

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 3, 2015

Senate called to order at 12:28 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by Senator Pat Spearman.

God, Creator of the Universe, Giver of all that is good, and Champion for the poor, downtrodden, and those living in the social margins. This time is the intersection of holy days for your people. Passover for our Jewish brothers and sisters and Easter tide for Christians.

We come this day thanking You for all the gifts of life we enjoy. Let us not be comfortable with our blessings while suffering, discrimination, oppression and castigation exist in the world. Troubling our hearts and minds to work for justice and equality for all of Your Children. Agitate us to consider the plight of the poor, sick, the weak, infirmed and vulnerable as we deliberate policies. By Your Spirit keep us concerned about the difficulty of the distressed, oppressed and depressed who live among us, without the opportunity to live life to its fullest.

As You were present at the beginning of time and brought order out of Chaos, be present with us today as we deliberate matters that affect the lives of all Nevadans. Let us do so without malice, selfishness or acrimony. Fill us with your love, endow us with your wisdom and give us a spirit of humility so that all we do on this day reflects Your will for peace, justice and equitable treatment of all of humanity.

This is our hope and petition. We close this prayer with the firm belief that You have heard our concerns and now empower us to accomplish the tasks set before us with truthfulness and without deceitful motivation.

In the name of the Creator who is concerned about all of creation and the God of the universe, we declare this prayer answered; for all of Abraham's children, Isaac, Ishmael and Christian descendants; for those who follow Jesus, the Jewish Carpenter—Amen; for the descendants of Isaac, the Jewish blessing—Shalom; and, the descendants of Ishmael, Salla Allahu ta'ala 'alayhi wa Sallam,

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BECKY HARRIS, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DONALD G. GUSTAVSON, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHAEL ROBERSON, *Chair*

Mr. President:

Your Committee on Transportation, to which were referred Senate Bills Nos. 3, 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SCOTT HAMMOND, *Chair*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 3, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bill No. 424.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 404, 407, 412, 415, 416, 425, 426, 434, 436, 437, 438, 443, 447, 451, 454, 456.

MARK KRMPOTIC
Fiscal Analysis Division

April 3, 2015

Pursuant to paragraph (a) of subsection 4 of Joint Standing Rule No. 14.6, the following measures are not subject to the provisions of subsection 1 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3: Senate Bills Nos. 269, 360, 413; Senate Joint Resolution No. 8 of the 77th Session.

RICHARD S. COMBS
Director

MOTIONS, RESOLUTIONS AND NOTICES

Senator Hardy moves that Senate Bill No. 113 be taken from the General File and placed on the Secretary's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 64.

SUMMARY—Revises provisions governing unemployment compensation.(BDR 53-383)

AN ACT relating to unemployment compensation; authorizing certain members of the Nevada Army National Guard and Nevada Air National Guard to receive unemployment benefits under certain circumstances; authorizing the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Board of Regents of the University of Nevada and the Director of the Department; revising the manner in which certain claims of recipients of benefits for workers' compensation are compared against claims for unemployment benefits to determine whether any

simultaneous claiming of benefits has occurred; revising the manner in which a person who has received certain benefits or money may elect a base period; revising the period within which the Administrator may recover certain overpayments; expanding the circumstances under which a person may commit unemployment insurance fraud; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law excludes certain types of employment, including service as a member of the Nevada National Guard or Nevada Air National Guard, from the definition of "employment" for the purposes of qualifying for unemployment benefits. (NRS 612.115) Section 1 of this bill amends this definition to include members of the Nevada Army National Guard and Nevada Air National Guard who have been ordered to active duty under certain circumstances.

Existing law calls for the development and oversight of a statewide longitudinal data system to track the effectiveness of this State's K-12 and postsecondary public education in meeting this State's workforce needs. (NRS 400.040) As part of this system, the Board of Regents of the University of Nevada is required to submit a written report biennially to the Legislature, which must include information on various subjects including, without limitation, employment statistics of graduates of the Nevada System of Higher Education who have obtained employment within their fields of study and average starting salaries. (NRS 396.531) This information must be based on employment and wage information provided by the Department of Employment, Training and Rehabilitation. Furthermore, the Director of the Department is required to furnish that information to the Board of Regents. (NRS 232.920) Existing law, however, makes employment information collected by the Employment Security Division of the Department confidential and prohibits the release of that information except for limited specified purposes, including the enforcement of child support obligations or tax obligations, the collection of government debts, the determination of eligibility for public assistance and the furtherance of a criminal investigation. (NRS 612.265)

Section ~~HH~~ 1.5 of this bill allows the Administrator of the Division, by cooperative agreement, to make the required employment and wage information available to the Board of Regents and the Director of the Department in order to facilitate the required reporting of statistics to the Legislature.

Existing law requires private carriers that provide industrial insurance to provide the names of recipients of workers' compensation to the Administrator of the Employment Security Division of the Department to be compared against the list of recipients of unemployment benefits, to determine whether of those recipients are simultaneously claiming benefits for workers' compensation and unemployment benefits. Existing law also

authorizes the Administrator to charge a fee for comparing the information.
(NRS 612.265)

Section 1.5 makes providing such names the responsibility of the Division of Industrial Relations of the Department of Business and Industry.
Section 1.5 also removes the authority of the Administrator to charge a fee for comparing the information.

Existing law provides that the amount of a person's unemployment benefit is based on the person's wages during a base period preceding the unemployment. (NRS 612.340) If a person who has received certain types of compensation relating to a disability or rehabilitative services is subsequently applying for unemployment benefits, existing law provides that the person may elect a base period preceding the disability, so long as such an election is made within 3 years after the initial period of disability began. (NRS 612.344) Section 2 of this bill amends this requirement so that the election of a base period may be made within 3 years after any period of disability begins.

Existing law authorizes the Administrator of the Division to recover any overpayment of benefits at any time up to 5 years after notice of the overpayment. (NRS 612.365) Section 3 of this bill extends this period to 10 years in cases involving fraud, misrepresentation or willful nondisclosure.

Existing law prohibits a person from knowingly making a false statement or representation or knowingly failing to disclose a material fact in order to obtain or increase any benefit or other payment under chapter 612 of NRS governing unemployment compensation. A person who violates such a prohibition commits unemployment insurance fraud and is subject to disqualification and repayment of any benefits received by the person. If the person receives benefits in the amount of \$650 or more the person is also subject to prosecution for a felony. (NRS 612.445) Section 4 of this bill expands the circumstances under which a person may commit unemployment insurance fraud by providing that the person commits such fraud if the person: (1) files a claim for or receives benefits; and (2) fails to disclose, at the time he or she files the claim or receives the benefits, any compensation for certain work-related disabilities or of any money for rehabilitative services received by the person or for which a claim has been submitted.

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

Section 1. NRS 612.115 is hereby amended to read as follows:

612.115 1. "Employment" includes service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions which is owned by this State or one or more of its political subdivisions alone or in conjunction with one or more other states or political subdivisions thereof, which is excluded from the definition of "employment" by the provisions of 26 U.S.C. § 3306(c)(7), except service:

(a) As an elected official;

(b) As a member of a legislative body, or a member of the judiciary, of the State or a political subdivision;

(c) As a member of the Nevada Army National Guard or Nevada Air National Guard ~~[+]~~, unless the member:

(1) Was ordered to full-time, active duty for at least 90 consecutive days;

(2) Is paid under title 32 of the United States Code;

(3) Is released from military service under an eligible reason for separation pursuant to the Unemployment Compensation for Ex-servicemembers, or 20 C.F.R. §§ 614.1 et seq.; and

(4) Is otherwise entitled to receive benefits;

(d) In employment serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(e) In a position which, pursuant to state law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

(f) By an inmate of a custodial or penal institution.

2. Every department of this State, and every political subdivision thereof, and each of the instrumentalities of this State and its political subdivisions, shall become an employer as provided in this chapter.

3. "Employment" does not include service performed:

(a) In a facility conducted for the purpose of carrying out a program of rehabilitation for persons whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for persons who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by a person receiving such rehabilitation or remunerative work; or

(b) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by a person receiving such work relief or work training.

~~[Section 1.]~~ Sec. 1.5. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. *The Administrator may, in accordance with a cooperative agreement among all participants in the statewide longitudinal data system developed pursuant to NRS 400.040, make the information obtained by the Division available to:*

(a) The Board of Regents of the University of Nevada for the purpose of complying with the provisions of subsection 4 of NRS 396.531; and

(b) The Director of the Department of Employment, Training and Rehabilitation for the purpose of complying with the provisions of paragraph (d) of subsection 1 of NRS 232.920.

4. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; and

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

➡ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

~~{4-}~~ 5. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

~~{5-}~~ 6. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the

residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

~~{6-}~~ 7. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

~~{7-}~~ 8. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

~~{8-}~~ 9. In addition to the provisions of subsection ~~{5-}~~ 6, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

~~{9-}~~ 10. ~~{A private carrier that provides industrial insurance in this State}~~ The Division of Industrial Relations of the Department of Business and Industry shall periodically submit to the Administrator from information in the index of claims established pursuant to NRS 616B.018, a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS. ~~{during the preceding month and request that}~~ Upon receipt of that information, the Administrator shall compare the information so provided with the records of the Employment Security Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the ~~{private carrier}~~ Division of Industrial Relations must be in a form determined by the Administrator and must contain the social security number of each such person. ~~{Upon receipt of the request, the Administrator shall make such a~~

~~comparison and, if~~ If it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. ~~[The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.]~~

~~10.]~~ 11. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

~~11.]~~ 12. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

~~12.]~~ 13. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 2. NRS 612.344 is hereby amended to read as follows:

612.344 1. A person who has received:

(a) Benefits for a temporary total disability or a temporary partial disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS;

(b) Money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(c) Compensation pursuant to any similar federal law,
 ➔ may elect a base period consisting of the first 4 of the last 5 completed calendar quarters immediately preceding the first day of the calendar week in which the disability began.

2. An elected base period may be established only if the person files a claim for benefits within 3 years after ~~the initial~~ any period of disability begins and not later than the fourth calendar week of unemployment after:

(a) The end of the period of temporary total disability or temporary partial disability; or

(b) The date the person ceases to receive money for rehabilitative services,
 ➔ whichever occurs later. If one calendar quarter of the described base period has been used in a previous determination of the person's entitlement to benefits, the elected base period must be the first 4 completed calendar

quarters immediately preceding the first day of the calendar week in which the disability began.

3. A person who has elected a base period pursuant to this section and who had previously established a benefit year may establish a new benefit year consisting of the 52 consecutive weeks beginning with the first day of the first week with respect to which a valid claim is filed after the period of disability ends or payments for rehabilitative services cease, whichever occurs later. The previously established benefit year terminates upon the beginning of the new benefit year.

Sec. 3. NRS 612.365 is hereby amended to read as follows:

612.365 1. Any person who is overpaid any amount as benefits under this chapter is liable for the amount overpaid unless:

(a) The overpayment was not due to fraud, misrepresentation or willful nondisclosure on the part of the recipient; and

(b) The overpayment was received without fault on the part of the recipient, and its recovery would be against equity and good conscience, as determined by the Administrator.

2. The amount of the overpayment must be assessed to the liable person, and the person must be notified of the basis of the assessment. The notice must specify the amount for which the person is liable. In the absence of fraud, misrepresentation or willful nondisclosure, notice of the assessment must be mailed or personally served not later than 1 year after the close of the benefit year in which the overpayment was made.

3. ~~{At}~~ Except as otherwise provided in subsection 4, at any time within 5 years after the notice of overpayment, the Administrator may recover the amount of the overpayment by using the same methods of collection provided in NRS 612.625 to 612.645, inclusive, 612.685 and 612.686 for the collection of past due contributions or by deducting the amount of the overpayment from any benefits payable to the liable person under this chapter.

4. If the overpayment is due to fraud, misrepresentation or willful nondisclosure, the Administrator may, *within 10 years after the notice of overpayment*, recover any amounts due in accordance with the provisions of NRS 612.7102 to 612.7116, inclusive.

~~{4.}~~ 5. The Administrator may waive recovery or adjustment of all or part of the amount of any such overpayment which the Administrator finds to be uncollectible or the recovery or adjustment of which the Administrator finds to be administratively impracticable.

~~{5.}~~ 6. To the extent allowed pursuant to federal law, the Administrator may assess any administrative fee prescribed by an applicable agency of the United States regarding the recovery of such overpayments.

~~{6.}~~ 7. Any person against whom liability is determined under this section may appeal therefrom within 11 days after the date the notice provided for in this section was mailed to, or served upon, the person. An appeal must be made and conducted in the manner provided in this chapter

for the appeals from determinations of benefit status. The 11-day period provided for in this subsection may be extended for good cause shown.

Sec. 4. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by ~~failing~~ :

- (a) *Failing to properly report earnings ~~for or by filing~~ ;*
- (b) *Filing a claim for benefits using the social security number, name or other personal identifying information of another person ~~[-]~~ ; or*
- (c) *Filing a claim for or receiving benefits and failing to disclose, at the time he or she files the claim or receives the benefits, any compensation for a temporary total disability or a temporary partial disability or money for rehabilitative services pursuant to chapters 616A to 616D, inclusive, or 617 of NRS received by the person or for which a claim has been submitted pursuant to those chapters.*

➡ A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person failed to disclose a material fact in addition to any interest, penalties and costs related to that sum. Except as otherwise provided in subsection 3 of NRS 612.480, the Administrator may make an initial determination finding that a person has committed unemployment insurance fraud pursuant to subsection 1 at any time within 4 years after the first day of the benefit year in which the person committed the unemployment insurance fraud.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the week in which the Administrator issues a finding that the person has committed unemployment insurance fraud pursuant to subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,
➡ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of \$650 or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, the Administrator:

(a) Shall impose a penalty equal to 15 percent of the total amount of benefits received by the person in violation of subsection 1. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Unemployment Trust Fund in accordance with the provisions of NRS 612.590.

(b) May impose a penalty equal to not more than:

(1) If the amount of such benefits is greater than \$25 but not greater than \$1,000, 5 percent;

(2) If the amount of such benefits is greater than \$1,000 but not greater than \$2,500, 10 percent; or

(3) If the amount of such benefits is greater than \$2,500, 35 percent, ➡ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter. Money recovered by the Administrator pursuant to this paragraph must be deposited in the Employment Security Fund in accordance with the provisions of NRS 612.615.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 64 makes two changes to Senate Bill No. 24. The amendment: 1) authorizes members of the Nevada Army National Guard and the Nevada Air National Guard to use their military wages to establish an unemployment claim; 2) revises the manner in which certain claims of recipients of benefits for workers' compensation are compared against claims for unemployment benefits to determine whether any simultaneous claiming of benefits has occurred.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 58.

SUMMARY—Revises provisions relating to public schools.
(BDR 34-316)

AN ACT relating to education; revising provisions governing the membership of the State Board of Education; revising certain duties of the Superintendent of Public Instruction, the Department of Education and the State Board; revising the membership of the Advisory Council on Parental Involvement and Family Engagement; revising provisions governing certain products used to clean in public schools; revising provisions relating to certain programs of distance education; revising provisions governing standards of content and performance for foreign and world language and any other course of study requested by the Superintendent of Public Instruction; revising provisions relating to certain hearings concerning the suspension or revocation of a license to teach; revising provisions concerning minimum standards for the maintenance and operation of certain educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits a person who is elected to serve as an officer of this State or any political subdivision thereof from also serving on the State Board of Education. Section 1 also prohibits a person who is appointed to serve for the unexpired term of such an office from continuing to serve on the State Board, with certain exceptions. ~~[Section 2 of this bill requires the Superintendent of Public Instruction to coordinate educational programs for children from birth through prekindergarten.]~~ Section 3 of this bill removes certain requirements regarding the use of environmentally sensitive cleaning and maintenance products in public schools and authorizes the board of trustees of a school district to use a product that is not an environmentally sensitive cleaning and maintenance product after posting a notice of the product to be used on the Internet website maintained by the school district. Sections 4, 10, 11-13, 15, 17 and 18 of this bill replace references to the terms "English" and "foreign language" with references to "English language arts" and "foreign or world language" for consistency with currently accepted terminology.

Existing law requires the Superintendent of Public Instruction to apportion the State Distributive School Account in the State General Fund among the school districts, charter schools and university schools for profoundly gifted pupils in certain amounts based on a formula. This formula bases the State's financial obligation to programs of instruction partially on the number of pupils involved in such programs. (NRS 387.121-387.126) Sections 5, ~~and~~

6, 8 and 9 of this bill ~~[revise this formula by requiring the Superintendent to count]~~ provide that the apportionment for a pupil enrolled part-time in a program of distance education ~~[according to the percentage of the total number of courses provided to him or her per school day rather than the total time services are provided to him or her per school day.]~~ is paid to the school district in which the pupil resides, or the charter school in which the pupil is enrolled. The school district or charter school, as applicable, is required to allocate a percentage of that amount to the school district or charter school that provides the program of distance education in an amount which must be set out in an agreement between them.

Section 2.5 of this bill adds a member to the Advisory Council on Parental Involvement and Family Engagement to represent the Nevada Parent Teacher Association.

Because existing law gives the Governor authority over the budgets of the Department of Education, section 7 of this bill: (1) requires the Superintendent to submit certain recommendations of the Department to the Governor instead of to the State Board; and (2) removes the requirement that the State Board consider the biennial budgets of the Department. Sections 8 and 9 ~~[of this bill]~~ remove the requirement that certain pupils obtain written permission from the board of trustees of a school district or the governing body of a charter school before enrolling in certain part-time programs of distance education.

Section 12 requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for foreign and world languages ~~[and any other course of study requested by the Superintendent]~~ in addition to other subjects for which it is already required to do so. Section 13 requires the State Board to prescribe examinations that measure the achievement and proficiency of pupils for grades 9, 10, 11 and 12 in certain subjects to comply with federal law. (20 U.S.C. § 6311(b)(3)) Section 14 of this bill revises the manner in which the Department provides an informational pamphlet concerning end-of-course examinations and college and career readiness assessments so that the pamphlet is available electronically. Section 14.5 of this bill removes an incorrect reference to an organization.

Section 16 of this bill allows the parties in a hearing concerning the suspension or revocation of a license to teach to agree to extend the date by which the hearing must be held. Section 20 of this bill authorizes money in the Educational Trust Account to be expended as authorized by the Interim Finance Committee when the Legislature is not in session. Section 21 of this bill repeals the requirements that: (1) the State Board adopt and use an official seal in authentication of its acts; and (2) the Department approve or disapprove lists of books for use in public school libraries.

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

Section 1. NRS 385.021 is hereby amended to read as follows:

385.021 1. The State Board of Education is hereby created. The State Board consists of the following voting members:

- (a) One member elected by the registered voters of each congressional district described in NRS 304.060 to 304.120, inclusive;
- (b) One member appointed by the Governor;
- (c) One member appointed by the Governor, nominated by the Majority Leader of the Senate; and
- (d) One member appointed by the Governor, nominated by the Speaker of the Assembly.

2. In addition to the voting members described in subsection 1, the State Board consists of the following four nonvoting members:

- (a) One member appointed by the Governor who is a member of a board of trustees of a school district, nominated by the Nevada Association of School Boards;
- (b) One member appointed by the Governor who is the superintendent of schools of a school district, nominated by the Nevada Association of School Superintendents;
- (c) One member appointed by the Governor who represents the Nevada System of Higher Education, nominated by the Board of Regents of the University of Nevada; and
- (d) One member appointed by the Governor who is a pupil enrolled in a public school in this State, nominated by the Nevada Association of Student Councils or its successor organization and in consultation with the Nevada Youth Legislature. After the initial term, the term of the member appointed pursuant to this paragraph commences on June 1 and expires on May 31 of the following year.

3. Each member of the State Board elected pursuant to paragraph (a) of subsection 1 must be a qualified elector of the district from which that member is elected.

4. Each member appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 and each member appointed pursuant to subsection 2 must be a resident of this State.

5. *Except as otherwise provided in paragraphs (a) and (c) of subsection 2, a person who is elected to serve as an officer of this State or any political subdivision thereof or a person appointed to serve for the unexpired term of such an office may not serve or continue to serve on the State Board.*

6. The Governor shall ensure that the members appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 represent the geographic diversity of this State and that:

- (a) One member is a teacher at a public school selected from a list of three candidates provided by the Nevada State Education Association.
- (b) One member is the parent or legal guardian of a pupil enrolled in a public school.

