by the sum
48 determined pursuant to sub-subparagraph (II) of subparagraph (3) for the county
49 and all incorporated cities in the county to determine the county's and each
50 incorporated city's percentage share of the sum determined pursuant to sub-
51 subparagraph (II) of subparagraph (3).

52 (7) In addition to the allocation made pursuant to subparagraph (1),
53 allocate to the county and each incorporated city in the county that is identified

pursuant to subparagraph (3) a percentage of the total amount determined pursuant to subparagraph (5) that is equal to the percentage determined pursuant to subparagraph (6).

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

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

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

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

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

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

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

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

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

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

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

7. The Department of Transportation shall complete:

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

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

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

1 (a) Each improved road or street that is maintained by the county or city; and
2 (b) The beginning and ending points and the total mileage of each of those
3 improved roads or streets.

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

7 9. If a county or incorporated city does not agree with the estimates prepared
8 by the Department of Transportation pursuant to subsection 7, the county or
9 incorporated city may request that the Committee examine the estimates and
10 recommend an adjustment to the estimates. Such a request must be submitted to the
11 Committee not later than October 15.

12 10. The Committee shall hold a public hearing and review any request it
13 receives pursuant to subsection 9 and determine whether an adjustment to the
14 estimates is appropriate on or before December 31 of the year it receives a request
15 pursuant to subsection 9. Any determination made by the Committee pursuant to
16 this subsection is conclusive.

17 11. The Committee shall monitor the fiscal impact of the formula set forth in
18 this section on counties and incorporated cities. ~~Biennially, the Committee shall~~
19 ~~prepare a report concerning its findings and recommendations regarding that fiscal~~
20 ~~impact and submit the report on or before February 15 of each odd-numbered year~~
21 ~~to the Director of the Legislative Counsel Bureau for transmittal to the Senate and~~
22 ~~Assembly Committees on Taxation of the Nevada Legislature for their review.~~

23 12. As used in this section:

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

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

- 30 (1) Grades and regrades;
31 (2) Graveling, oiling, surfacing, macadamizing and paving;
32 (3) Sweeping, cleaning and sanding roads and removing snow from a road;
33 (4) Crosswalks and sidewalks;
34 (5) Culverts, catch basins, drains, sewers and manholes;
35 (6) Inlets and outlets;
36 (7) Retaining walls, bridges, overpasses, underpasses, tunnels and
37 approaches;

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

40 (9) Rights-of-way;

41 (10) Grade and traffic separators;

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

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

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

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

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

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

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

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

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

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

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

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

(c) The Office of Economic Development.

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

(e) The business community.

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

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

4. As used in this section:

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

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

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

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

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

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

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

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

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

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

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

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

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

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident who is 18 years of age or

1 older, other than a resident who remains under the jurisdiction of a court pursuant
2 to NRS 432B.594, to continue to reside in the child care facility or allowing a
3 participant in an outdoor youth program to continue to participate in the program if
4 the employee, or the resident or participant who is 18 years of age or older, has
5 been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a
6 substantiated report of child abuse or neglect made against him or her.

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

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

11 (b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360,
12 244.3603 or 268.4124; or

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

15 3. The Division shall maintain a log of any complaints that it receives relating
16 to activities for which the Division may revoke the license to operate a child care
17 facility pursuant to subsection 2. The Division shall provide to a child care facility:

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

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

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

22 ➤ The facility shall make the information available to the public pursuant to NRS
23 432A.178.

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

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

32 ~~(a) Any complaints included in the log maintained by the Division pursuant to~~
33 ~~subsection 3; and~~

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

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

36 590.505 1. The Board may adopt a seal for its own use which must have
37 imprinted thereon the words "Board for the Regulation of Liquefied Petroleum
38 Gas." The care and custody of the seal is the responsibility of the Secretary-
39 Treasurer of the Board.

40 2. The Board may appoint an Executive Secretary and may employ or,
41 pursuant to NRS 333.700, contract with such other technical, clerical or
42 investigative personnel as it deems necessary. The Board shall fix the compensation
43 of the Executive Secretary and all other employees and independent contractors.
44 Such compensation must be paid out of the money of the Board. The Board may
45 require the Executive Secretary and any other employees and independent
46 contractors to give a bond to the Board for the faithful performance of their duties,
47 the premiums on the bond being paid out of the money of the Board.