(c) One member is a person active in a private business or industry of this State.

~~{6.}~~ 7. After the initial terms, each member:

(a) Elected pursuant to paragraph (a) of subsection 1 serves a term of 4 years. A member may be elected to serve not more than three terms but may be appointed to serve pursuant to paragraph (b), (c) or (d) of subsection 1 or subsection 2 after service as an elected member, notwithstanding the number of terms the member served as an elected member.

(b) Appointed pursuant to paragraphs (b), (c) and (d) of subsection 1 serves a term of 2 years ~~{1.}~~, except that each member continues to serve until a successor is appointed. A member may be reappointed for additional terms of 2 years in the same manner as the original appointment.

(c) Appointed pursuant to subsection 2 serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~{7.}~~ 8. If a vacancy occurs during the term of:

(a) A member who was elected pursuant to paragraph (a) of subsection 1, the Governor shall appoint a member to fill the vacancy until the next general election, at which election a member must be chosen for the balance of the unexpired term. The appointee must be a qualified elector of the district where the vacancy occurs.

(b) A voting member appointed pursuant to paragraph (b), (c) or (d) of subsection 1 or a nonvoting member appointed pursuant to subsection 2, the vacancy must be filled in the same manner as the original appointment for the remainder of the unexpired term.

Sec. 2. ~~{NRS 385.175 is hereby amended to read as follows:~~

~~385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:~~

~~1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.~~

~~2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.~~

~~3. Organize the Department in a manner which will assure efficient operation and service.~~

~~4. Maintain liaison and coordinate activities with other state agencies performing educational functions.~~

~~5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.~~

~~6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school has not complied with a requirement of this title or any other statute or regulation.~~

~~governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.~~

~~7. Coordinate educational programs for children from birth through prekindergarten.~~

~~8. Perform such other duties as are prescribed by law.] (Deleted by amendment.)~~

Sec. 2.5. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement and Family Engagement. The Advisory Council is composed of ~~(10)~~ 11 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

- (a) Two parents or legal guardians of pupils enrolled in public schools;
- (b) Two teachers in public schools;
- (c) One administrator of a public school;
- (d) One representative of a private business or industry;
- (e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; ~~and~~

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000 ~~+~~ ; ~~and~~

(g) One member who is the President of the Board of Managers of the Nevada Parent Teacher Association or its successor organization, or a designee nominated by the President.

↪ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

- (a) Administrative support to the Advisory Council; and
- (b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory

Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;
- (b) Per diem allowance provided for state officers generally; and
- (c) Travel expenses provided pursuant to NRS 218A.655.

➔ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 3. NRS 386.4195 is hereby amended to read as follows:

386.4195 1. ~~{The Department of Education shall, in consultation with each school district, the State Department of Conservation and Natural Resources, the Department of Health and Human Services and other interested parties, including, without limitation, representatives of the cleaning and maintenance product industry, nongovernmental agencies and organizations, and parents and legal guardians of pupils enrolled in the school district, adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in the public schools.~~

~~—2. The Department shall provide a sample list of approved environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces to each school district based upon the standards prescribed pursuant to subsection 1.~~

~~—3. The Department shall, at least every 2 years, review and may amend the sample list developed pursuant to subsection 2 as necessary.~~

~~—4.} Except as otherwise provided in {subsections 6 and 7,} subsection 2, each school district shall ensure that the public schools within the school district use only environmentally sensitive cleaning and maintenance products in the cleaning of all floor surfaces in the public schools within the school district . {in accordance with the regulations adopted pursuant to subsection 1.~~

~~—5. The board of trustees of a school district may consult with persons who are knowledgeable and have experience in environmentally sensitive cleaning and maintenance products to determine if the board of trustees should:~~

~~—(a) Submit a written request to the Department pursuant to subsection 6 or 7.~~

~~—(b) Use any other environmentally sensitive cleaning and maintenance products in the public schools within the school district pursuant to subsection 9.~~

~~—6.] 2. If the board of trustees of a school district determines that the costs associated with the purchase or use of environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the board of trustees may [submit a written request to the Department for a waiver from purchasing and using environmentally sensitive], after posting notice of the product to be used on the Internet website maintained by the school district, purchase and use a cleaning and maintenance [products for use] product that is not an environmentally sensitive cleaning and maintenance product in the cleaning of floor surfaces for the school district as a whole or for a particular school or schools within the school district.~~

~~{7. If the board of trustees of a school district determines that an environmentally sensitive cleaning and maintenance product for use in the cleaning of floor surfaces which is not included in the sample list developed pursuant to subsection 2 is more economically feasible or is a more effective environmentally sensitive cleaning and maintenance product, the board of trustees may submit a written request to the Department for a waiver to purchase and use such an environmentally sensitive cleaning and maintenance product that complies with the standards prescribed pursuant to subsection 1.~~

~~—8. If a waiver is granted by the Department pursuant to subsection 6 or 7, the waiver is effective for 1 year after the date of its approval and a renewal may be requested on an annual basis in the manner set forth in subsection 6 or 7, as applicable.~~

~~—9.] 3. In addition to the environmentally sensitive cleaning and maintenance products for use in the cleaning of floor surfaces in the public schools within the school district required pursuant to subsection 1, the board of trustees of a school district may use environmentally sensitive cleaning products for use in the cleaning of any other surfaces.~~

~~{10. The regulations adopted by the Department must not prohibit the use of any disinfectant, sanitizer, antimicrobial product or other cleaning product when necessary to protect the health and welfare of the pupils enrolled in a school within the school district and the educational personnel of the school district.~~

~~—11.] 4. As used in this section, "environmentally sensitive cleaning and maintenance products" means cleaning and maintenance products that reduce the chemicals, hazardous wastes and other environmental hazards to which pupils and school personnel may be exposed.~~

Sec. 4. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be

licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

- (a) English [~~reading or~~] language arts;
- (b) Mathematics;
- (c) Science;
- (d) [~~Foreign~~] *A foreign or world language*;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

- (a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and
- (b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

- (a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;
- (b) A master's degree in school administration, public administration or business administration; or
- (c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public

Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:

(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection 7, if applicable to that person; and

(b) The designated assignment, as that term is defined by the Department, of the licensed person.

Sec. 5. 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 number of courses provided to those pupils per school day in proportion to the total time services are number of courses 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 number of courses provided to those pupils per school day in proportion to the total time services are number of courses 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 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. 6. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3 and NRS 387.1244, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus the sponsorship fee prescribed by NRS 386.570 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance

education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. Except as otherwise provided in NRS 387.1244, the apportionment to a charter school that is sponsored by the State Public Charter School Authority or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus the sponsorship fee prescribed by NRS 386.570 and minus all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:

(a) Public school other than a charter school, an apportionment must be made to [a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program. The amount of the apportionment must be equal to the percentage of the total time services are number of courses provided to the pupil through the program of distance education per school day in proportion to the total time services are number of courses provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for] the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.

(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. Except as otherwise provided in NRS 387.1244, the apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 7. NRS 387.3035 is hereby amended to read as follows:

387.3035 The Department shall:

1. Determine the apportionment of all state school money to schools of the State as prescribed by law.

2. Develop for public schools of the State a uniform system of budgeting and accounting. The system must provide for the separate reporting of expenditures for each:

- (a) School district; and
- (b) School within a school district.

↪ Upon approval of the State Board, the system is mandatory for all public schools in this State and must be enforced as provided in subsection 2 of NRS 387.3037.

3. Carry on a continuing study of school finance in the State, particularly the method by which schools are financed on the state level, and make such recommendations to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ Governor as the Department deems advisable.

4. Recommend to the Superintendent of Public Instruction for submission to the ~~{State Board}~~ Governor such changes in budgetary and financial procedures as the studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the State as may be required by the Superintendent of Public Instruction.

6. Prepare for the Superintendent of Public Instruction the biennial budgets of the Department for ~~{consideration by the State Board and}~~ submission to the Governor.

Sec. 8. NRS 388.854 is hereby amended to read as follows:

388.854 1. Before a pupil may enroll full-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, ~~[the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part-time in a program of distance education or that is provided by a charter school,]~~ the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Except as otherwise provided in NRS 388.850 or other specific statute, a board of trustees from whom permission is requested pursuant to this subsection shall grant the requested permission.

2. A pupil who enrolls part-time in a program of distance education that is provided by a school district other than the school district in which the pupil resides or ~~{enrolls full-time in a program of distance education}~~ that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

3. If the board of trustees of a school district grants permission for a pupil to enroll full-time in a program of distance education pursuant to subsection 1, ~~or~~ or if a pupil enrolls part-time in a program of distance education pursuant to subsection 2, the board of trustees of the school district in which the pupil resides shall enter into a written agreement with the board of trustees of the school district or the governing body ~~of the charter school,~~ as applicable, that provides the program of distance education. If the pupil enrolls part-time in a program of distance education, the agreement must include, without limitation, the amount of the apportionment provided to the school district where the pupil resides that will be allocated pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or

charter school, as applicable, that provides the program of distance education.

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. If permission is granted pursuant to subsection 1, the written agreement required by this subsection is not a condition precedent to the pupil's enrollment in the program of distance education.

5. If the school district in which the pupil resides and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education in which the pupil is enrolled part-time are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the school district where the pupil resides will be required to allocate pursuant to paragraph (a) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

Sec. 9. NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, the pupil may enroll full-time in a program of distance education only if the charter school in which the pupil is enrolled provides the program of distance education.

2. ~~{Before a}~~ A pupil who is enrolled in a charter school may enroll ~~and who enrolls~~ part-time in a program of distance education that is provided by a school district or another charter school ~~{, the pupil must}~~ and is not required to obtain the {written permission} approval of the governing body of the charter school in which the pupil is enrolled.

3. If ~~{the governing body of}~~ a pupil who is enrolled in a charter school ~~{grants permission pursuant to subsection 2, the}~~ enrolls in a part-time program of distance education that is provided by a school district or another charter school, the governing body of the charter school in which the pupil is enrolled shall enter into a written agreement with the board of trustees of the school district or governing body ~~{,}~~ of the charter school, as applicable, that provides the program of distance education. The agreement must include, without limitation, the amount of the apportionment provided to the charter school in which the pupil is enrolled that will be allocated pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

4. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education.

5. If the charter school in which the pupil is enrolled and the board of trustees of the school district or governing body of the charter school, as applicable, that provides the program of distance education are unable to reach an agreement as required pursuant to subsection 3, the Superintendent of Public Instruction will determine the amount of the apportionment which the charter school in which the pupil is enrolled is required to allocate

pursuant to paragraph (b) of subsection 4 of NRS 387.124 to the school district or charter school, as applicable, that provides the program of distance education.

Sec. 10. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

- (1) Governor;
- (2) Board of trustees of each school district of this State;
- (3) Legislative Committee on Education created pursuant to NRS 218E.605; and
- (4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

- (1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and
- (2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English *language arts* and mathematics established pursuant to NRS 389.520 with the standards for English *language arts* and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the examinations administered pursuant to NRS 389.805.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

- (a) Governor;
- (b) Legislative Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the Legislative Committee on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 11. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) English ~~[including reading, composition and writing;]~~ *language arts*;
- (b) Mathematics;
- (c) Science; and
- (d) Social studies, which includes only the subjects of history, geography, economics and government.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

- (a) Four units of credit in English ~~[;]~~ *language arts*;
- (b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;
- (c) Three units of credit in science, including two laboratory courses; and
- (d) Three units of credit in social studies, including, without limitation:
 - (1) American government;
 - (2) American history; and
 - (3) World history or geography.

A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

- (a) The arts;

- (b) Computer education and technology;
- (c) Health; and
- (d) Physical education.

If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.0185, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

Sec. 12. 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;}~~ *language arts;*
- (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 ~~{; and}~~ *;*
- (9) *A foreign or world language. ~~{; and}~~*
- ~~(10) Any other course of study requested by the Superintendent of Public Instruction.}~~

(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 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 *language arts* 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. 13. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content established by the Council for the subjects of English *language arts* and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

(c) *For grades 9, 10, 11 and 12, in the standards of content established by the Council for the subjects required to comply with 20 U.S.C. § 6311(b)(3).*

The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8. ~~and for such other grades as may be prescribed by the State Board.~~

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

Sec. 14. NRS 389.809 is hereby amended to read as follows:

389.809 1. The Department shall develop an informational pamphlet concerning the end-of-course examinations required pursuant to

NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the end-of-course examinations and the importance of taking the college and career readiness assessment;

(b) Courses of study for which the end-of-course examinations are administered and the subject areas tested on the college and career readiness assessment;

(c) Format for the end-of-course examinations and the college and career readiness assessment, including, without limitation, the range of items that are contained on the examinations and the assessment; and

(d) Maximum number of times, if any, that a pupil is allowed to take the end-of-course examinations if the pupil fails to pass the examinations after the first administration.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the end-of-course examinations and the college and career readiness assessment.

3. On or before September 1, the Department shall ~~provide a~~ :

(a) *Provide an electronic copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level [---] ; and*

(b) *Post a copy of the pamphlet or revised pamphlet on the Internet website maintained by the Department.*

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before October 1, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 14.5. NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the

education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, ~~and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators,~~ shall adopt regulations governing the approval by the State Board of courses of study and training ~~which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.~~

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

Sec. 15. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

- (a) English ~~[-reading or]~~ language arts;
- (b) Mathematics;

- (c) Science;
- (d) ~~Foreign~~ *A foreign or world language*;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not "initially hired" if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person's current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and
- (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.

Sec. 16. NRS 391.323 is hereby amended to read as follows:

391.323 1. ~~Within~~ *Unless the parties agree to a later date, within* 30 days after the selection of a hearing officer pursuant to NRS 391.322, the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

(a) A recommendation as to whether the license of the licensee should be suspended or revoked; and

(b) Findings of fact and conclusions of law which support the recommendation.

2. The State Board may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the State Board is a final decision in a contested case.

Sec. 17. NRS 392.033 is hereby amended to read as follows:

392.033 1. The State Board shall adopt regulations which prescribe the courses of study required for promotion to high school, including, without limitation, English ~~and~~ *language arts*, mathematics, science and social studies. The regulations may include the credits to be earned in each course.

2. Except as otherwise provided in subsection 4, the board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion. The board of trustees of the school district in which the pupil is enrolled may provide programs of remedial study to complete the courses of study required for promotion to high school.

3. The board of trustees of each school district shall adopt a procedure for evaluating the course of study or credits completed by a pupil who transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State.

4. The board of trustees of each school district shall adopt a policy that allows a pupil who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. A pupil who is on academic probation pursuant to this subsection shall complete appropriate remediation in the subject areas that the pupil failed to pass. The policy must include the criteria for eligibility of a pupil to be placed on academic probation. A parent or guardian may elect not to place his or her child on academic probation but to remain in grade 8.

5. A homeschooled child who enrolls in a public high school shall, upon initial enrollment:

(a) Provide documentation sufficient to prove that the child has successfully completed the courses of study required for promotion to high school through an accredited program of homeschool study recognized by the board of trustees of the school district;

(b) Demonstrate proficiency in the courses of study required for promotion to high school through an examination prescribed by the board of trustees of the school district; or

(c) Provide other proof satisfactory to the board of trustees of the school district demonstrating competency in the courses of study required for promotion to high school.

Sec. 18. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided

notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233. A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in all college entrance examinations offered in this State, including, without limitation, the SAT, the ACT, the Preliminary SAT and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English ~~including reading, composition and writing,~~ *language arts*, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the

child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

- (a) Essential to further a compelling governmental interest; and
- (b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 19. NRS 394.241 is hereby amended to read as follows:

394.241 1. An elementary or secondary educational institution must be maintained and operated, or a new institution must demonstrate that it can be maintained and operated, in compliance with the following minimum standards:

(a) The quality and content of each course of instruction, training or study reasonably and adequately achieve the stated objective for which the course or program is offered.

(b) The institution has adequate space, equipment, instructional materials and personnel to provide education of good quality.

(c) The education and experience qualifications of directors, administrators, supervisors and instructors reasonably ensure that the students will receive education consistent with the objectives of the course or program of study.

(d) The institution provides pupils and other interested persons with a catalog or brochure containing information describing the grades or programs offered, program objectives, length of school year or program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and such other material facts concerning the institution as are reasonably likely to affect the decision of the parents or pupil to enroll in the institution, together with any other disclosures specified by the Superintendent or defined in the regulations of the Board, and the information is provided to parents or prospective pupils before enrollment.

(e) Upon satisfactory completion of training or instruction, the pupil is given appropriate educational credentials by the institution indicating that the course of instruction or study has been satisfactorily completed.

(f) Adequate records are maintained by the institution to show attendance, progress and performance.

(g) The institution is maintained and operated in compliance with all pertinent ordinances and laws, including regulations adopted relative to the safety and health of all persons upon the premises.

(h) The institution is financially sound and capable of fulfilling its commitments.

(i) Neither the institution nor its agents engage in advertising, sales, collection, credit or other practices of any type which are false, deceptive, misleading or unfair.

(j) The chief executive officer, trustees, directors, owners, administrators, supervisors, staff, instructors and agents are of good reputation and character.

(k) The pupil housing owned, maintained or approved by the institution, if any, is appropriate, safe and adequate.

(l) The institution has a fair and equitable cancellation and refund policy.

2. Accreditation by national or regional accrediting agencies recognized by the United States Department of Education, *including, without limitation, the Middle States Commission on Higher Education, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Southern Association of Colleges and Schools and the Accrediting Commission for Schools, Western Association of Schools and Colleges*, may be accepted as evidence of compliance with the minimum standards established pursuant to this section. Accreditation by a recognized, specialized accrediting agency may be accepted as evidence of such compliance only as to the portion or program of an institution accredited by the agency if the institution as a whole is not accredited.

Sec. 20. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections 4 to 8, inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. Any sale held under this section must be preceded by a single publication of notice, at least 3 weeks before sale, in a newspaper of general circulation in the county in which the property is to be sold.

3. The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

4. Except as otherwise provided in subsection 5, the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in

the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➔ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

5. The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

6. Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

7. The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

8. All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the Educational Trust Account, which is hereby created in the State General Fund. The money in the Educational Trust Account may be expended only as authorized by the Legislature, *if it is in session, or by the Interim Finance Committee, if the Legislature is not in session*, for educational purposes.

Sec. 21. NRS 385.060 and 390.400 are hereby repealed.

Sec. 22. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

385.060 Seal. The Board shall adopt and use an official seal in authentication of its acts.

390.400 Approval for use in public schools; exception for charter schools; actions subject to review by State Board.

1. The Department shall approve or disapprove lists of books for use in public school libraries except for the libraries of charter schools. Such lists

must not include books containing or including any story in prose or poetry the tendency of which would be to influence the minds of children in the formation of ideals not in harmony with truth and morality or the American way of life, or not in harmony with the Constitution and laws of the United States or of the State of Nevada.

2. Actions of the Department with respect to lists of books are subject to review and approval or disapproval by the State Board.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

This amendment to Senate Bill No. 25 adds a provision to prevent vacancies among the appointed members of the State Board of Education; removes language giving the State Superintendent responsibility for coordinating prekindergarten programs, and authority to request academic standards in any subject; clarifies the process for funding distance education and gives the Superintendent authority to resolve related disputes; adds a representative of the Nevada PTA to the Advisory Council on Parental Involvement and Family Engagement; and makes other changes to improve clarity.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 43.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 30.

SUMMARY—Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378)

AN ACT relating to motor vehicles; revising provisions requiring the driver of certain motor vehicles to stop at all railroad grade crossings; making it unlawful for the driver of ~~a commercial motor~~ any vehicle to fail to completely cross railroad tracks because of insufficient undercarriage clearance or because of insufficient space to drive completely through the crossing without stopping; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the driver of certain vehicles crossing at grade any track or tracks of a railroad must stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, must listen and look in both directions along the track for any approaching train, and may only proceed when the driver can do so safely. (NRS 484B.560) This bill imposes the same requirements on ~~drivers of certain commercial vehicles~~ a bus carrying passengers and any vehicle carrying certain hazardous materials. This bill also provides that it is unlawful for the driver of ~~certain commercial vehicles~~ any vehicle to stop the vehicle before completely crossing such railroad tracks due to insufficient space for the vehicle on the opposite side of the tracks or insufficient undercarriage clearance of the vehicle. The penalty for a violation of this prohibition by certain commercial vehicles is provided

in regulations promulgated by the Department of Motor Vehicles, which is authorized to adopt such regulations as part of the implementation of the Commercial Motor Vehicle Safety Act of 1986, as amended. (NRS 483.900, 483.908; 49 U.S.C. §§ 31301 et seq.) A violation of this prohibition by any other vehicle is a misdemeanor under existing law. (NRS 484A.900)

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

Section 1. NRS 484B.560 is hereby amended to read as follows:

484B.560 1. Except as otherwise provided in ~~[this section,]~~ subsection 4, the driver of ~~[any motor vehicle]~~ a bus carrying passengers, ~~[for hire,]~~ or of any school bus carrying any school child, or of any vehicle carrying ~~[any explosive or flammable liquid as a cargo or part of a cargo, or of any commercial motor vehicle,]~~ hazardous materials as that term is defined in 49 C.F.R. § 383.5, before crossing at grade any track or tracks of a railroad, shall stop that vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad and while so stopped shall listen and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until the driver can do so safely.

2. After stopping as required in this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in a gear of the vehicle that there will be no necessity for changing gears while traversing the crossing and the driver shall not shift gears while crossing the track or tracks.

3. When stopping is required at a railroad crossing the driver shall keep as far to the right of the highway as possible and shall not form two lanes of traffic unless the highway is marked for four or more lanes of traffic.

4. No such stop need be made at a railroad crossing:

(a) Where a police officer or official traffic-control device controls the movement of traffic.

(b) Which is marked with a device indicating that the crossing is abandoned.

(c) Which is a streetcar crossing or is used exclusively for industrial switching purposes within an area designated as a business district.

(d) Which is marked with a sign identifying it as an exempt crossing. Signs identifying a crossing as exempt may be erected only:

(1) If the tracks are an industrial or spur line;

(2) By or with the consent of the appropriate state or local authority which has jurisdiction over the road; and

(3) After the State or the local authority has held a public hearing to determine whether the crossing should be designated an exempt crossing.

5. *It is unlawful for the driver of ~~a commercial motor~~ any vehicle, when crossing at grade any track or tracks of a railroad, to fail to completely cross the track or tracks without stopping due to insufficient:*

(a) *Space for the ~~commercial motor~~ vehicle on the opposite side of the railroad crossing ~~if~~ ; or*

(b) Undercarriage clearance of the ~~feommercial~~ vehicle.

6. As used in this section ~~f~~

~~(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R. § 383.5.~~

~~(b) "Completely", "completely cross" means to travel across a railroad track or tracks in such a manner that the trailing end of the feommercial motor vehicle is 15 feet or more past the nearest rail of the railroad track or tracks.~~

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 30 to Senate Bill No. 43 clarifies that a bus carrying passengers and any vehicle carrying hazardous materials, as defined in federal regulation, are required to stop before crossing railroad tracks.

The amendment also makes it unlawful for the driver of any vehicle to fail to completely cross railroad tracks without stopping due to insufficient: 1) space on the opposite side of the crossing; or 2) undercarriage clearance.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 132.

SUMMARY—Revises provisions relating to the state business portal.
(BDR 7-448)

AN ACT relating to business; declaring certain records to be confidential; revising provisions governing the state business portal; revising provisions governing applications for certain authorizations to conduct a business in this State issued by state and local agencies and health districts; requiring the Secretary of State to issue unique business identification numbers under certain circumstances; revising provisions governing the issuance of certain licenses by incorporated cities and counties; removing the prohibition against a county clerk refusing to accept for filing certain business certificates in certain circumstances; revising provisions governing the disclosure of certain information by the Employment Security Division of the Department of Employment, Training and Rehabilitation; repealing certain provisions relating to the collection of information from businesses seeking certain authorizations to conduct business in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. (NRS 75A.100) Section 4 of this bill requires the Secretary of State to: (1) establish common business registration information that is

used by state and local agencies and health districts to conduct necessary transactions with businesses in this State; and (2) cause the state business portal to provide common business registration information to state and local agencies and health districts that conduct necessary transactions with businesses in this State. Section 4 further ~~requires that~~ authorizes state and local agencies and health districts to ~~to the extent practicable~~ (1) integrate their electronic applications processes into the state business portal; (2) use the state business portal to accept and disseminate common business registration information that is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State; (3) make available on the Internet applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or to engage in an occupation or profession in this State and to integrate such applications into the state business portal; and (4) meet certain other requirements related to participation in the state business portal. However, section 4 also specifies that a state or local agency or health district is not required to disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information. Section 3 of this bill deems that the records and files collected as common business registration information are confidential and privileged unless an exception applies.

Section 5 of this bill requires the Secretary of State to assign a unique business identification number to each business entity organized in this State and to each person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license. Under section 4: (1) the Secretary of State must cause the state business portal to interface with the system used by the Secretary of State to assign business identification numbers; and (2) state and local agencies and health districts that issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State or to engage in an occupation or profession in this State must require an applicant for such a license, certificate, registration or permit to include the applicant's business identification number on the application.

Sections 7 and 8 of this bill amend provisions governing city and county business licenses so that certain information regarding industrial insurance is provided through the state business portal. Section 9 of this bill removes the provision from existing law which prohibits a county clerk, in certain circumstances, from refusing to accept for filing a certificate or renewal certificate concerning persons doing business in this State under an assumed or fictitious name that is filed by a foreign artificial person or persons. Section 10 of this bill authorizes the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Secretary of State for certain purposes related to

operating and maintaining the state business portal. Section 12 of this bill repeals certain provisions relating to: (1) the coordination of the collection of certain information and forms from businesses by state agencies and local governments; and (2) the affidavit required to be filed by an applicant who wishes to obtain a local business license to sell certain retail merchandise.

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

Section 1. Chapter 75A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, "health district" means a health district created pursuant to NRS 439.362 or 439.370.*

Sec. 3. 1. *Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State, a state or local agency or health district pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State, any employee of the Secretary of State and any state or local agency or health district, or employee of an agency or health district, which is authorized to view or use the information in such records or files:*

(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and

(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.

2. *The records and files collected pursuant to paragraph (f) of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:*

(a) Testimony by the Secretary of State, or any employee of the Secretary of State, or a member or employee of any state or local agency or health district and production of records, files and information on behalf of the Secretary of State, any state or local agency or health district or a person in any action or proceeding before the Secretary of State, any state or local agency or health district, or court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.

(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.

(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Secretary of State, any state or local agency, health district or federal governmental agency in accordance with any agreement made and provided for in such cases or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.

(e) *Disclosure in confidence to the Attorney General or other legal representative of the State or a local or federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.*

(f) *Disclosure by the Secretary of State or a state or local agency or health district for the purpose of collection of a debt, fee or obligation owed to the Secretary of State or the agency or district.*

(g) *A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.*

Sec. 4. NRS 75A.100 is hereby amended to read as follows:

75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts ~~and~~ *and consultation with representatives of state agencies, local governments, health districts and businesses*, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation ~~and~~ *and the agency has entered into an agreement for access to the state business portal which is prescribed by the Secretary of State;*

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) *Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;*

(f) *For the purpose of coordinating the collection of common information from businesses using the state business portal:*

(1) *Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and*

(2) *Cause the state business portal to provide the common business registration information to state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;*

(g) In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

~~[(f)]~~ (h) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. *Each state ~~for local~~ agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State ~~shall~~ may, to the extent practicable ~~+~~, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:*

(a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in an application processing system.

(c) Integrate with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.

(e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.

(f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1)

of paragraph (f) of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.

4. The provisions of subsection 3 do not require a state or local agency or health district to ~~disseminate~~ :

(a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.

(b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.

5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.

6. As used in this section:

(a) "Business identification number" means the number assigned by the Secretary of State pursuant to section 5 of this act to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.

(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.

Sec. 5. Chapter 225 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purpose of establishing the identity of an entity organized pursuant to title 7 of NRS or a person who is issued a state business license pursuant to chapter 76 of NRS or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to NRS 76.105, the Secretary of State shall assign a unique business identification number to each such entity or person.

Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 76.160, 78.152,

80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510,

645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600 ~~§~~ and section 3 of this act and sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 7. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each* board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ *report* of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. *A board of county commissioners is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.*

4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon* receiving an affidavit ~~or attestation~~ required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

5. *If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 8. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license:

(a) Signs an affidavit affirming that the business:

(1) Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

(2) Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

(3) Is a member of an association of self-insured public or private employers; or

(4) Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit or attestation required by subsection 1.

3. ~~Each~~ *Except as otherwise provided in this subsection, each city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a ~~list~~ report of the names of those businesses which have submitted an affidavit or attestation required by subsections 1 and 2. A city council or other governing board of an incorporated city is not required to include in the monthly report the name of a business which has submitted an attestation electronically via the state business portal.*

4. ~~Upon~~ *Except as otherwise provided in subsection 5, upon receiving an affidavit ~~for attestation~~ required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

5. *If a business submits an attestation required by this section electronically via the state business portal, the state business portal shall provide the owner of the business with access to information setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.*

6. *As used in this section, "state business portal" means the state business portal established pursuant to chapter 75A of NRS.*

Sec. 9. NRS 602.020 is hereby amended to read as follows:

602.020 1. A certificate filed pursuant to NRS 602.010 or a renewal certificate filed pursuant to NRS 602.035 must state the assumed or fictitious name under which the business is being conducted or is intended to be conducted, and if conducted by:

(a) A natural person:

(1) His or her full name;

(2) The street address of his or her residence or business; and

(3) If the mailing address is different from the street address, the mailing address of his or her residence or business;

(b) An artificial person:

(1) Its name; and

(2) Its mailing address;

(c) A general partnership:

(1) The full name of each partner who is a natural person;

(2) The street address of the residence or business of each partner who is a natural person;

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each partner who is a natural person; and

(4) If one or more of the partners is an artificial person described in paragraph (b), the information required by paragraph (b) for each such partner; or

(d) A trust:

(1) The full name of each trustee of the trust;

(2) The street address of the residence or business of each trustee of the trust; and

(3) If the mailing address is different from the street address, the mailing address of the residence or business of each trustee of the trust.

2. The certificate must be:

(a) Signed:

(1) In the case of a natural person, by that natural person;

(2) In the case of an artificial person, by an officer, director, manager, general partner, trustee or other natural person having the authority to bind the artificial person to a contract;

(3) In the case of a general partnership, by each of the partners who is a natural person and, if one or more of the partners is an artificial person described in subparagraph (2), by the person described in subparagraph (2); or

(4) In the case of a trust, by each of the trustees; and

(b) Notarized, unless the board of county commissioners of the county adopts an ordinance providing that the certificate may be filed without being notarized.

3. ~~[No county clerk may refuse to accept for filing a certificate filed by a foreign artificial person or foreign artificial persons because the foreign artificial person or foreign artificial persons have not qualified to do business in this State under title 7 of NRS.~~

~~—4.—~~ As used in this section:

(a) "Artificial person" means any organization organized under the law of the United States, any foreign country, or a state, province, territory, possession, commonwealth or dependency of the United States or any foreign country, and as to which the government, state, province, territory,

possession, commonwealth or dependency must maintain a record showing the organization to have been organized.

(b) ~~["Foreign artificial person" means an artificial person that is not organized under the laws of this State.~~

~~—(c)—~~ "Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 10. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section and NRS 239.0115 and 612.642, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or a legal representative of a claimant is entitled to information from the records of the Division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the Division for any other purpose.

3. Subject to such restrictions as the Administrator may by regulation prescribe, the information obtained by the Division may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of laws relating to unemployment compensation, public assistance, workers' compensation or labor and industrial relations, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury;

(d) The Department of Taxation; ~~and~~

(e) The State Contractors' Board in the performance of its duties to enforce the provisions of chapter 624 of NRS ~~[-]~~; and

(f) *The Secretary of State to operate the state business portal established pursuant to chapter 75A of NRS for the purposes of verifying that data submitted via the portal has satisfied the necessary requirements established by the Division, and as necessary to maintain the technical integrity and functionality of the state business portal established pursuant to chapter 75A of NRS.*

➡ Information obtained in connection with the administration of the Division may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. Upon written request made by a public officer of a local government, the Administrator shall furnish from the records of the Division the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security

number of the person about whom the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Administrator may charge a reasonable fee for the cost of providing the requested information.

5. The Administrator may publish or otherwise provide information on the names of employers, their addresses, their type or class of business or industry, and the approximate number of employees employed by each such employer, if the information released will assist unemployed persons to obtain employment or will be generally useful in developing and diversifying the economic interests of this State. Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this State, the Administrator may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The Administrator may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The Administrator may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.

6. Upon request therefor, the Administrator shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

7. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this State may submit a written request to the Administrator that the Administrator furnish, from the records of the Division, the name, address and place of employment of any person listed in the records of employment of the Division. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the Administrator shall furnish the information requested. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

8. In addition to the provisions of subsection 5, the Administrator shall provide lists containing the names and addresses of employers, and information regarding the wages paid by each employer to the Department of Taxation, upon request, for use in verifying returns for the taxes imposed

pursuant to chapters 363A and 363B of NRS. The Administrator may charge a fee to cover the actual costs of any related administrative expenses.

9. A private carrier that provides industrial insurance in this State shall submit to the Administrator a list containing the name of each person who received benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS during the preceding month and request that the Administrator compare the information so provided with the records of the Division regarding persons claiming benefits pursuant to this chapter for the same period. The information submitted by the private carrier must be in a form determined by the Administrator and must contain the social security number of each such person. Upon receipt of the request, the Administrator shall make such a comparison and, if it appears from the information submitted that a person is simultaneously claiming benefits under this chapter and under chapters 616A to 616D, inclusive, or chapter 617 of NRS, the Administrator shall notify the Attorney General or any other appropriate law enforcement agency. The Administrator shall charge a fee to cover the actual costs of any related administrative expenses.

10. The Administrator may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in section 3305(c) of the Internal Revenue Code of 1954.

11. If any employee or member of the Board of Review, the Administrator or any employee of the Administrator, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he or she is guilty of a gross misdemeanor.

12. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the Division or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 11. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 12. NRS 237.180, 364.110 and 364.120 are hereby repealed.

Sec. 13. This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTIONS

237.180 Requirements; annual meeting to design and modify joint forms.

1. The agencies of this State, and the local governments within this State, that collect taxes or fees from persons engaged in business, or require such persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few separate reports as possible. This section applies specifically, but is not limited, to the Department of Taxation, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the State Department of Conservation and Natural Resources, and the counties and cities that require a business license.

2. On or before October 1 of each year, the Executive Director of the Department of Taxation shall convene the heads, or persons designated by the respective heads, of the state agencies named in subsection 1 and the appropriate officers of the cities and counties that require a business license. The Secretary of State, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting. If the Executive Director knows, or is made aware by persuasive information furnished by any enterprise required to pay a tax or fee or to provide information, that any other state or local agency needs to participate to accomplish the purpose set forth in subsection 1, the Executive Director shall also invite the head of that agency or the appropriate officer of the local government, and the person so invited shall attend. The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration shall assist in effecting the consolidation of the information and the creation of the forms.

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use during the ensuing fiscal year to accomplish the purpose set forth in subsection 1. If any dispute cannot be resolved by the participants, it must be referred to the Nevada Tax Commission for a decision that is binding on all parties.

4. The provisions of chapter 241 of NRS apply to a meeting held pursuant to this section. The Executive Director of the Department of Taxation shall provide members of the staff of the Department of Taxation to assist in complying with the requirements of chapter 241 of NRS.

364.110 Licensing authority to require affidavit. No county license board and no other licensing authority, whether county, city or township, within the State of Nevada, shall issue an initial license or transfer any license to any person, firm or corporation authorizing the person, firm or corporation to engage in, or in any manner carry on, any business of the retail sale of wines, beers, liquors, soft drinks, produce, meats or other foodstuffs, clothing, hardware, or any other type or class of merchandise whatever, without requiring the applicant or applicants for the license to file with the licensing authority an affidavit showing:

1. Whether the applicant or applicants are engaged in business under a fictitious name, and if so engaged in business, that the applicant or applicants have complied with the provisions of chapter 602 of NRS.

2. Whether there has been any change in ownership in the business of the applicant or applicants during the preceding calendar year, and if there has been any such change in ownership, that the change was made in compliance with the provisions of chapter 104 of NRS.

364.120 Filing fee for required affidavit. Any licensing authority coming within the provisions of NRS 364.110 is authorized to collect a filing fee of not to exceed \$3 for the filing of the affidavit required to be filed by NRS 364.110.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

This amendment to Senate Bill No. 59 removes the mandating "shall" and replaces it with the permissive "may" relating to the participation of State and local agencies and health districts in the business portal; it also allows a local governing board to approve participation in the business portal, and finally, clarifies that the provisions of section 4, subsection 3, do not require a local agency or health district to upgrade its systems to accommodate any requirement to participate in the business portal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 80.

SUMMARY—Revises provisions relating to certain special license plates. (BDR 43-413)

AN ACT relating to motor vehicles; allowing the holders of certain special license plates which designate certain older vehicles to request that those special license plates be personalized prestige license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Department of Motor Vehicles is authorized to issue special license plates and registration certificates for: (1) certain vehicles manufactured not earlier than 1949 but at least 20 years before the application for the special plate is submitted to the Department, designating the vehicle a "classic rod"; and (2) certain vehicles manufactured at least 25 years before the application for the special plate is submitted to the Department, designating the vehicle a "classic vehicle." (NRS 482.3814, 482.3816) Under existing law, vehicles issued plates pursuant to these sections are exempt from emissions standards under certain circumstances. (NRS 445B.760) Existing law also authorizes the Department to issue personalized prestige license plates under certain circumstances. (NRS 482.3667) This bill allows an applicant for a special license plate ~~designating the vehicle as a "classic rod" or a "classic vehicle"~~ pursuant to NRS 482.3814 or 482.3816 to ~~also~~ request that the license plate be a personalized prestige license plate, rather than stating "classic rod" or

"classic vehicle," if the applicant pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

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

Section 1. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less; and
- (b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. ~~{License}~~ *Except as otherwise provided in subsection 3, license* plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and a number of characters, including numbers and letters, as determined necessary by the Director.

3. *A person may request ~~{that}~~ personalized prestige license plates issued pursuant to NRS 482.3667 ~~{be combined with}~~ instead of a special license plate issued pursuant to ~~{this section}~~ subsection 2 if that person pays the fees for the personalized prestige license plates in addition to the fees ~~{for the special license plate}~~ required pursuant to this section.*

4. If, during a registration year, the holder of special plates issued pursuant to ~~{this section}~~ *subsection 2 or 3* disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

- (a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or
- (b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~{4.}~~ 5. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~{5.}~~ 6. In addition to the fees required pursuant to subsection ~~{4.}~~ 5, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~{6.}~~ 7. Fees paid to the Department pursuant to subsection ~~{5}~~ 6 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. Except as otherwise provided in NRS 482.2655, the Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

- (a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. ~~[License]~~ *Except as otherwise provided in subsection 3, license plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and a number of characters, including numbers and letters, as determined necessary by the Director.*

3. *A person may request ~~that~~ personalized prestige license plates issued pursuant to NRS 482.3667 ~~be combined with~~ instead of a special license plate issued pursuant to ~~this section~~ subsection 2 if that person pays the fees for the personalized prestige license plates in addition to the fees ~~for the special license plate~~ required pursuant to this section.*

4. If, during a registration period, the holder of special plates issued pursuant to ~~this section~~ *subsection 2 or 3* disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[4.]~~ 5. The fee for the special license plates is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is \$10.

~~[5.]~~ 6. In addition to the fees required pursuant to subsection ~~[4.]~~ 5, the Department shall charge and collect a fee for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

~~[6.]~~ 7. Fees paid to the Department pursuant to subsection ~~[5.]~~ 6 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 3. ~~[This act becomes effective on January 1, 2016.] As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.~~

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purposes of the adoption of regulations and any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. For all other purposes, on:

(a) January 1, 2016; or

(b) The date on which the Director of the Department of Motor Vehicles, pursuant to section 3 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the amendatory provisions of this act,

↪whichever occurs later.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 80 to Senate Bill No. 121 revises the provisions of Senate Bill No. 121 by allowing a person to request personalized prestige license plates instead of special "classic rod" or "classic vehicle" license plates when registering the vehicle as a "classic rod" or "classic vehicle."

This amendment also requires the Department of Motor Vehicles to notify the Governor, the Director of the Legislative Counsel Bureau and the public upon determining that sufficient resources are available to carry out the amendatory provisions of Senate Bill No. 121.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 126.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 59.