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

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

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

1 4. ~~{The Board shall submit to the Legislature and the Governor a biennial~~
2 ~~report before September 1 of each even numbered year, covering the biennium~~
3 ~~ending June 30 of that year, of its transactions during the preceding biennium,~~
4 ~~including a complete statement of the receipts and expenditures of the Board during~~
5 ~~the period and any complaints received by the Board.~~

6 ~~5-1~~ The Board shall keep accurate records, minutes and audio recordings or
7 transcripts of all meetings and, except as otherwise provided in NRS 241.035, the
8 records, minutes, audio recordings and transcripts so kept must be open to public
9 inspection at all reasonable times. A copy of the minutes or audio recordings must
10 be made available to a member of the public upon request at no charge pursuant to
11 NRS 241.035. The Board shall also keep a record of all applications for licenses
12 and licenses issued by it. The record of applications and licenses is a public record.

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

14 630.307 1. Except as otherwise provided in subsection 2, any person may
15 file with the Board a complaint against a physician, perfusionist, physician assistant
16 or practitioner of respiratory care on a form provided by the Board. The form may
17 be submitted in writing or electronically. If a complaint is submitted anonymously,
18 the Board may accept the complaint but may refuse to consider the complaint if the
19 lack of the identity of the complainant makes processing the complaint impossible
20 or unfair to the person who is the subject of the complaint.

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

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

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

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

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

44 5. The Board shall report any failure to comply with subsection 3 or 4 by a
45 hospital, clinic or other medical facility licensed in this State to the Division of
46 Public and Behavioral Health of the Department of Health and Human Services. If,
47 after a hearing, the Division of Public and Behavioral Health determines that any
48 such facility or society failed to comply with the requirements of this subsection,
49 the Division may impose an administrative fine of not more than \$10,000 against
50 the facility or society for each such failure to report. If the administrative fine is not
51 paid when due, the fine must be recovered in a civil action brought by the Attorney
52 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.

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

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician or physician assistant 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.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing osteopathic medicine or practicing as a physician assistant 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 file a written report with the Board of any change in the privileges of an osteopathic physician or physician assistant to practice while the osteopathic physician or physician assistant is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician or physician assistant concerning the care of a patient or the competency of the osteopathic physician or physician assistant, 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 an osteopathic physician or physician assistant that is based on:

- (a) An investigation of the mental, medical or psychological competency of the osteopathic physician or physician assistant; or
- (b) Suspected or alleged substance abuse in any form by the osteopathic physician or physician assistant.

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 Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the 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

1 such failure to report. If the administrative fine is not paid when due, the fine must
2 be recovered in a civil action brought by the Attorney General on behalf of the
3 Division.

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

6 (a) Is mentally ill;
7 (b) Is mentally incompetent;
8 (c) Has been convicted of a felony or any law governing controlled substances
9 or dangerous drugs;

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

12 (e) Is liable for damages for malpractice or negligence,
13 within 45 days after the finding, judgment or determination.

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

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

20 645.633 1. The Commission may take action pursuant to NRS 645.630
21 against any person subject to that section who is guilty of any of the following acts:

22 (a) Willfully using any trade name, service mark or insignie of membership in
23 any real estate organization of which the licensee is not a member, without the legal
24 right to do so.

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

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

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

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

36 (2) Any crime involving fraud, deceit, misrepresentation or moral
37 turpitude.

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

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

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

45 (h) Gross negligence or incompetence in performing any act for which the
46 person is required to hold a license pursuant to this chapter, chapter 119, 119A or
47 119B of NRS.

48 (i) Any other conduct which constitutes deceitful, fraudulent or dishonest
49 dealing.

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Any complaints included in the log maintained by the Division pursuant to subsection 4; and~~

~~(b) Any disciplinary actions taken by the Commission pursuant to subsection 3.~~

Sec. 18. (Deleted by amendment.)

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