SUMMARY—Revises provisions relating to education. (BDR 34-408)

AN ACT relating to education; requiring the State Board of Education to prescribe standards of content and performance and quality and evaluation measures for ~~early childhood education programs and~~ prekindergarten programs provided at public schools; requiring the State Board to prescribe surveys and assessments to identify certain pupils whose primary language is a language other than English or who are learning to speak two languages simultaneously, ~~+~~ or sequentially; requiring certain pupils to be assessed ~~(and classified)~~ to determine whether to classify them as limited English proficient or English proficient upon enrollment for kindergarten; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to develop recommendations for the establishment of statewide standards for early childhood education programs in this State. (NRS 432A.076) Section 1 of this bill requires the State Board of Education to consider such recommendations and prescribe standards of content and performance and quality and evaluation measures for ~~early childhood education programs and~~ prekindergarten programs provided at public schools in this State.

Existing law requires the board of trustees of each school district to develop a policy for teaching English to pupils who are limited English proficient and sets forth certain requirements for these policies. (NRS 388.407) Existing law also requires the State Board to adopt regulations that prescribe criteria for these policies. (NRS 388.405) Section 2

of this bill provides that, in addition to requiring the regulations adopted by the State Board to prescribe criteria for a policy for teaching English to pupils who are limited English proficient, such regulations must: (1) prescribe a survey to be ~~conducted at the home~~ completed by the parent or guardian of a pupil that provides for the identification of pupils whose primary language is a language other than English; (2) require the use of an appropriate assessment for the identification and evaluation of pupils who are learning to speak two languages simultaneously or sequentially in their homes; and (3) require any pupil in ~~an early childhood education program or~~ a prekindergarten program provided at a public school identified as a pupil who is learning to speak two languages simultaneously or sequentially in his or her home to be assessed ~~and classified~~ to determine whether to classify the pupil as limited English proficient or English proficient upon enrollment for kindergarten. Section 3 of this bill requires that the policy developed by the board of trustees of each school district that provides for the identification of pupils who are limited English proficient includes the use of the survey prescribed by the State Board to identify pupils whose primary language is a language other than English.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Board shall prescribe by regulation standards of content and performance and quality and evaluation measures for any ~~early childhood education program and~~ prekindergarten program provided at a ~~private school or a~~ public school, including, without limitation, a charter school. In prescribing such measures by regulation, the State Board shall consider the recommendations of the Nevada Early Childhood Advisory Council made pursuant to subparagraph (4) of paragraph (d) of subsection 2 of NRS 432A.076.

Sec. 2. NRS 388.405 is hereby amended to read as follows:

388.405 1. The Legislature finds and declares that:

(a) It is the public policy of this State to provide every child enrolled in a public school with high-quality instruction.

(b) Children who are limited English proficient benefit from instruction that is designed to address the academic and linguistic needs of those children.

(c) It is the intent of the Legislature that children who are limited English proficient be provided with services and instruction which is designed to address the academic needs of such children so that those children attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency.

2. The State Board shall:

(a) Adopt regulations ~~prescribing~~ :

(1) *Prescribing criteria for a policy for the instruction to teach English to pupils who are limited English proficient which is developed by the board of trustees of each school district pursuant to NRS 388.407. The Superintendent of Public Instruction shall monitor each school district's compliance with the criteria prescribed by the State Board pursuant to this ~~paragraph~~ subparagraph;*

(2) *Prescribing a survey to be ~~conducted at the home of~~ completed by the parent or guardian of a pupil that provides for the identification of pupils whose primary language is a language other than English;*

(3) *Requiring the use of an appropriate assessment for the identification and evaluation of pupils who are dual language learners in:*

(I) ~~An early childhood education program;~~

~~(II)~~ A prekindergarten program ~~;~~

~~(III)~~ provided at a public school, including, without limitation, a charter school;

(II) Kindergarten; and

~~(IV)~~ (III) Grades 1 to 12, inclusive; and

(4) *Requiring any pupil in ~~an early childhood education program or~~ a prekindergarten program provided at a public school, including, without limitation, a charter school, who is identified as a dual language learner to be assessed ~~and classified~~ to determine whether to classify the pupil as limited English proficient or English proficient upon enrollment for kindergarten.*

(b) Submit all evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are limited English proficient carried out pursuant to that provision of federal law to the:

(1) Governor;

(2) Legislative Committee on Education;

(3) Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education; and

(4) Board of trustees of each school district.

3. *For the purposes of this section "dual language learner" means a person who is learning to speak two languages simultaneously or sequentially in his or her residence.*

Sec. 3. NRS 388.407 is hereby amended to read as follows:

388.407 1. The board of trustees of each school district shall develop a policy for the instruction to teach English to pupils who are limited English proficient. The policy must be designed to provide pupils enrolled in each public school located in the school district who are limited English proficient with instruction that enables those pupils to attain proficiency in the English language and improve their overall academic achievement and proficiency.

2. The policy developed pursuant to subsection 1 must:

(a) Provide for the identification of pupils who are limited English proficient through the use of ~~an~~ :

(1) *The survey prescribed by the State Board pursuant to subsection 2 of NRS 388.405; and*

(2) *An appropriate assessment;*

(b) Provide for the periodic reassessment of each pupil who is classified as limited English proficient;

(c) Be designed to eliminate any gaps in achievement, including, without limitation, in the core academic subjects and in high school graduation rates, between those pupils who are limited English proficient and pupils who are proficient in English;

(d) Provide opportunities for the parents or legal guardians of pupils who are limited English proficient to participate in the program; and

(e) Provide the parents and legal guardians of pupils who are limited English proficient with information regarding other programs that are designed to improve the language acquisition and academic achievement and proficiency of pupils who are limited English proficient and assist those parents and legal guardians in enrolling those pupils in such programs.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment to Senate Bill No. 126 limits the bill's provisions—related to prekindergarten program regulation and student language surveys—to school districts and charter schools; removes the requirement that the language survey be administered in the home and provides other clarifying language.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 60.

SUMMARY—Revises provisions relating to the Governor Guinn Millennium Scholarship. (BDR 34-96)

AN ACT relating to education; increasing the number of credit hours required for certain students to be eligible for the Governor Guinn Millennium Scholarship; revising the amount of money a student who is eligible for the Governor Guinn Millennium Scholarship may receive per semester; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Governor Guinn Millennium Scholarship Program to provide money to certain students for secondary education and the certain criteria for eligibility for such a scholarship. Such criteria includes

a requirement that a student be enrolled in a certain number of credit hours in a community college or other eligible institution. (NRS 396.926, 396.930) ~~[Sections] Section 1 [and 2] of this bill [increase, over a period of 2 years beginning July 1, 2015,] increases the number of credit hours in which a community college student must be enrolled in order to be eligible for a Millennium Scholarship [The number of credit hours is increased] from 6 credit hours to 9 credit hours beginning July 1, 2015, [and is increased to 12 credit hours beginning July 1, 2016, and continuing thereafter.]~~ Existing law further limits the total amount of money that a student may receive from a Millennium Scholarship to not more than the cost of 12 semester credits per semester and a total amount of not more than \$10,000. (NRS 396.934) Section 3 of this bill increases the amount that such a student may receive from a Millennium Scholarship for a semester to not more than the cost of 15 semester credits per semester but the cumulative maximum amount of money that such a student may receive remains unchanged at \$10,000.

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

Section 1. NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:

(a) Except as otherwise provided in paragraph (e) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and

(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;

(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;

(2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) ~~Six~~ *Nine* semester credit hours in a community college within the System;

(2) Twelve semester credit hours in another eligible institution; or

(3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship.

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

(d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:

(1) The 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.

(2) The minimum number of credits prescribed in paragraph (e) of subsection 1.

(e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.

(f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (e) of subsection 2,

have been residents of this State for at least 2 years, the Board of Regents shall establish:

(a) The minimum score on a standardized test that such students must receive; or

(b) Other criteria that students must meet,
 ➔ to be eligible for Millennium Scholarships.

4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:

(a) Are pursuing a career in education or health care;

(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or

(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.

5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so.

Sec. 2. ~~[NRS 396.930 is hereby amended to read as follows:~~

~~396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a Millennium Scholarship if the student:~~

~~(a) Except as otherwise provided in paragraph (c) of subsection 2, has been a resident of this State for at least 2 years before the student applies for the Millennium Scholarship;~~

~~(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State;~~

~~(1) After May 1, 2000, but not later than May 1, 2003; or~~

~~(2) After May 1, 2003, and, except as otherwise provided in paragraphs (c), (d) and (f) of subsection 2, not more than 6 years before the student applies for the Millennium Scholarship;~~

~~(c) Does not satisfy the requirements of paragraph (b) and:~~

~~(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;~~

~~(2) Received his or her high school diploma within 4 years after he or she was regularly scheduled to graduate; and~~

~~(3) Applies for the Millennium Scholarship not more than 6 years after he or she was regularly scheduled to graduate from high school;~~

~~(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:~~

~~— (1) A 3.00 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2003 or 2004;~~

~~— (2) A 3.10 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2005 or 2006; or~~

~~— (3) A 3.25 grade point average on a 4.0 grading scale, if the student was a member of the graduating class of 2007 or a later graduating class; and~~

~~— (e) Is enrolled in at least:~~

~~— (1) [Nine] Twelve semester credit hours in a community college within the System;~~

~~— (2) Twelve semester credit hours in another eligible institution; or~~

~~— (3) A total of 12 or more semester credit hours in eligible institutions if the student is enrolled in more than one eligible institution.~~

~~— 2. The Board of Regents:~~

~~— (a) Shall define the core curriculum that a student must complete in high school to be eligible for a Millennium Scholarship;~~

~~— (b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.~~

~~— (c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such students from the 6 year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.~~

~~— (d) Shall establish criteria with respect to students who have a documented physical or mental disability or who were previously subject to an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students from:~~

~~— (1) The 6 year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of subsection 1 and any limitation applicable to students who are eligible pursuant to subparagraph (1) of paragraph (b) of subsection 1.~~

~~— (2) The minimum number of credits prescribed in paragraph (e) of subsection 1.~~

~~— (e) Shall establish criteria with respect to students who have a parent or legal guardian on active duty in the Armed Forces of the United States to exempt such students from the residency requirement set forth in paragraph (a) of subsection 1 or subsection 3.~~

~~— (f) Shall establish criteria with respect to students who have been actively serving or participating in a charitable, religious or public service assignment or mission to exempt such students from the 6 year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must provide for the award of Millennium Scholarships to those students who qualify for the exemption and who otherwise meet the eligibility criteria to the extent that money is available to award Millennium~~

~~Scholarships to the students after all other obligations for the award of Millennium Scholarships for the current school year have been satisfied.~~

~~3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high school in this State and who, except as otherwise provided in paragraph (c) of subsection 2, have been residents of this State for at least 2 years, the Board of Regents shall establish:~~

~~(a) The minimum score on a standardized test that such students must receive; or~~

~~(b) Other criteria that students must meet;~~

~~to be eligible for Millennium Scholarships.~~

~~4. In awarding Millennium Scholarships, the Board of Regents shall enhance its outreach to students who:~~

~~(a) Are pursuing a career in education or health care;~~

~~(b) Come from families who lack sufficient financial resources to pay for the costs of sending their children to an eligible institution; or~~

~~(c) Substantially participated in an antismoking, antidrug or antialcohol program during high school.~~

~~5. The Board of Regents shall establish a procedure by which an applicant for a Millennium Scholarship is required to execute an affidavit declaring the applicant's eligibility for a Millennium Scholarship pursuant to the requirements of this section. The affidavit must include a declaration that the applicant is a citizen of the United States or has lawful immigration status, or that the applicant has filed an application to legalize the applicant's immigration status or will file an application to legalize his or her immigration status as soon as he or she is eligible to do so. (Deleted by amendment.)~~

Sec. 3. NRS 396.934 is hereby amended to read as follows:

396.934 1. Except as otherwise provided in this section, within the limits of money available in the Trust Fund, a student who is eligible for a Millennium Scholarship is entitled to receive:

(a) If he or she is enrolled in a community college within the System, including, without limitation, a summer academic term, \$40 per credit for each lower division course and \$60 per credit for each upper division course in which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the community college that are not otherwise satisfied by other grants or scholarships, whichever is less. The Board of Regents shall provide for the designation of upper and lower division courses for the purposes of this paragraph.

(b) If he or she is enrolled in a state college within the System, including, without limitation, a summer academic term, \$60 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the state college that are not otherwise satisfied by other grants or scholarships, whichever is less.

(c) If he or she is enrolled in another eligible institution, including, without limitation, a summer academic term, \$80 per credit for which the student is enrolled, or the amount of money that is necessary for the student to pay the costs of attending the university that are not otherwise satisfied by other grants or scholarships, whichever is less.

(d) If he or she is enrolled in more than one eligible institution, including, without limitation, a summer academic term, the amount authorized pursuant to paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures and guidelines established by the Board of Regents.

➤ In no event may a student who is eligible for a Millennium Scholarship receive more than the cost of ~~{12}~~ 15 semester credits per semester pursuant to this subsection.

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

(b) For a total amount in excess of \$10,000.

3. A student who receives a Millennium Scholarship shall:

(a) Make satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8; and

(b) If the student graduated from high school after May 1, 2003, maintain:

(1) At least a 2.60 grade point average on a 4.0 grading scale for each semester during the first year of enrollment in the Governor Guinn Millennium Scholarship Program.

(2) At least a 2.75 grade point average on a 4.0 grading scale for each semester during the second year of enrollment in the Governor Guinn Millennium Scholarship Program and for each semester during each year of enrollment thereafter.

4. A student who receives a Millennium Scholarship is encouraged to volunteer at least 20 hours of community service for this State, a political subdivision of this State or a charitable organization that provides service to a community or the residents of a community in this State during each year in which the student receives a Millennium Scholarship.

5. If a student does not satisfy the requirements of subsection 3 during one semester of enrollment, excluding a summer academic term, he or she is not eligible for the Millennium Scholarship for the succeeding semester of enrollment. If such a student:

(a) Subsequently satisfies the requirements of subsection 3 in a semester in which he or she is not eligible for the Millennium Scholarship, the student is eligible for the Millennium Scholarship for the student's next semester of enrollment.

(b) Fails a second time to satisfy the requirements of subsection 3 during any subsequent semester, excluding a summer academic term, the student is no longer eligible for a Millennium Scholarship.

6. A Millennium Scholarship must be used only:

(a) For the payment of registration fees and laboratory fees and expenses;

- (b) To purchase required textbooks and course materials; and
- (c) For other costs related to the attendance of the student at the eligible institution.

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

(a) Criteria for determining whether a student is making satisfactory academic progress toward a recognized degree or certificate for purposes of subsection 7.

(b) Procedures to ensure that all money from a Millennium Scholarship awarded to a student that is refunded in whole or in part for any reason is refunded to the Trust Fund and not the student.

(c) Procedures and guidelines for the administration of a Millennium Scholarship for students who are enrolled in more than one eligible institution.

Sec. 4. ~~[1.] This [section and sections 1 and 3 of this act become]~~ act becomes effective on July 1, 2015.

~~[2. Section 2 of this act becomes effective on July 1, 2016.]~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment to Senate Bill No. 128 removes the 12-credit enrollment minimum that was proposed to occur beginning July 1, 2016.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Commerce, Labor and Energy:

Amendment No. 138.

SUMMARY—Provides for the licensure of certified anesthesiology assistants. (BDR 54-240)

AN ACT relating to anesthesiology; providing for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; requiring anesthesiologist assistants to work under the medically direct supervision of a supervising anesthesiologist; establishing the maximum fees for the licensure of anesthesiologist assistants and the renewal or registration of such licenses; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure of physician assistants by the Board of Medical Examiners or the State Board of Osteopathic Medicine. Such physician assistants work under the supervision of a physician or an osteopathic physician. (NRS 630.273, 633.433) Sections 8 and 46 of this bill provide for the licensure of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine. Sections 7, 12, 45 and 50 of this bill provide that such anesthesiologist assistants must work under the medically direct supervision of a supervisory anesthesiologist. In addition, sections 7 and 45 of this bill list the services that an anesthesiologist assistant may undertake and provide that an anesthesiologist assistant may only administer controlled substances to a patient ~~(within an operative environment and)~~ with the patient's written consent. Sections 9 and 47 of this bill require the respective Boards to adopt regulations establishing requirements for the licensure of anesthesiologist assistants. Sections 24 and 61 of this bill establish the maximum fees for the issuance, renewal or registration of a license to practice as an anesthesiologist assistant. Sections 25 and 69 of this bill provide for the filing of certain complaints concerning an anesthesiologist assistant to the appropriate Board. Sections 26-34, 57 and 73-84 of this bill provide procedures for the investigation of complaints and the taking of disciplinary action by the respective Boards against an anesthesiologist assistant. Sections 37 and 85 of this bill provide that a person who holds himself or herself out as an anesthesiologist assistant without being licensed by the appropriate Board is guilty of a category D felony.

Sections 89 and 90 of this bill provide that anesthesiologist assistants are immune from civil liability for rendering medical care in certain emergency situations. Sections 92 and 93 of this bill require anesthesiologist assistants to report instances of suspected neglect or abuse of older persons and certain vulnerable persons.

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

Section 1. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, physician assistant, *anesthesiologist assistant*, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, occupational

therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, music therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist, licensed dietitian or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061, 629.065 and 629.077, the term includes a facility that maintains the health care records of patients.

3. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 12, inclusive, of this act.

Sec. 3. *"Anesthesia services" means those services and activities related to the administration of anesthesia to a patient, including, without limitation, those services identified in subsection 1 of section 7 of this act.*

Sec. 4. *"Anesthesiologist assistant" means a person who is a graduate of an academic program approved by the Board or who, by general education, practical training and experience determined satisfactory to the Board, is qualified to perform anesthesia services under the medically direct supervision of a supervising anesthesiologist and who has been issued a license by the Board.*

Sec. 5. *"Medically direct supervision" means that a supervising anesthesiologist is immediately available in such proximity to an anesthesiologist assistant during the performance of his or her duties that the supervising anesthesiologist is able to effectively re-establish direct contact with the patient to meet the patient's medical needs and address any urgent or emergent clinical problems.*

Sec. 6. *"Supervising anesthesiologist" means an active physician licensed and in good standing in this State ~~for a resident anesthesiologist working in an academic environment,~~ who is Board certified or Board eligible as an anesthesiologist by the American Board of Anesthesiology, or its successor, and who supervises one or more anesthesiology assistants.*

Sec. 7. 1. *An anesthesiologist assistant licensed under the provisions of this chapter may perform anesthesia services within the scope of practice of a supervising anesthesiologist and under the medically direct supervision of that supervising anesthesiologist, including, without limitation:*

- (a) *Obtaining a patient's preanesthetic health history;*
- (b) *Performing a preanesthetic physical examination;*
- (c) *Pretesting and calibrating anesthesia delivery systems and monitors and obtaining information from the systems and monitors;*
- (d) *Performing monitoring techniques;*

- (e) Establishing airway interventions and performing ventilatory support;
- (f) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;
- (g) Administering anesthetic, adjuvant and accessory drugs;
- (h) Administering blood, blood products and supportive fluids;
- (i) Performing epidural and spinal anesthetic procedures;
- (j) Recording postanesthetic patient progress notes;
- (k) Performing administrative duties as delegated by the supervising anesthesiologist; and
- (l) Performing such other duties as authorized by the supervising anesthesiologist.

2. An anesthesiologist assistant shall not ~~fr~~

~~(a) Administer any controlled substance to a patient except within an operative environment and under the medically direct supervision of a supervising anesthesiologist; and~~

~~(b) Prescribe~~ prescribe any controlled substance.

3. Before an anesthesiologist assistant administers to a patient any anesthetic agent that includes a controlled substance, the anesthesiologist assistant or supervising anesthesiologist shall:

- (a) Disclose to the patient that the anesthetic agent will be administered by an anesthesiologist assistant; and
- (b) Receive the patient's consent, in writing, for the anesthesiologist assistant to administer the anesthetic agent.

Sec. 8. The Board may issue a license to an applicant who is qualified under the regulations of the Board to perform anesthesia services under the medically direct supervision of a supervising anesthesiologist. The application for a license as an anesthesiologist assistant must contain all information required by the Board to complete the application.

Sec. 9. The Board shall adopt regulations establishing the requirements for licensure as an anesthesiologist assistant, including, without limitation:

- 1. The required qualifications of applicants for a license;
- 2. The academic or educational certificates, credentials or programs of study required of applicants for a license;
- 3. The procedures for submitting applications for licensure;
- 4. The standards for review of submitted applications and procedures for the issuance of licenses;
- 5. The tests or examinations of applicants by the Board;
- 6. The duration, renewal, revocation, suspension and termination of licenses;
- 7. The regulation and discipline of anesthesiologist assistants, including, without limitation, the reporting of complaints, investigations of misconduct and disciplinary proceedings;
- 8. The medically direct supervision of an anesthesiologist assistant by a supervising anesthesiologist; and

9. *Consistent with the provisions of section 7 of this act, the anesthesia services which an anesthesiologist assistant may perform.*

Sec. 10. 1. *An anesthesiologist assistant shall:*

(a) *Keep his or her license available for inspection at his or her primary place of business; and*

(b) *When engaged in professional duties, identify himself or herself as an anesthesiologist assistant.*

2. *An anesthesiologist assistant shall not bill a patient separately from his or her supervising anesthesiologist.*

Sec. 11. 1. *An anesthesiologist assistant licensed under the provisions of this chapter who is responding to a need for medical care created by an emergency or disaster, as declared by a governmental entity, may render emergency care that is directly related to the emergency or disaster without the supervision of a supervising anesthesiologist as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.*

2. *A supervising anesthesiologist who supervises an anesthesiologist assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, is not required to meet the requirements set forth in this chapter for such supervision.*

Sec. 12. 1. *A supervising anesthesiologist shall provide medically direct supervision to his or her anesthesiologist assistant whenever the anesthesiologist assistant is performing anesthesia services.*

2. *Before beginning to supervise an anesthesiologist assistant, a supervising anesthesiologist shall communicate to the anesthesiologist assistant:*

(a) *The scope of practice of the anesthesiologist assistant;*

(b) *The access to the supervising anesthesiologist that the anesthesiologist assistant will have; and*

(c) *Any processes for evaluation that the supervising anesthesiologist will use to evaluate the anesthesiologist assistant.*

3. *A supervising anesthesiologist shall not delegate to his or her anesthesiologist assistant, and the anesthesiologist assistant shall not accept, any task that is beyond the anesthesiologist assistant's capability to complete safely.*

4. *A supervising anesthesiologist shall not supervise more than four anesthesiologist assistants at the same time.*

5. *A supervising anesthesiologist may coordinate with other anesthesiologists within his or her practice group or department for the purpose of meeting any of his or her required supervisory duties. Any anesthesiologist with whom a supervisory anesthesiologist coordinates his or her supervisory duties shall be considered a joint supervisory anesthesiologist and is subject to all applicable requirements for a supervisory anesthesiologist contained within this chapter.*

Sec. 13. *NRS 630.003 is hereby amended to read as follows:*

630.003 1. The Legislature finds and declares that:

(a) It is among the responsibilities of State Government to ensure, as far as possible, that only competent persons practice medicine, perfusion , *anesthesia services* and respiratory care within this State;

(b) For the protection and benefit of the public, the Legislature delegates to the Board of Medical Examiners the power and duty to determine the initial and continuing competence of physicians, perfusionists, physician assistants , *anesthesiologist assistants* and practitioners of respiratory care who are subject to the provisions of this chapter;

(c) The Board must exercise its regulatory power to ensure that the interests of the medical profession do not outweigh the interests of the public;

(d) The Board must ensure that unfit physicians, perfusionists, physician assistants , *anesthesiologist assistants* and practitioners of respiratory care are removed from the medical profession so that they will not cause harm to the public; and

(e) The Board must encourage and allow for public input into its regulatory activities to further improve the quality of medical practice within this State.

2. The powers conferred upon the Board by this chapter must be liberally construed to carry out these purposes for the protection and benefit of the public.

Sec. 14. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, *and sections 3 to 6, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 15. NRS 630.021 is hereby amended to read as follows:

630.021 "Practice of respiratory care" includes:

1. Therapeutic and diagnostic use of medical gases, humidity and aerosols and the maintenance of associated apparatus;

2. The administration of drugs and medications to the cardiopulmonary system;

3. The provision of ventilatory assistance and control;

4. Postural drainage and percussion, breathing exercises and other respiratory rehabilitation procedures;

5. Cardiopulmonary resuscitation and maintenance of natural airways and the insertion and maintenance of artificial airways;

6. Carrying out the written orders of a physician, physician assistant, *anesthesiologist assistant*, certified registered nurse anesthetist or an advanced practice registered nurse relating to respiratory care;

7. Techniques for testing to assist in diagnosis, monitoring, treatment and research related to respiratory care, including the measurement of ventilatory volumes, pressures and flows, collection of blood and other specimens, testing of pulmonary functions and hemodynamic and other related physiological monitoring of the cardiopulmonary system; and

8. Training relating to the practice of respiratory care.

Sec. 16. NRS 630.045 is hereby amended to read as follows:

630.045 1. The purpose of licensing physicians, perfusionists, physician assistants, *anesthesiologist assistants* and practitioners of respiratory care is to protect the public health and safety and the general welfare of the people of this State.

2. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 17. NRS 630.047 is hereby amended to read as follows:

630.047 1. This chapter does not apply to:

(a) A medical officer or perfusionist or practitioner of respiratory care of the Armed Forces or a medical officer or perfusionist or practitioner of respiratory care of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455;

(b) Physicians who are called into this State, other than on a regular basis, for consultation with or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside;

(c) Physicians who are legally qualified to practice in the state where they reside and come into this State on an irregular basis to:

(1) Obtain medical training approved by the Board from a physician who is licensed in this State; or

(2) Provide medical instruction or training approved by the Board to physicians licensed in this State;

(d) Any person permitted to practice any other healing art under this title who does so within the scope of that authority, or healing by faith or Christian Science;

(e) The practice of respiratory care by a student as part of a program of study in respiratory care that is approved by the Board, or is recognized by a national organization which is approved by the Board to review such programs, if the student is enrolled in the program and provides respiratory care only under the supervision of a practitioner of respiratory care;

(f) The practice of respiratory care by a student who:

(1) Is enrolled in a clinical program of study in respiratory care which has been approved by the Board;

(2) Is employed by a medical facility, as defined in NRS 449.0151; and

(3) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition and a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under the supervision of the physician until a practitioner of respiratory care is available;

(g) The practice of respiratory care by a person on himself or herself or gratuitous respiratory care provided to a friend or a member of a person's

family if the provider of the care does not represent himself or herself as a practitioner of respiratory care;

(h) A person who is employed by a physician and provides respiratory care or services as a perfusionist under the supervision of that physician;

(i) The maintenance of medical equipment for perfusion , *anesthesia services* or respiratory care that is not attached to a patient; and

(j) A person who installs medical equipment for respiratory care that is used in the home and gives instructions regarding the use of that equipment if the person is trained to provide such services and is supervised by a provider of health care who is acting within the authorized scope of his or her practice.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services outside of a medical school or medical facility by a person who is not a physician, perfusionist, physician assistant , *anesthesiologist assistant* or practitioner of respiratory care in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 18. NRS 630.120 is hereby amended to read as follows:

630.120 1. The Board shall procure a seal.

2. All licenses issued to physicians, perfusionists, physician assistants , *anesthesiologist assistants* and practitioners of respiratory care must bear the seal of the Board and the signatures of its President and Secretary-Treasurer.

Sec. 19. NRS 630.137 is hereby amended to read as follows:

630.137 1. Notwithstanding any other provision of law and except as otherwise provided in this section, the Board shall not adopt any regulations that prohibit or have the effect of prohibiting a physician, perfusionist, physician assistant , *anesthesiologist assistant* or practitioner of respiratory care from collaborating or consulting with another provider of health care.

2. The provisions of this section do not prevent the Board from adopting regulations that prohibit a physician, perfusionist, physician assistant , *anesthesiologist assistant* or practitioner of respiratory care from aiding or abetting another person in the unlicensed practice of medicine or the unlicensed practice of perfusion , *anesthesia services* or respiratory care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. NRS 630.167 is hereby amended to read as follows:

630.167 In addition to any other requirements set forth in this chapter, each applicant for a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant , *to practice as an anesthesiologist assistant* or to practice respiratory care shall submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Any fees or costs charged by the Board for this service pursuant to NRS 630.268 are not refundable.

Sec. 21. NRS 630.197 is hereby amended to read as follows:

630.197 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant , *to practice as an anesthesiologist assistant* or to practice as a practitioner of respiratory care shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant , *to practice as an anesthesiologist assistant* or to practice as a practitioner of respiratory care shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to practice medicine, to practice as a perfusionist, to practice as a physician assistant , *to practice as an anesthesiologist assistant* or to practice as a practitioner of respiratory care may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 22. NRS 630.198 is hereby amended to read as follows:

630.198 1. The Board shall not issue or renew a license to practice as a physician, physician assistant , *anesthesiologist assistant* or perfusionist unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease

Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

2. In addition to the attestation provided pursuant to subsection 1, a physician shall attest that any person:

- (a) Who is under the control and supervision of the physician;
- (b) Who is not licensed pursuant to this chapter; and
- (c) Whose duties involve injection practices,

➔ has knowledge of and is in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 23. 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) *Renewal of a license as an anesthesiologist assistant; or*
- (c) 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 ~~{-}~~ *or anesthesia services, as applicable.*

(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. 24. NRS 630.268 is hereby amended to read as follows:

630.268 1. The Board shall charge and collect not more than the following fees:

For application for and issuance of a license to practice as a physician, including a license by endorsement.....	\$600
For application for and issuance of a temporary, locum tenens, limited, restricted, authorized facility, special, special purpose or special event license.....	400
For renewal of a limited, restricted, authorized facility or special license	400
For application for and issuance of a license as a physician assistant	400
For biennial registration of a physician assistant	800
For application for and issuance of a license as an anesthesiologist assistant.....	1,800 400
For biennial registration of an anesthesiologist assistant ..	1,000 800
For biennial registration of a physician.....	800
For application for and issuance of a license as a perfusionist or practitioner of respiratory care.....	400
For biennial renewal of a license as a perfusionist.....	600

For biennial registration of a practitioner of respiratory care.....	600
For biennial registration for a physician who is on inactive status	400
For written verification of licensure.....	50
For a duplicate identification card.....	25
For a duplicate license.....	50
For computer printouts or labels	500
For verification of a listing of physicians, per hour	\$20
For furnishing a list of new physicians	100

2. In addition to the fees prescribed in subsection 1, the Board shall charge and collect necessary and reasonable fees for the expedited processing of a request or for any other incidental service the Board provides.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 25. 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, *anesthesiologist assistant* or practitioner of respiratory care 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 medicine, perfusion, *anesthesia services* 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, *anesthesiologist assistant* or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant, *anesthesiologist 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, *anesthesiologist assistant* or practitioner of respiratory care concerning the care of a patient or the competency of the physician, perfusionist, physician assistant, *anesthesiologist 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, *anesthesiologist 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, *anesthesiologist assistant* or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant, *anesthesiologist 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 Division of Public and Behavioral Health of the Department of Health and Human Services. If, after a hearing, the Division of Public and Behavioral Health 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, *anesthesiologist 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. 26. NRS 630.309 is hereby amended to read as follows:

630.309 To institute a disciplinary action against a perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care, a written complaint, specifying the charges, must be filed with the Board by:

1. The Board or a committee designated by the Board to investigate a complaint;
2. Any member of the Board; or
3. Any other person who is aware of any act or circumstance constituting a ground for disciplinary action set forth in the regulations adopted by the Board.

Sec. 27. NRS 630.326 is hereby amended to read as follows:

630.326 1. If an investigation by the Board regarding a physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care reasonably determines that the health, safety or welfare of the public or any patient served by the physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care is at risk of imminent or continued harm, the Board may summarily suspend the license of the physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care. The order of summary suspension may be issued by the Board, an investigative committee of the Board or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.

2. If the Board issues an order summarily suspending the license of a physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care pursuant to subsection 1, the Board shall hold a hearing regarding the matter not later than 45 days after the date on which the Board issues the order summarily suspending the license unless the Board and the licensee mutually agree to a longer period.

3. If the Board issues an order suspending the license of a physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care pending proceedings for disciplinary action and requires the physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care to submit to a mental or physical examination or an examination testing his or her competence to practice, the examination must be conducted and the results obtained not later than 60 days after the Board issues its order.

Sec. 28. NRS 630.329 is hereby amended to read as follows:

630.329 If the Board issues an order suspending the license of a physician, perfusionist, physician assistant, *anesthesiologist assistant* or practitioner of respiratory care pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order.

Sec. 29. 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, *anesthesiologist 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,

anesthesiologist 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 , *anesthesia services* 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 , *anesthesia services* 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. The Board 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 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. 30. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence and a witness must not be barred from testifying solely because the witness was or is incompetent.

2. A finding of the Board must be supported by a preponderance of the evidence.

3. Proof of actual injury need not be established.

4. A certified copy of the record of a court or a licensing agency showing a conviction or plea of *nolo contendere* or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine,

perfusion , *anesthesia services* or respiratory care is conclusive evidence of its occurrence.

Sec. 31. NRS 630.358 is hereby amended to read as follows:

630.358 1. Any person:

(a) Whose practice of medicine, perfusion , *anesthesia services* or respiratory care has been limited; or

(b) Whose license to practice medicine, perfusion , *anesthesia services* or respiratory care has been:

(1) Suspended until further order; or

(2) Revoked,

➔ by an order of the Board, may apply to the Board for removal of the limitation or restoration of the license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination or an examination testing his or her competence to practice medicine, perfusion , *anesthesia services* or respiratory care by physicians, perfusionists , *anesthesiologist assistants* or practitioners of respiratory care, as appropriate, or other examinations it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

3. The licensee has the burden of proving by clear and convincing evidence that the requirements for restoration of the license or removal of the limitation have been met.

4. The Board shall not restore a license unless it is satisfied that the person has complied with all of the terms and conditions set forth in the final order of the Board and that the person is capable of practicing medicine, perfusion , *anesthesia services* or respiratory care in a safe manner.

5. To restore a license that has been revoked by the Board, the applicant must apply for a license and take an examination as though the applicant had never been licensed under this chapter.

Sec. 32. NRS 630.366 is hereby amended to read as follows:

630.366 1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant , *to practice as an anesthesiologist assistant* or to practice as a practitioner of respiratory care, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the

holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license to practice medicine, to practice as a perfusionist, to practice as a physician assistant , *to practice as an anesthesiologist assistant* or to practice as a practitioner of respiratory care that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 33. NRS 630.388 is hereby amended to read as follows:

630.388 1. In addition to any other remedy provided by law, the Board, through its President or Secretary-Treasurer or the Attorney General, may apply to any court of competent jurisdiction:

(a) To enjoin any prohibited act or other conduct of a licensee which is harmful to the public;

(b) To enjoin any person who is not licensed under this chapter from practicing medicine, perfusion , *anesthesia services* or respiratory care;

(c) To limit the practice of a physician, perfusionist, physician assistant , *anesthesiologist assistant* or practitioner of respiratory care, or suspend his or her license to practice;

(d) To enjoin the use of the title "P.A.," "P.A.-C," "A.A.," "R.C.P." or any other word, combination of letters or other designation intended to imply or designate a person as a physician assistant , *anesthesiologist assistant* or practitioner of respiratory care, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute; or

(e) To enjoin the use of the title "L.P.," "T.L.P.," "licensed perfusionist," "temporarily licensed perfusionist" or any other word, combination of letters or other designation intended to imply or designate a person as a perfusionist, when not licensed by the Board pursuant to this chapter, unless the use is otherwise authorized by a specific statute.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for the purposes set forth in subsection 1:

(a) Without proof of actual damage sustained by any person;

(b) Without relieving any person from criminal prosecution for engaging in the practice of medicine, perfusion , *anesthesia services* or respiratory care without a license; and

(c) Pending proceedings for disciplinary action by the Board.

Sec. 34. NRS 630.390 is hereby amended to read as follows:

630.390 In seeking injunctive relief against any person for an alleged violation of this chapter by practicing medicine, perfusion , *anesthesia services* or respiratory care without a license, it is sufficient to allege that the person did, upon a certain day, and in a certain county of this State, engage in the practice of medicine, perfusion , *anesthesia services* or respiratory care

without having a license to do so, without alleging any further or more particular facts concerning the same.

Sec. 35. NRS 630.395 is hereby amended to read as follows:

630.395 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices medicine, perfusion , *anesthesia services* 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 , *anesthesia services* or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 36. NRS 630.397 is hereby amended to read as follows:

630.397 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 , *anesthesia services* or respiratory care without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 37. NRS 630.400 is hereby amended to read as follows:

630.400 1. It is unlawful for any person to:

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

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

(c) Practice medicine, perfusion , *anesthesia services* or respiratory care under a false or assumed name or falsely personate another licensee;

(d) Except as otherwise provided by a specific statute, practice medicine, perfusion , *anesthesia services* or respiratory care without being licensed under this chapter;

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

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

(g) *Hold himself or herself out as an anesthesiologist assistant or use any other term indicating or implying that he or she is an anesthesiologist assistant without being licensed by the Board; or*

(h) Hold himself or herself out as a practitioner of respiratory care or use any other term indicating or implying that he or she is a practitioner of respiratory care without being licensed by the Board.

2. Unless a greater penalty is provided pursuant to NRS 200.830 or 200.840, 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 include a telephone number with which the person may contact the Board.

(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. 38. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, *anesthesia services*, respiratory care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 39. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, music therapist, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 40. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 41 to 50, inclusive, of this act.

Sec. 41. *"Anesthesia services" means those services and activities related to the administration of anesthesia to a patient, including, without limitation, those services identified in subsection 1 of section 45 of this act.*

Sec. 42. *"Anesthesiologist assistant" means a person who is a graduate of an academic program approved by the Board or who, by general education, practical training and experience determined satisfactory to the Board, is qualified to perform anesthesia services under the medically direct supervision of a supervising anesthesiologist and who has been issued a license by the Board.*

Sec. 43. *"Medically direct supervision" means that a supervising anesthesiologist is immediately available in such proximity to an anesthesiologist assistant during the performance of his or her duties that the supervising anesthesiologist is able to effectively re-establish direct contact with the patient to meet the patient's medical needs and address any urgent or emergent clinical problems.*

Sec. 44. *"Supervising anesthesiologist" means an active osteopathic physician licensed and in good standing in this State ~~or a resident anesthesiologist working in an academic environment,~~ who is Board certified or Board eligible as an anesthesiologist by the American Board of Anesthesiology, or its successor, or the American Osteopathic Association, or its successor, and who supervises one or more anesthesiology assistants.*

Sec. 45. 1. *An anesthesiologist assistant licensed under the provisions of this chapter may perform anesthesia services within the scope of practice of a supervising anesthesiologist and under the medically direct supervision of that supervising anesthesiologist, including, without limitation:*

- (a) Obtaining a patient's preanesthetic health history;*
- (b) Performing a preanesthetic physical examination;*
- (c) Pretesting and calibrating anesthesia delivery systems and monitors and obtaining information from the systems and monitors;*
- (d) Performing monitoring techniques;*
- (e) Establishing airway interventions and performing ventilatory support;*
- (f) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;*
- (g) Administering anesthetic, adjuvant and accessory drugs;*
- (h) Administering blood, blood products and supportive fluids;*
- (i) Performing epidural and spinal anesthetic procedures;*
- (j) Recording postanesthetic patient progress notes;*

(k) Performing administrative duties as delegated by the supervising anesthesiologist; and

(l) Performing such other duties as authorized by the supervising anesthesiologist.

2. An anesthesiologist assistant shall not ~~for~~

~~(a) Administer any controlled substance to a patient except within an operative environment and under the medically direct supervision of a supervising anesthesiologist; and~~

~~(b) Prescribe~~ prescribe any controlled substance.

3. Before an anesthesiologist assistant administers to a patient any anesthetic agent that includes a controlled substance, the anesthesiologist assistant or supervising anesthesiologist shall:

(a) Disclose to the patient that the anesthetic agent will be administered by an anesthesiologist assistant; and

(b) Receive the patient's consent, in writing, for the anesthesiologist assistant to administer the anesthetic agent.

Sec. 46. The Board may issue a license to an applicant who is qualified under the regulations of the Board to perform anesthesia services under the medically direct supervision of a supervising anesthesiologist. The application for a license as an anesthesiologist assistant must contain all information required by the Board to complete the application.

Sec. 47. The Board shall adopt regulations establishing the requirements for licensure as an anesthesiologist assistant, including, without limitation:

1. The required qualifications of applicants for a license;

2. The academic or educational certificates, credentials or programs of study required of applicants for a license;

3. The procedures for submitting applications for licensure;

4. The standards for review of submitted applications and procedures for the issuance of licenses;

5. The tests or examinations of applicants by the Board;

6. The duration, renewal, revocation, suspension and termination of licenses;

7. The regulation and discipline of anesthesiologist assistants, including, without limitation, the reporting of complaints, investigations of misconduct and disciplinary proceedings;

8. The medically direct supervision of an anesthesiologist assistant by a supervising anesthesiologist; and

9. Consistent with the provisions of section 45 of this act, the anesthesia services which an anesthesiologist assistant may perform.

Sec. 48. 1. An anesthesiologist assistant shall:

(a) Keep his or her license available for inspection at his or her primary place of business; and

(b) When engaged in professional duties, identify himself or herself as an anesthesiologist assistant.

2. *An anesthesiologist assistant shall not bill a patient separately from his or her supervising anesthesiologist.*

Sec. 49. 1. *An anesthesiologist assistant licensed under the provisions of this chapter who is responding to a need for medical care created by an emergency or disaster, as declared by a governmental entity, may render emergency care that is directly related to the emergency or disaster without the supervision of a supervising anesthesiologist as required by this chapter. The provisions of this subsection apply only for the duration of the emergency or disaster.*

2. *A supervising anesthesiologist who supervises an anesthesiologist assistant who is rendering emergency care that is directly related to an emergency or disaster, as described in subsection 1, is not required to meet the requirements set forth in this chapter for such supervision.*

Sec. 50. 1. *A supervising anesthesiologist shall provide medically direct supervision to his or her anesthesiologist assistant whenever the anesthesiologist assistant is performing anesthesia services.*

2. *Before beginning to supervise an anesthesiologist assistant, a supervising anesthesiologist shall communicate to the anesthesiologist assistant:*

(a) The scope of practice of the anesthesiologist assistant;

(b) The access to the supervising anesthesiologist that the anesthesiologist assistant will have; and

(c) Any processes for evaluation that the supervising anesthesiologist will use to evaluate the anesthesiologist assistant.

3. *A supervising anesthesiologist shall not delegate to his or her anesthesiologist assistant, and the anesthesiologist assistant shall not accept, any task that is beyond the anesthesiologist assistant's capability to complete safely.*

4. *A supervising anesthesiologist shall not supervise more than four anesthesiologist assistants at the same time.*

5. *A supervising anesthesiologist may coordinate with other anesthesiologists within his or her practice group or department for the purpose of meeting any of his or her required supervisory duties. Any anesthesiologist with whom a supervisory anesthesiologist coordinates his or her supervisory duties shall be considered a joint supervisory anesthesiologist and is subject to all applicable requirements for a supervisory anesthesiologist contained within this chapter.*

Sec. 51. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, and sections 41 to 44, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 52. NRS 633.071 is hereby amended to read as follows:

633.071 "Malpractice" means failure on the part of an osteopathic physician, ~~or~~ physician assistant or anesthesiologist assistant to exercise

the degree of care, diligence and skill ordinarily exercised by osteopathic physicians , ~~for~~ physician assistants *or anesthesiologist assistants* in good standing in the community in which he or she practices.

Sec. 53. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine , ~~for~~ to practice as a physician *assistant or to practice as an anesthesiologist assistant*, or in applying for the renewal of a license to practice osteopathic medicine , ~~for~~ to practice as a physician assistant ~~[-]~~ *or to practice as an anesthesiologist assistant*.

(b) Failure of a person who is licensed to practice osteopathic medicine to identify himself or herself professionally by using the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine , ~~for~~ in practice as a physician assistant ~~[-]~~ *or in practice as an anesthesiologist assistant*, or the aiding or abetting of any unlicensed person to practice osteopathic medicine , ~~for~~ to practice as a physician assistant ~~[-]~~ *or to practice as an anesthesiologist assistant*.

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each person; or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 54. NRS 633.151 is hereby amended to read as follows:

633.151 The purpose of licensing osteopathic physicians, ~~and~~ physician assistants *and anesthesiologist assistants* is to protect the public health and safety and the general welfare of the people of this State. Any license issued pursuant to this chapter is a revocable privilege, and a holder of such a license does not acquire thereby any vested right.

Sec. 55. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine, *anesthesia services* or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory

care, faith or Christian Science healing, nursing, veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 56. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians, ~~and~~ physician assistants *and anesthesiologist assistants* for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 6 of NRS 633.533 and NRS 690B.250 and 690B.260; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 57. 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 *and anesthesiologist 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 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.

Sec. 58. NRS 633.3619 is hereby amended to read as follows:

633.3619 The Board shall not issue or renew a license to practice osteopathic medicine ~~for~~, *to practice* as a physician assistant *or to practice as an anesthesiologist assistant* unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 59. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 6 and NRS 633.491, every holder of a license *to practice osteopathic medicine or to practice as a physician assistant* 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~~ *person licensed to practice osteopathic medicine or a licensee to practice as a physician assistant* 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. 60. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee who retires from practice is not required annually to renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and any other evidence that the Board may require to verify the retirement.

2. An osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* who retires from practice and who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if the licensee has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.

3. A licensee who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine, ~~or~~ cease to practice as a physician assistant *or cease to practice as an anesthesiologist assistant* in Nevada and any other evidence that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. An osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* whose license has been placed on inactive status:

(a) Is not required to annually renew the license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not practice osteopathic medicine , ~~for~~ practice as a physician assistant *or practice as an anesthesiologist assistant* in this State.

5. An osteopathic physician , ~~for~~ physician assistant *or anesthesiologist assistant* whose license is on inactive status and who wishes to renew his or her license to practice osteopathic medicine , ~~for~~ license to practice as a physician assistant *or license to practice as an anesthesiologist assistant* must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license; and

(2) Each year after the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would constitute grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 61. NRS 633.501 is hereby amended to read as follows:

633.501 1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

(a) Application and initial license fee for an osteopathic physician	\$800
(b) Annual license renewal fee for an osteopathic physician	500
(c) Temporary license fee.....	500
(d) Special or authorized facility license fee	200
(e) Special event license fee	200
(f) Special or authorized facility license renewal fee	200
(g) Reexamination fee	200
(h) Late payment fee	300
(i) Application and initial license fee for a physician assistant	400
(j) Annual license renewal fee for a physician assistant.....	400
(k) <i>Application and initial license fee for an anesthesiologist assistant</i>	500 400
<i>(l) Annual license renewal fee for an anesthesiologist assistant..</i>	500 400
<i>(m) Inactive license fee</i>	200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) , ~~for~~ (i) *or (k)* of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 62. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.
2. Conviction of:
 - (a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
 - (b) A felony relating to the practice of osteopathic medicine , ~~for~~ practice as a physician assistant ~~[-]~~ *or practice as an anesthesiologist assistant*;
 - (c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;
 - (d) Murder, voluntary manslaughter or mayhem;
 - (e) Any felony involving the use of a firearm or other deadly weapon;
 - (f) Assault with intent to kill or to commit sexual assault or mayhem;
 - (g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
 - (h) Abuse or neglect of a child or contributory delinquency; or
 - (i) Any offense involving moral turpitude.
3. The suspension of a license to practice osteopathic medicine , ~~for~~ to practice as a physician assistant *or to practice as an anesthesiologist assistant* by any other jurisdiction.
4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a licensee.
5. Professional incompetence.
6. Failure to comply with the requirements of NRS 633.527.
7. Failure to comply with the requirements of subsection 3 of NRS 633.471.
8. Failure to comply with the provisions of NRS 633.694.
9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:
 - (a) The license of the facility is suspended or revoked; or
 - (b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➡ This subsection applies to an owner or other principal responsible for the operation of the facility.
10. Failure to comply with the provisions of subsection 2 of NRS 633.322.
11. Signing a blank prescription form.
12. Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is not approved by the United States Food and Drug Administration, unless the unapproved controlled substance or dangerous drug:
 - (a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

14. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

15. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

16. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

17. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

18. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

19. Failure to comply with the provisions of NRS 633.165.

20. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 63. NRS 633.512 is hereby amended to read as follows:

633.512 Any member or agent of the Board may enter any premises in this State where a person who holds a license issued pursuant to the provisions of this chapter practices osteopathic medicine ~~for~~, *practices* as a physician assistant *or practices as an anesthesiologist 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 ~~for~~, *practicing* as a physician assistant *or practicing as an anesthesiologist assistant* without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 64. NRS 633.526 is hereby amended to read as follows:

633.526 1. The insurer of an osteopathic physician, ~~for~~ physician assistant *or anesthesiologist assistant* licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the osteopathic physician, ~~for~~ physician assistant *or anesthesiologist assistant* not later than 45 days after

the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than \$10,000 against the insurer 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.

Sec. 65. NRS 633.527 is hereby amended to read as follows:

633.527 1. An osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* shall report to the Board:

(a) Any action for malpractice against the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* not later than 45 days after the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition; and

(d) Any sanctions imposed against the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that an osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* has violated any provision of this section, the Board may impose a fine of not more than \$5,000 against the osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by an osteopathic physician , ~~{or}~~ physician assistant *or anesthesiologist assistant* pursuant to this section are public records.

Sec. 66. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* has been resolved by settlement, the Board shall conduct an investigation to determine whether to discipline the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 67. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* regarding an action or claim for malpractice, or that such an action or claim against the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* has been resolved by settlement, the Board may order the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* to undergo a mental or physical examination or any other examination designated by the Board to test his or her competence to practice osteopathic medicine, ~~or~~ to practice as a physician assistant ~~or~~ *or to practice as an anesthesiologist assistant*, as applicable. An examination conducted pursuant to this subsection must be conducted by osteopathic physicians designated by the Board.

2. For the purposes of this section:

(a) An osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* who applies for a license or who holds a license under this chapter is deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice osteopathic medicine, ~~or~~ to practice as a physician assistant *or to practice as an anesthesiologist assistant*, as applicable, pursuant to a written order by the Board.

(b) The testimony or reports of the examining osteopathic physician are not privileged communications.

Sec. 68. NRS 633.531 is hereby amended to read as follows:

633.531 1. The Board or any of its members, or a medical review panel of a hospital or medical society, which becomes aware of any conduct by an osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* that may constitute grounds for initiating disciplinary action shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. 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. 69. 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~~, a physician assistant *or an anesthesiologist 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 *or practicing as an anesthesiologist 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 *or anesthesiologist assistant* to practice while the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* is under investigation, and the outcome of any disciplinary action taken by the facility or society against the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist assistant* concerning the care of a patient or the competency of the osteopathic physician, ~~or~~ physician assistant *or anesthesiologist 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 *or anesthesiologist assistant* that is based on:

(a) An investigation of the mental, medical or psychological competency of the osteopathic physician, ~~or~~ physician assistant ~~or~~ *anesthesiologist assistant*; or

(b) Suspected or alleged substance abuse in any form by the osteopathic physician, ~~or~~ physician assistant ~~or~~ *anesthesiologist 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 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 an osteopathic physician , ~~or~~ physician assistant ~~or~~ *anesthesiologist assistant*:

- (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 the finding, judgment or determination.

7. On or before January 15 of each year, the clerk of every 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 osteopathic physicians , ~~and~~ physician assistants *and anesthesiologist assistants* pursuant to paragraph (e) of subsection 6.

Sec. 70. NRS 633.542 is hereby amended to read as follows:

633.542 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~~ , *who practices or offers to practice* as a physician assistant *or as an anesthesiologist assistant* without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 71. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* has raised a reasonable question as to his or her competence to practice osteopathic medicine , ~~or~~ to practice as a physician assistant ~~or~~ *to practice as an anesthesiologist assistant*, as applicable, with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* to submit to a mental or physical examination conducted by physicians designated by the Board. If the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* in the diversion program. As used in this subsection, "diversion program" means a program approved by the Board to

correct an osteopathic physician's , ~~or~~ physician assistant's *or anesthesiologist assistant's* alcohol or drug dependence or any other impairment.

2. For the purposes of this section:

(a) An osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* who is licensed under this chapter and who accepts the privilege of practicing osteopathic medicine , ~~or~~ practicing as a physician assistant *or practicing as an anesthesiologist assistant* in this State is deemed to have given consent to submit to a mental or physical examination pursuant to a written order by the Board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* who is licensed under this chapter to submit to an examination pursuant to this section constitutes an admission of the charges against the osteopathic physician , ~~or~~ physician assistant ~~or~~ *anesthesiologist assistant*.

Sec. 72. NRS 633.571 is hereby amended to read as follows:

633.571 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* has raised a reasonable question as to his or her competence to practice osteopathic medicine , ~~or~~ to practice as a physician assistant ~~or~~ *to practice as an anesthesiologist assistant*, as applicable, with reasonable skill and safety to patients, the Board may require the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* to submit to an examination for the purposes of determining his or her competence to practice osteopathic medicine , ~~or~~ to practice as a physician assistant ~~or~~ *to practice as an anesthesiologist assistant*, as applicable, with reasonable skill and safety to patients.

Sec. 73. NRS 633.581 is hereby amended to read as follows:

633.581 1. If an investigation by the Board of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* is at risk of imminent or continued harm, the Board may summarily suspend the license of the osteopathic physician , ~~or~~ physician assistant ~~or~~ *anesthesiologist assistant*. The order of summary suspension may be issued by the Board, an investigative committee of the Board or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.

2. If the Board issues an order summarily suspending the license of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* pursuant to subsection 1, the Board shall hold a hearing regarding the matter not later than 45 days after the date on which the Board issues the order

summarily suspending the license unless the Board and the licensee mutually agree to a longer period.

3. Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* pending a proceeding for disciplinary action and requires the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* to submit to a mental or physical examination or a medical competency examination, the examination must be conducted and the results must be obtained not later than 60 days after the Board issues the order.

Sec. 74. NRS 633.591 is hereby amended to read as follows:

633.591 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.

Sec. 75. NRS 633.601 is hereby amended to read as follows:

633.601 1. In addition to any other remedy provided by law, the Board, through an officer of the Board or the Attorney General, may apply to any court of competent jurisdiction to enjoin any unprofessional conduct of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* which is harmful to the public or to limit the practice of the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* or suspend his or her license to practice osteopathic medicine , ~~or~~ to practice as a physician assistant ~~or~~ *or to practice as an anesthesiologist assistant*, as applicable, as provided in this section.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes:

(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as punitive measure; and

(b) Pending proceedings for disciplinary action by the Board. Notwithstanding the provisions of chapter 622A of NRS, such proceedings shall be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 76. NRS 633.631 is hereby amended to read as follows:

633.631 Except as otherwise provided in chapter 622A of NRS:

1. Service of process made under this chapter must be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* at his or her last known address, as indicated in the records of the Board. If personal service cannot be made and if mail notice is returned undelivered, the Secretary of the Board shall cause a notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county

of the last known address of the osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* or, if no newspaper is published in that county, in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter must be filed with the Secretary of the Board and must be recorded in the minutes of the Board.

Sec. 77. NRS 633.641 is hereby amended to read as follows:

633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:

1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical practice harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine , ~~or~~ to practice as a physician assistant *or to practice as an anesthesiologist assistant* is conclusive evidence of its occurrence.

Sec. 78. NRS 633.651 is hereby amended to read as follows:

633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine , ~~or~~ to practice as a physician assistant *or to practice as an anesthesiologist assistant* for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine , ~~or~~ to practice as a physician assistant ~~or~~ *or to practice as an anesthesiologist assistant*.

(f) Impose a fine not to exceed \$5,000 for each violation.

(g) Require supervision of the practice of the person.

(h) Require the person to perform community service without compensation.

(i) Require the person to complete any training or educational requirements specified by the Board.

(j) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.

➤ The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 79. NRS 633.671 is hereby amended to read as follows:

633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of osteopathic medicine , ~~for~~ the practice of a physician assistant *or the practice of an anesthesiologist assistant* or suspends or revokes a license is effective from the date on which the order is issued by the Board until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 80. NRS 633.681 is hereby amended to read as follows:

633.681 1. Any person:

(a) Whose practice of osteopathic medicine , ~~for~~ practice as a physician assistant *or practice as an anesthesiologist assistant* has been limited; or

(b) Whose license to practice osteopathic medicine , ~~for~~ to practice as a physician assistant *or to practice as an anesthesiologist assistant* has been:

(1) Suspended until further order; or

(2) Revoked,

➔ may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

Sec. 81. NRS 633.691 is hereby amended to read as follows:

633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician , ~~for~~ physician assistant *or anesthesiologist assistant* for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.

2. The Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician , ~~for~~ physician assistant *or anesthesiologist assistant* for:

(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine , ~~for~~ to practice as a physician assistant ~~or~~ *or to practice as an anesthesiologist assistant*, or by an osteopathic physician , ~~or~~ physician assistant ~~or~~ *or anesthesiologist assistant*; or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 82. NRS 633.701 is hereby amended to read as follows:

633.701 The filing and review of a complaint and any subsequent disposition by the Board, the member designated by the Board to review a complaint pursuant to NRS 633.541 or any reviewing court do not preclude:

1. Any measure by a hospital or other institution to limit or terminate the privileges of an osteopathic physician , ~~or~~ physician assistant *or anesthesiologist assistant* according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the osteopathic physician , ~~or~~ physician assistant ~~or~~ *or anesthesiologist assistant*.

2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.

Sec. 83. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board, through an officer of the Board or the Attorney General, may maintain in any court of competent jurisdiction a suit for an injunction against any person:

(a) Practicing osteopathic medicine , ~~or~~ practicing as a physician assistant *or practicing as an anesthesiologist assistant* without a valid license to practice osteopathic medicine , ~~or~~ to practice as a physician assistant ~~or~~ *or to practice as an anesthesiologist assistant*; or

(b) Engaging in telemedicine without a valid license pursuant to NRS 633.165.

2. An injunction issued pursuant to subsection 1:

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) Must not relieve such person from criminal prosecution for practicing without such a license.

Sec. 84. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine, ~~for~~ practicing as a physician assistant *or practicing as an anesthesiologist assistant* without a valid license issued by the Board, it is sufficient to charge that the person did, upon a certain day, and in a certain county of this State, engage in such practice without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 85. NRS 633.741 is hereby amended to read as follows:

633.741 1. It is unlawful for any person to:

(a) Except as otherwise provided in NRS 629.091, practice:

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

(2) As a physician assistant without a valid license under this chapter;
~~for~~

(3) *As an anesthesiologist assistant without a valid license under this chapter; or*

(4) Beyond the limitations ordered upon his or her practice by the Board or the court;

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

(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;

(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;

(e) Practice osteopathic medicine, ~~for~~ practice as a physician assistant *or practice as an anesthesiologist assistant* under a false or assumed name or falsely personate another licensee of a like or different name;

(f) Hold himself or herself out as a physician assistant or 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; ~~for~~

(g) *Hold himself or herself out as an anesthesiologist assistant or use any other term indicating or implying that he or she is an anesthesiologist assistant unless the person has been licensed by the Board as provided in this chapter; or*

(h) Supervise a person as a physician assistant *or an anesthesiologist 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, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840.

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 include a telephone number with which the person may contact the Board.

(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. 86. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant *or an anesthesiologist assistant* who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant *or an anesthesiologist assistant* who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; or

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 87. NRS 639.1373 is hereby amended to read as follows:

639.1373 1. A physician assistant *or anesthesiologist assistant* licensed pursuant to chapter 630 or 633 of NRS may, if authorized by the Board ~~to~~ *and consistent with any limitations contained within chapter 630 or 633 of NRS, as applicable*, possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices in or out of the presence of his or her supervising physician *or supervising anesthesiologist* only to the extent and subject to the limitations specified in the registration certificate issued to the physician assistant *or anesthesiologist assistant* by the Board pursuant to this section.

2. Each physician assistant *or anesthesiologist assistant* licensed pursuant to chapter 630 or 633 of NRS who is authorized by his or her physician assistant's *or anesthesiologist assistant's* license issued by the Board of Medical Examiners or by the State Board of Osteopathic Medicine, respectively, to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices must apply for and obtain a registration certificate from the Board, pay a fee to be set by regulations adopted by the Board and pass an examination administered by the Board on the law relating to pharmacy before the physician assistant *or anesthesiologist assistant* can possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices.

3. The Board shall consider each application separately and may, even though the physician assistant's *or anesthesiologist assistant's* license issued by the Board of Medical Examiners or by the State Board of Osteopathic Medicine authorizes the physician assistant *or anesthesiologist assistant* to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs and devices:

(a) Refuse to issue a registration certificate;

(b) Issue a registration certificate limiting the authority of the physician assistant *or anesthesiologist assistant* to possess, administer, prescribe or dispense controlled substances, or to possess, administer, prescribe or dispense poisons, dangerous drugs or devices, the area in which the physician assistant *or anesthesiologist assistant* may possess controlled substances, poisons, dangerous drugs and devices, or the kind and amount of controlled substances, poisons, dangerous drugs and devices; or

(c) Issue a registration certificate imposing other limitations or restrictions which the Board feels are necessary and required to protect the health, safety and welfare of the public.

4. If the registration of the physician assistant *or anesthesiologist assistant* licensed pursuant to chapter 630 or 633 of NRS is suspended or revoked, the physician's controlled substance registration may also be suspended or revoked.

5. The Board shall adopt regulations controlling the maximum amount to be administered, possessed and dispensed, and the storage, security, recordkeeping and transportation of controlled substances and the maximum amount to be administered, possessed, prescribed and dispensed and the storage, security, recordkeeping and transportation of poisons, dangerous drugs and devices by physician assistants *or anesthesiologist assistants* licensed pursuant to chapter 630 or 633 of NRS. In the adoption of those regulations, the Board shall consider, but is not limited to, the following:

(a) The area in which the physician assistant *or anesthesiologist assistant* is to operate;

(b) The population of that area;

(c) The experience and training of the physician assistant ~~[-]~~ *or anesthesiologist assistant*;

(d) The distance to the nearest hospital and physician; and

(e) The effect on the health, safety and welfare of the public.

6. For the purposes of this section ~~[-, the term "supervising"]~~ :

(a) "*Supervising anesthesiologist*" has the meaning ascribed to it in sections 6 and 44 of this act;

(b) "*Supervising physician*" ~~[includes a supervising osteopathic physician as defined in chapter 633 of NRS.]~~ has the meaning ascribed to it in NRS 630.025 and 633.123.

Sec. 88. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS 126.121, no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, *an anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS or a licensed dentist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 89. NRS 41.504 is hereby amended to read as follows:

41.504 1. Any physician, physician assistant , *anesthesiologist assistant* or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant ,

anesthesiologist assistant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.

2. An emergency medical attendant, physician assistant, *anesthesiologist assistant*, registered nurse or licensed practical nurse who obeys an instruction given by a physician, physician assistant, *anesthesiologist assistant*, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

3. As used in this section, "emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 90. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, *anesthesiologist assistant* or nurse from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and
 (b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,
 ➤ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering

that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 91. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a medical student, a perfusionist ~~or~~ *licensed pursuant to chapter 630 of NRS*, a physician assistant licensed pursuant to chapter 630 of NRS, *an anesthesiologist assistant licensed pursuant to chapter 630 of NRS*, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, *an anesthesiologist assistant licensed pursuant to chapter 633 of NRS*, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

Sec. 92. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to

believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 93. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 94. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse or veterinarian licensed in accordance with state law, ~~for~~ a physician assistant licensed pursuant to chapter 630 or 633 of NRS ~~or~~ *or an anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS.*

Sec. 95. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, "provider of health care" means a physician, nurse, ~~or~~ physician assistant *or anesthesiologist assistant* licensed in accordance with state law.

Sec. 96. NRS 453.038 is hereby amended to read as follows:

453.038 "Chart order" means an order entered on the chart of a patient:

1. In a hospital, facility for intermediate care or facility for skilled nursing which is licensed as such by the Division of Public and Behavioral Health of the Department; or

2. Under emergency treatment in a hospital by a physician, advanced practice registered nurse, dentist or podiatric physician, or on the written or oral order of a physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, advanced practice registered nurse, dentist or podiatric physician authorizing the administration of a drug to the patient.

Sec. 97. NRS 453.091 is hereby amended to read as follows:

453.091 1. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a substance, either

directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

2. "Manufacture" does not include the preparation, compounding, packaging or labeling of a substance by a pharmacist, physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, dentist, podiatric physician, advanced practice registered nurse or veterinarian:

(a) As an incident to the administering or dispensing of a substance in the course of his or her professional practice; or

(b) By an authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Sec. 98. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State and is registered pursuant to this chapter.

2. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy authorizing him or her to dispense or to prescribe and dispense controlled substances.

3. A scientific investigator or a pharmacy, hospital or other institution licensed, registered or otherwise authorized in this State to distribute, dispense, conduct research with respect to, to administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

4. A euthanasia technician who is licensed by the Nevada State Board of Veterinary Medical Examiners and registered pursuant to this chapter, while he or she possesses or administers sodium pentobarbital pursuant to his or her license and registration.

5. A physician assistant *or anesthesiologist assistant* who:

(a) Holds a license from the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of a physician as required by chapter 630 of NRS.

6. A physician assistant *or anesthesiologist assistant* who:

(a) Holds a license from the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances under the supervision of an osteopathic physician as required by chapter 633 of NRS.

7. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer therapeutic pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers therapeutic pharmaceutical agents within the scope of his or her certification.

Sec. 99. NRS 453.371 is hereby amended to read as follows:

453.371 As used in NRS 453.371 to 453.552, inclusive:

1. *"Anesthesiologist assistant" means a person who is registered with the Board and:*

- (a) Holds a license issued pursuant to section 8 of this act; or*
- (b) Holds a license issued pursuant to section 46 of this act.*

2. "Medical intern" means a medical graduate acting as an assistant in a hospital for the purpose of clinical training.

~~{2-}~~ 3. "Pharmacist" means a person who holds a certificate of registration issued pursuant to NRS 639.127 and is registered with the Board.

~~{3-}~~ 4. "Physician," "dentist," "podiatric physician," "veterinarian" and "euthanasia technician" mean persons authorized by a license to practice their respective professions in this State who are registered with the Board.

~~{4-}~~ 5. "Physician assistant" means a person who is registered with the Board and:

- (a) Holds a license issued pursuant to NRS 630.273; or
- (b) Holds a license issued pursuant to NRS 633.433.

Sec. 100. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, *anesthesiologist assistant*, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

3. A paramedic:

(a) As authorized by regulation of:

(1) The State Board of Health in a county whose population is less than 100,000; or

(2) A county or district board of health in a county whose population is 100,000 or more; and

(b) In accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

4. A respiratory therapist, at the direction of a physician or physician assistant.

5. A medical student, student in training to become a physician assistant, *student in training to become an anesthesiologist assistant* or student nurse in the course of his or her studies at an approved college of medicine or school

of professional or practical nursing, at the direction of a physician , ~~for~~ physician assistant *or anesthesiologist assistant* and:

(a) In the presence of a physician, physician assistant , *anesthesiologist assistant* or a registered nurse; or

(b) Under the supervision of a physician, physician assistant , *anesthesiologist assistant* or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant , *anesthesiologist assistant* or nurse.

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

6. An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

7. Any person designated by the head of a correctional institution.

8. A veterinary technician at the direction of his or her supervising veterinarian.

9. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

10. In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

11. A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 101. NRS 453.381 is hereby amended to read as follows:

453.381 1. In addition to the limitations imposed by NRS 453.256 and 453.3611 to 453.3648, inclusive, a physician, physician assistant, *anesthesiologist assistant*, dentist, advanced practice registered nurse or podiatric physician may prescribe or administer controlled substances only for a legitimate medical purpose and in the usual course of his or her professional practice, and he or she shall not prescribe, administer or dispense a controlled substance listed in schedule II for himself or herself, his or her spouse or his or her children except in cases of emergency.

2. A veterinarian, in the course of his or her professional practice only, and not for use by a human being, may prescribe, possess and administer controlled substances, and the veterinarian may cause them to be

administered by a veterinary technician under the direction and supervision of the veterinarian.

3. A euthanasia technician, within the scope of his or her license, and not for use by a human being, may possess and administer sodium pentobarbital.

4. A pharmacist shall not fill an order which purports to be a prescription if the pharmacist has reason to believe that it was not issued in the usual course of the professional practice of a physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or veterinarian.

5. Any person who has obtained from a physician, physician assistant, *anesthesiologist assistant*, dentist, advanced practice registered nurse, podiatric physician or veterinarian any controlled substance for administration to a patient during the absence of the physician, physician assistant, dentist, advanced practice registered nurse, podiatric physician or veterinarian shall return to him or her any unused portion of the substance when it is no longer required by the patient.

6. A manufacturer, wholesale supplier or other person legally able to furnish or sell any controlled substance listed in schedule II shall not provide samples of such a controlled substance to registrants.

7. A salesperson of any manufacturer or wholesaler of pharmaceuticals shall not possess, transport or furnish any controlled substance listed in schedule II.

8. A person shall not dispense a controlled substance in violation of a regulation adopted by the Board.

Sec. 102. NRS 453.391 is hereby amended to read as follows:

453.391 A person shall not:

1. Unlawfully take, obtain or attempt to take or obtain a controlled substance or a prescription for a controlled substance from a manufacturer, wholesaler, pharmacist, physician, physician assistant, *anesthesiologist assistant*, dentist, advanced practice registered nurse, veterinarian or any other person authorized to administer, dispense or possess controlled substances.

2. While undergoing treatment and being supplied with any controlled substance or a prescription for any controlled substance from one practitioner, knowingly obtain any controlled substance or a prescription for a controlled substance from another practitioner without disclosing this fact to the second practitioner.

Sec. 103. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant *or anesthesiologist assistant* licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician *or supervising anesthesiologist* or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this subsection, "designated facility" has the meaning ascribed to it in NRS 632.0145.

6. Except as otherwise provided in subsection 7, an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

7. An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

8. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

9. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

10. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➡ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

11. Any person designated by the head of a correctional institution.

12. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

13. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

15. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

16. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

17. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

18. A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

19. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

20. A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to NRS 639.2809.

21. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*,

dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, *anesthesiologist assistant licensed pursuant to chapter 630 or 633 of NRS*, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

22. A medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician , ~~{or}~~ physician assistant ~~{}~~ or *anesthesiologist assistant*.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician , ~~{or}~~ physician assistant ~~{}~~ or *anesthesiologist assistant*.

Sec. 104. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, ~~{or-a}~~ physician assistant or *anesthesiologist assistant* licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

↪ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 105. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

- (a) A practitioner to his or her patients;
- (b) A physician assistant *or anesthesiologist assistant* licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;
- (c) A registered nurse while participating in a public health program approved by the Board, or an advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;
- (d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;
- (e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the Chief Medical Officer or the Chief Medical Officer's designated Medical Director of Emergency Medical Services, to a person or agency described in subsection 3 of NRS 639.268 to stock ambulances or other authorized vehicles or replenish the stock; or
- (f) A pharmacy in a correctional institution to a person designated by the Director of the Department of Corrections to administer a lethal injection to a person who has been sentenced to death.

Sec. 106. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2016, for all other purposes.

2. Section 32 of this act expires by limitation on the date 2 years after the date on which the provision of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

- (a) Have filed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or
- (b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 138 to Senate Bill No. 181: 1) clarifies the definition of a supervising anesthesiologist; 2) provides that an anesthesiologist assistant may only administer controlled

substances to a patient with the patient's written consent; 3) reduces the fee for the application and initial license and the annual license renewal as an anesthesiologist assistant by the Board of Medical Examiners; 4) reduces the fee for the application and initial license and the annual license renewal as an anesthesiologist assistant by the Board of Osteopathic Medicine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 213.

SUMMARY—Revises provisions relating to federal assistance received by agencies of the Executive Department of State Government. (BDR 31-838)

AN ACT relating to state financial administration; requiring the Chief of the Budget Division of the Department of Administration to maintain a database of certain information relating to federal assistance received by agencies of the Executive Department of the State Government; requiring the ~~[Chief]~~ Department of Administration to prepare an annual report that contains information relating to federal assistance programs; requiring that the report be submitted to the Governor and the Legislature; authorizing the Fiscal Analysis Division of the Legislative Counsel Bureau to prepare an advisory report containing information with respect to federal assistance programs; ~~[requiring the Chief to submit annually both reports to the Governor and the Legislature];~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each agency of the Executive Department of the State Government that requests money, equipment, material or services from the Federal Government to submit its request or budget to the office of the Chief of the Budget Division of the Department of Administration and to resubmit, upon approval by the federal authority, the request or budget to the Chief and to the Fiscal Analysis Division of the Legislative Counsel Bureau for recording before any allotment or encumbrance of the federal money is made. (NRS 353.245) This bill requires: (1) the Chief to maintain a database of each request or budget submitted or resubmitted by an agency of the Executive Department; (2) the ~~[Chief]~~ Department of Administration to prepare an annual report that contains certain information relating to federal assistance programs that are used by or available to agencies of the Executive Department; and (3) the ~~[Fiscal Analysis Division to prepare a report as to the advisability of using an available federal assistance program or discontinuing the use of an existing federal assistance program]~~ the ~~[Chief]~~ Department of Administration to submit ~~[annually both reports]~~ the report to the Governor and the Legislature. This bill also authorizes the Fiscal

Analysis Division to prepare a report as to the advisability of increasing or decreasing the use of certain available federal assistance programs.

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

Section 1. NRS 353.245 is hereby amended to read as follows:

353.245 1. In addition to the requirements of NRS 353.335, every department, institution and agency of the Executive Department of the State Government, when making requests for budgets to be submitted to the Federal Government for ~~{money, equipment, material or services,}~~ *federal assistance*, shall file the request or budget with the office of the Chief and with the Fiscal Analysis Division of the Legislative Counsel Bureau before submitting it to the proper federal authority. When the federal authority has approved the request or budget, in whole or in part, the department, institution or agency of the State Government shall resubmit it to the Chief and to the Fiscal Analysis Division of the Legislative Counsel Bureau for recording before any allotment or encumbrance of the federal ~~{money}~~ *assistance, as applicable*, is made.

2. *The Chief shall maintain a database of each request and budget filed with or resubmitted to the office of the Chief pursuant to subsection 1.*

3. *The ~~{Chief}~~ Department of Administration shall prepare a report for each fiscal year that:*

(a) Identifies the total amount of federal assistance received by each department, institution and agency of the Executive Department of the State Government for the fiscal year.

(b) Identifies the total amount of federal assistance which each department, institution and agency of the Executive Department of the State Government ~~{may otherwise be qualified}~~ applied to receive for the fiscal year. ~~{under any federal assistance program.}~~

(c) ~~{Evaluates the adequacy of existing federal assistance programs used by a department, institution and agency of the Executive Department of the State Government to qualify for and receive federal assistance.}~~

~~*(d) Identifies ~~{any}~~ the total amount of federal assistance ~~{programs that may be available to but are not}~~ used by ~~{a}~~ each department, institution or agency of the Executive Department of the State Government for the ~~{purposes of qualifying for and receiving any federal assistance.}~~*~~

~~*(e) Includes fiscal year.*~~

(d) To the extent practicable, includes recommendations of any actions which are necessary to ~~{use the}~~ apply for additional federal assistance programs ~~{identified in paragraph (d)}~~ or to improve the use of existing federal assistance programs used by a department, institution or agency of the Executive Department of the State Government. ~~{to qualify for and receive federal assistance.}~~

~~*(f) (e) Includes the advisory report prepared by the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to subsection 4 ~~{f}~~, if any.*~~

4. *The Fiscal Analysis Division of the Legislative Counsel Bureau ~~shall~~ may prepare a report as to the advisability of ~~using a~~ increasing or decreasing the use of any federal assistance program identified pursuant to paragraph ~~(d)~~ (c) of subsection 3, for discontinuing the use of an existing federal assistance program under which a department, institution or agency of the Executive Department of the State Government seeks qualification to receive federal assistance.*

5. *The ~~Chief~~ Department of Administration shall, on or before October 1 of each year, submit the report prepared pursuant to subsection 3 for the immediately preceding fiscal year to:*

(a) *The Governor; and*

(b) *The Director of the Legislative Counsel Bureau for transmittal to:*

(1) *The Legislative Commission if the report is prepared in an odd-numbered year; or*

(2) *The next regular session of the Legislature if the report is prepared in an even-numbered year.*

6. *As used in this section, "federal assistance" means money, equipment, material or services that may be available to a department, institution or agency of the Executive Department of the State Government from any agency or authority of the Federal Government pursuant to a federal program.*

Sec. 2. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment to Senate Bill No. 213 does the following: 1) requires the Department of Administration (DOA) instead of the Chief of the Budget Division, DOA, to prepare an annual report that contains certain information relating to federal assistance programs, which is to be submitted to the Governor and the Legislature; 2) scales back the contents of that annual report to include the total amount of federal assistance that is received by, used by or applied for by agencies of the Executive Department in any fiscal year, including, and to the extent practicable, recommendations relevant to applying for additional federal assistance programs; 3) makes the report by the Fiscal Analysis Division, Legislative Counsel Bureau, optional not mandatory.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 177.

SUMMARY—Revises provisions relating to the Advisory Council on Science, Technology, Engineering and Mathematics. (BDR 34-655)

AN ACT relating to education; revising provisions relating to the Advisory Council on Science, Technology, Engineering and Mathematics; requiring the Advisory Council to establish certain events to recognize exemplary achievement or performance by pupils and schools in this State in the fields of science, technology, engineering and mathematics; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Council on Science, Technology, Engineering and Mathematics and prescribes the duties of the Council, which include developing plans to identify and recognize certain pupils and schools in this State who demonstrate exemplary achievement or performance in the fields of science, technology, engineering and mathematics. (NRS 385.700 and 385.705) Section 1 of this bill requires the Council to meet at least 6 times each year, with 2 of the meetings to be held in person. Any other meeting may be held by videoconference. Section 2 of this bill requires the Council to establish events in northern Nevada and southern Nevada to recognize pupils who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics. The events will be hosted ~~[by the University of Nevada, Las Vegas, for pupils from southern Nevada and the University of Nevada, Reno, for pupils from northern Nevada.]~~ at an institution of higher education in Nevada. Section 2 also requires the Council to establish a statewide event in Carson City to recognize the 15 schools that demonstrate exemplary performance in such fields. Section 2 further authorizes the Council to accept gifts, grants and donations from any source to carry out such events. Section 3 of this bill makes an appropriation from the State General Fund to the Council for the purpose of holding the statewide event.

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

Section 1. NRS 385.700 is hereby amended to read as follows:

385.700 1. The Advisory Council on Science, Technology, Engineering and Mathematics is hereby created within the Department of Education. The Council consists of:

(a) The following ex officio members:

- (1) The Superintendent of Public Instruction or his or her designee;
- (2) The Chancellor of the Nevada System of Higher Education or his or her designee;
- (3) The Executive Director of the Office of Economic Development or his or her designee; and
- (4) The Director of the Department of Employment, Training and Rehabilitation or his or her designee;

(b) Three members appointed by the Governor pursuant to subsection 2;

(c) Four members appointed by the Majority Leader of the Senate pursuant to subsections 2 and 3;

(d) Four members appointed by the Speaker of the Assembly pursuant to subsections 2 and 3;

(e) One member appointed by the Minority Leader of the Senate pursuant to subsection 4; and

(f) One member appointed by the Minority Leader of the Assembly pursuant to subsection 4.

2. The Governor, Majority Leader of the Senate and Speaker of the Assembly shall each appoint:

(a) One member who is a classroom teacher in the field of science, technology, engineering or mathematics;

(b) One member who is an administrator of a public school or school district in this State with an education program relating to the fields of science, technology, engineering and mathematics; and

(c) One member who represents businesses that employ persons in careers which are enhanced by education in science, technology, engineering and mathematics, including, without limitation, careers relating to manufacturing, information technology, aerospace engineering, health sciences and mining.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint one additional member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member from among the persons described in paragraphs (a), (b) and (c) of subsection 2.

5. Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

6. The Council shall hold its first regular meeting as soon as practicable on or after July 1, 2013, at the call of the Governor. At the first regular meeting of the Council, the members of the Council shall elect a Chair by majority vote.

7. The Council shall meet ~~not more than four~~ *at least six* times each year at the call of the Chair. *Two meetings of the Council must be held in person and any other meeting may be held by videoconference.*

8. A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

9. The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

10. The members of the Council serve without compensation.

Sec. 2. NRS 385.705 is hereby amended to read as follows:

385.705 1. The Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 385.700 shall:

(a) Develop a strategic plan for the development of educational resources in the fields of science, technology, engineering and mathematics to serve as

a foundation for workforce development, college preparedness and economic development in this State;

(b) Develop a plan for identifying and awarding recognition to pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics;

(c) Develop a plan for identifying and awarding recognition to not more than 15 schools in this State that demonstrate exemplary performance in the fields of science, technology, engineering and mathematics;

(d) Conduct a survey of education programs and proposed programs relating to the fields of science, technology, engineering and mathematics in this State and in other states to identify recommendations for the implementation of such programs by public schools in this State and report the information gathered by the survey to the State Board of Education;

(e) Apply for grants on behalf of the State of Nevada relating to the development and expansion of education programs in the fields of science, technology, engineering and mathematics;

(f) Identify a nonprofit corporation to assist in the implementation of the plans developed pursuant to paragraphs (a), (b) and (c); and

(g) Prepare a written report which includes, without limitation, recommendations based on the survey conducted pursuant to paragraph (d) and any other recommendations concerning the instruction and curriculum in courses of study in science, technology, engineering and mathematics in public schools in this State and, on or before January 31 of each odd-numbered year, submit a copy of the report to the State Board of Education, the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

2. ~~For~~ The Council:

(a) Shall, in accordance with the plans developed pursuant to paragraphs (b) and (c) of subsection 1, ~~the Council shall~~ establish:

~~For~~ (1) An event in southern Nevada and an event in northern Nevada to recognize pupils in this State who demonstrate exemplary achievement in the fields of science, technology, engineering and mathematics. The events must be held at ~~the~~

~~(1) The University of Nevada, Las Vegas, to recognize pupils from southern Nevada; and~~

~~(2) The University of Nevada, Reno, to recognize pupils from northern Nevada.~~

~~(b),~~ an institution of higher education in Nevada.

(2) A statewide event to be held in Carson City to recognize not more than 15 schools in this State that have demonstrated exemplary performance in the fields of science, technology, engineering and mathematics.

(b) May accept gifts, grants and donations from any source for use in carrying out the provisions of this subsection.

3. The Council or a subcommittee of the Council may seek the input, advice and assistance of persons and organizations that have knowledge, interest or expertise relevant to the duties of the Council.

~~{3-}~~ 4. The State Board of Education shall consider the plans developed by the Advisory Council on Science, Technology, Engineering and Mathematics pursuant to paragraphs (a), (b) and (c) of subsection 1 and the written report submitted pursuant to paragraph (g) of subsection 1 and adopt such regulations as the State Board deems necessary to carry out the recommendations in the written report.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Advisory Council on Science, Technology, Engineering and Mathematics created by NRS 385.700 for the purpose of holding a statewide event to recognize the 15 schools in this State that demonstrate exemplary performance in science, technology, engineering and mathematics:

For the Fiscal Year 2015-2017..... \$5,000

For the Fiscal Year 2016-2017..... \$5,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

Sec. 4. 1. This act becomes effective on July 1, 2015; and

2. Sections 1 and 2 of this act expire by limitation on June 30, 2017.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment to Senate Bill No. 236 enables the STEM Council to accept gifts and grants and allows the proposed north and south student recognition events to be held at any higher education institution, instead of being limited to UNR or UNLV.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 263.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 178.

SUMMARY—Revises provisions relating to the operation of certain vehicles. (BDR 43-1107)

AN ACT relating to vehicles; revising provisions governing the permissible operation of certain vehicles upon a sidewalk; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits the driver of a vehicle from driving upon or within any sidewalk area, except at a permanent or temporary driveway or alley entrance. (NRS 484B.117) ~~[This]~~ Section 1 of this bill further exempts from that prohibition a vehicle that is powered solely by electricity and designed to travel on ~~[not more than]~~ three wheels when such a vehicle is operated: (1) as an authorized emergency vehicle; (2) by a law enforcement officer in the course of his or her duties; or (3) by a security guard in the course of his or her duties. Section 2 of this bill authorizes a board of county commissioners, to protect the health and safety of the public, to enact an ordinance regulating the time, place and manner of the operation of such vehicles by a security guard.

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

Section 1. NRS 484B.117 is hereby amended to read as follows:

484B.117 ~~[The]~~

1. *Except as otherwise provided in subsection 2, the driver of a vehicle shall not drive upon or within any sidewalk area except at a permanent or temporary driveway or alley entrance.*

2. *The provisions of subsection 1 do not apply to a vehicle that is powered solely by electricity and designed to travel on ~~[not more than]~~ three wheels when such a vehicle is operated:*

(a) As an authorized emergency vehicle;

(b) By an officer or other authorized employee of a law enforcement agency, as that term is defined in NRS 239C.065, in the course of his or her official duties; or

(c) By a security guard, as that term is defined in NRS 648.016, in the course of his or her official duties.

Sec. 2. NRS 244.3571 is hereby amended to read as follows:

244.3571 1. Each board of county commissioners may, to protect the health and safety of the public, enact an ordinance which regulates the time, place and manner of the operation of ~~[an]~~ :

(a) An electric personal assistive mobility device ; or

(b) A vehicle operating pursuant to the provisions of paragraph (c) of subsection 2 of NRS 484B.117,

in the county, including, without limitation, by prohibiting the use of an electric personal assistive mobility device or a vehicle specified in paragraph (b) in a specified area of the county.

2. As used in this section, "electric personal assistive mobility device" has the meaning ascribed to it in NRS 482.029.

~~[Sec. 2.]~~ Sec. 3. This act becomes effective on July 1, 2015.

Senator Hammond moved the adoption of the amendment.

Remarks by Senator Hammond.

Amendment No. 178 to Senate Bill No. 263 does the following: 1) clarifies that the bill refers only to electric vehicles with three wheels; 2) allows the authorizing board of county commissioners to enact an ordinance regulating the time, place and manner of the operation of a vehicle operating pursuant to this bill within the county, including prohibiting the use of such a vehicle in specific areas.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 194.

SUMMARY—Revises provisions relating to the Virgin Valley Water District. (BDR S-730)

AN ACT relating to the Virgin Valley Water District; authorizing the District to issue certain letters for commitment to supply water service; requiring the annual renewal of such letters; providing a fee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Virgin Valley Water District to supply water under contract or agreement to certain entities when such supply is available. (Virgin Valley Water District Act § 3) Section 1 of this bill provides that: (1) the District may issue a letter that commits the District to supply water service to a particular property subject to certain conditions precedent; and (2) such a letter must be renewed on an annual basis, subject to a reasonable fee, or the letter will expire. Section 1 also provides that the District will not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder associated with the construction and dedication of any infrastructure if the holder of such a letter fails to meet any condition precedent included in the letter or if the letter expires. Section 2 of this bill makes the requirement for the renewal of such letters apply retroactively to any letter issued before July 1, 2015.

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

Section 1. The Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 159, is hereby amended by adding thereto a new section to be designated as section 3.5, immediately following section 3.3, to read as follows:

Sec. 3.5. 1. For property under development or proposed to be developed for residential, commercial or industrial purposes, the District may issue a letter that commits the District to supply water service to the property subject to certain conditions precedent, including, without limitation, the payment of fees, the dedication of water rights or the construction and dedication of infrastructure.

2. *A letter issued pursuant to subsection 1 must be renewed on an annual basis in accordance with the regulations and policies of the District. The District may establish a reasonable fee, by regulation, for the renewal of such a letter. Any letter that is not renewed expires on the day after the deadline for renewal.*

3. *For a letter issued pursuant to subsection 1, the District shall not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder of the letter for the construction and dedication of any infrastructure if:*

(a) The holder of the letter fails to meet any condition precedent included in the letter; or

(b) The letter expires pursuant to subsection 2.

Sec. 2. 1. Any letter issued by the Virgin Valley Water District before July 1, 2015, for a commitment to supply water service must be renewed with the District on or before July 1, 2016, and on an annual basis thereafter. Any such letter not renewed pursuant to this section will expire on the day after the deadline for renewal.

2. To renew a letter described in subsection 1, the holder of the letter must prove to the satisfaction of the District that:

(a) The water that is the subject of the letter has been put to beneficial use; or

(b) If the water that is the subject of the letter has not been put to beneficial use, the project for which the commitment to supply water service was acquired is still under development. A project shall be deemed to be under development if:

(1) The building permit for the property is not cancelled or expired;

(2) Any final map associated with the property is not cancelled or inactive; or

(3) The holder of the letter has, within the immediately preceding 12 months, contributed towards the development of the property:

(I) Money equal to 10 percent of the total estimated development costs of the property, including planned improvements; or

(II) Labor, services or improvements with a fair market value of at least 10 percent of the total estimated development costs of the property, including planned improvements.

3. The District shall approve the renewal of an existing letter if the request for renewal is submitted before the annual deadline and includes the information required by subsection 2. ~~[The District may not require the holder of a letter described in subsection 1 to pay an annual renewal fee or be subject to any other condition unless the fee or condition is expressly stated in the letter.]~~

4. The District shall not refund any fees paid by, return any water rights dedicated to or pay any expenses of the holder of a letter associated with the construction and dedication of any infrastructure if the letter expires pursuant to this section.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment to Senate Bill No. 271 deletes the language that prohibits the Virgin Valley Water District from requiring the holder of a will-serve letter to pay an annual renewal fee or be subject to any other condition unless the fee or condition is expressly stated in the letter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 281.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 184.

SUMMARY—Revises provisions governing dismantling of certain vehicles. (BDR 40-590)

AN ACT relating to vehicles; providing that certain vehicles which are used as a source of parts are not to be regulated as solid waste; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, junk vehicles are considered solid waste and as such, the process of storage, collection, transportation, processing, recycling and disposal of such vehicles is subject to regulation under the provisions regarding the collection and disposal of solid waste. (NRS 444.440, 444.490) This bill removes from such regulation those vehicles which are owned by a licensed automobile wrecker or in the possession of a licensed salvage pool and are designated for dismantling as a source for parts.

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

Section 1. NRS 444.490 is hereby amended to read as follows:

444.490 1. "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste.

2. The term does not include ~~hazardous~~ :

(a) Hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.

(b) A vehicle described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 444.620.

Sec. 2. NRS 444.620 is hereby amended to read as follows:

444.620 1. No plan for a solid waste management system adopted pursuant to NRS 444.440 to 444.620, inclusive, applies to ~~any~~ :

(a) Any agricultural activity or agricultural waste.

(b) A vehicle that is:

(1) Owned by an automobile wrecker licensed pursuant to chapter 487 of NRS ~~47~~ or in the possession of a salvage pool licensed pursuant to chapter 487 of NRS; and

(2) Designated for dismantling as a source of parts.

2. No provision of NRS 444.440 to 444.620, inclusive, prevents a mining operation from dumping waste from its operation on its own lands.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Gustavson moved the adoption of the amendment.

Remarks by Senator Gustavson.

Amendment No. 184 to Senate Bill No. 281 adds that vehicles in possession of a licensed salvage pool and designated for dismantling as a source for parts, are removed from regulation as solid waste.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 322.

Bill read second time and ordered to third reading.

Senate Bill No. 376.

Bill read second time and ordered to third reading.

Senate Bill No. 505.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bills Nos. 24, 126, 128, 213, 236 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

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

Motion carried.

Senate in recess at 1:02 p.m.

SENATE IN SESSION

At 1:08 p.m.

President Hutchison presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 40.

Bill read third time.

Remarks by Senator Brower.

Senate Bill No. 40 makes it unlawful for any person who is not properly licensed to receive, directly or indirectly, any compensation, reward or percentage or share of money or property played for accepting, or facilitating the acceptance of, a bet or wager upon an event held at a track involving a horse or other animal, a sporting event or other event. It is also unlawful under this bill to transmit or deliver anything of value resulting from such activity to or on behalf of another person. A person who violates these provisions is guilty of a category B felony.

The bill also clarifies that it is not a crime for a race book or sports pool that is properly licensed to unknowingly accept a bet from or pay winnings to a person who is in violation of these provisions. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 40:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 40 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 44.

Bill read third time.

Remarks by Senator Gustavson.

Senate Bill No. 44 revises the statutory limit on the fees prescribed by the Commission on Mineral Resources for permits to drill a well in search of oil and natural gas to \$2,000 for a well not intended to be hydraulically fractured and \$5,000 for a well that is intended to be hydraulically fractured. The bill also establishes a fee limit of \$400 for a request to change the terms of an existing oil or gas permit. Finally, S.B. No. 44 raises the statutory limit on the fee assessed against a producer of oil or natural gas to 30 cents for each barrel of oil or each 50,000 cubic feet of natural gas. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 44:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 44 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 74.

Bill read third time.

Remarks by Senator Kihuen.

Senate Bill No. 74 makes various changes to the eligibility requirements and the administration of the economic development abatements administered by the Office of Economic Development.

First, the bill limits the amount of partial abatements that may be granted if the business pays less than the statewide average wage, and an abatement of the Local School Support Tax is prohibited if the business pays its new employees less than 100 percent of the statewide average wage.

Second, the bill provides for certain employment requirements to be met within a two-year period, rather than a one-year period, following the effective date of the abatement. An applicant is also required to provide an estimate of the total number of new employees anticipated to be hired within that two-year period.

Third, the bill requires the agreement between the Office and the applicant to state the effective date of the abatement whether an applicant satisfies the average hourly wage requirement.

Finally, the bill clarifies that only wages paid to new employees in this State are considered when determining whether an applicant satisfies the average hourly wage requirement.

Roll call on Senate Bill No. 74:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 74 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 158.

Bill read third time.

The following amendment was proposed by Senator Parks:

Amendment No. 266.

SUMMARY—Revises provisions relating to ~~[collective bargaining by]~~ the agreements of local governments. (BDR 23-704)

AN ACT relating to local governments; requiring the governing body of a local government to make certain information available to the public before the governing body meets to approve a collective bargaining agreement or similar agreement ~~[.]~~ , or any other agreement governing the compensation of an employee of the local government; requiring such information to be made available before a governing body considers any new, extended or modified agreement of the local government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

If a local government employer is a party to a collective bargaining agreement or similar agreement, existing law requires that the agreement be approved at a public hearing by the governing body of the local government employer. (NRS 288.153) Section 1 of this bill requires that a copy of the proposed agreement and certain supporting material relating to the agreement be made available to the public not less than 3 business days before the hearing, either by posting the documents on the Internet website of the local government or, if the local government does not have such a website, by depositing the documents with the clerk of the governing body. Any document so deposited is a public record and must be open for public inspection. Section 1 also makes these requirements applicable to any other proposed agreement governing the compensation of a local government employee. Section 2 of this bill extends these requirements to any proposed agreement of the local government, including, without limitation, any proposed agreement on the consent agenda of the governing body of the local government.

~~[Existing law provides for the public dissemination of any supporting material provided to a public body in connection with a meeting of the body, and establishes the time within which such material must be made available to the public. (NRS 241.020) Section 2 of this bill revises those provisions to conform with the requirements of section 1.]~~

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

Section 1. NRS 288.153 is hereby amended to read as follows:

288.153 1. Any ~~new~~ new:

(a) New, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization; or

(b) Other new, extended or modified agreement between a local government employer and a local government employee governing the compensation of the local government employee.

~~It~~ must be approved by the governing body of the local government employer at a public hearing. ~~The~~

2. *Not less than 3 business days before the date of the hearing, the governing body shall cause the following documents to be posted and made available for downloading on the Internet website of the local government or, if the local government does not have such a website, deposited with the clerk of the governing body:*

(a) The proposed agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the governing body and relating to the fiscal impact of the agreement.

3. *Any document deposited with the clerk of the governing body pursuant to subsection 2 is a public record and must be open for public inspection pursuant to NRS 239.010.*

4. *At the hearing, the chief executive officer of the local government shall report to the governing body of the local government the fiscal impact of the agreement.*

Sec. 2. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) The name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 5 and a list of the locations where the supporting material is available to the public.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➤ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting;

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State; ~~and~~

(c) For consideration by the governing body of a local government of any new, extended or modified agreement of the local government, including, without limitation, a proposed agreement on the consent agenda of the governing body, posting and making available for downloading the documents described in subsection 2 of NRS 288.153, regardless of whether the proposed agreement is otherwise subject to the requirements of that section; and

(d) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6 or 7, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➡ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. ~~[A]~~ *Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:*

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. ~~[The]~~ *Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, the governing body of a county or city whose population is 45,000 or more shall post the supporting material described in paragraph (c) of subsection 5 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 5. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.*

8. A public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a

public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

9. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

- (a) Disasters caused by fire, flood, earthquake or other natural causes; or
- (b) Any impairment of the health and safety of the public.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Parks moved the adoption of the amendment.

Remarks by Senators Parks and Goicoechea.

SENATOR PARKS:

Section 1 of Senate Bill No. 158 requires the governing body of a local government employer to make certain background information available to the public before it acts to approve any new, extended or modified collective bargaining agreement. The proposed amendment makes the same requirements applicable to any other agreement governing the compensation of a local government employee. Section 2 of the bill as revised by the proposed amendment makes the same posting requirements applicable to any other agreement of a local government, including without limitation, any agreement on the consent agenda of the governing body of a local government. What this amendment does is to give total transparency for all local government employee contracts and compensation agreements, not just collective bargaining organizations.

SENATOR GOICOECHEA:

Thank you, Mr. President. I rise in opposition to the amendment. We discussed this in Committee, and it was determined this kind of language would be too broad reaching. Every local government, if you had one employee and it was on the consent agenda, again, they would be required to post any and all information, some might even be on the edge of border line. If you were going to give that one employee a raise, in a small rural local government, you would have to post all of that information. I feel strongly that the people do not want to see that much. But, when you are collectively bargaining, you want to get information out to the public beforehand so that they know what the governmental agencies are agreeing to. I do not think they are really interested in whether one particular employee, on a consent agenda, gets a raise or a change in their benefits. The bill came out of Committee unanimous so I oppose this amendment.

Senators Roberson, Hardy and Settelmeyer moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 26 to Senate Bill No. 158.

Senators Ford, Manendo and Spearman requested a roll call vote on Senator Parks' motion.

Roll call on Senator Parks' motion:

YEAS—9.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settelmeyer—11.

EXCUSED—Smith.

The motion having failed to receive a majority, Mr. President declared it lost.

Roll call on Senate Bill No. 158:

YEAS—19.

NAYS—Segerblom—1.

EXCUSED—Smith.

Senate Bill No. 158 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 172.

Bill read third time.

Roll call on Senate Bill No. 172:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 172 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 1:19 p.m.

SENATE IN SESSION

At 1:41 p.m.

President Hutchison presiding.

Quorum present.

Senate Bill No. 193.

Bill read third time.

The following amendment was proposed by Senator Atkinson:

Amendment No. 273.

SUMMARY—Revises provisions governing the payment of minimum wage and compensation for overtime. (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of minimum wage and compensation for overtime; requiring an employer to provide an employee with certain periods of rest; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) Section ~~1.1~~ 1.3 of this bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is \$9 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Existing law requires an employer to provide his or her employees with certain mandatory meal periods and rest periods. (NRS 608.019) Section 1.7 of this bill requires an employer, in addition to the mandatory meal periods and rest periods, to provide his or her employees with a rest period of at least 8 hours after each 10-hour period of work.

The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) Sections 2-4 of this bill ~~remove the provisions which require payment of compensation for overtime for hours worked in excess of 8 hours in any workday, while retaining~~ amend the provisions which require payment of compensation for overtime for hours worked in excess of ~~[40]~~ 8 hours in any ~~[week of work.]~~ workday to 10 hours in any workday.

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is at least \$9 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Sec. 1.7. In addition to any meal period or rest period required by NRS 608.019, an employer shall authorize and permit all of his or her employees to take a rest period of at least 8 hours after each 10 hour period of work.

Sec. 2. NRS 608.018 is hereby amended to read as follows:

608.018 1. An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for

employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:

- (a) More than 40 hours in any scheduled week of work; or
- (b) More than ~~[8]~~ 10 hours in any workday, ~~unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~—2.—~~ ~~An}~~ *Except as otherwise provided in subsection 2, an employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works more than 40 hours in any scheduled week of work.*

~~{3.—}~~ 2. The provisions of ~~{subsections}~~ *subsection 1* ~~{and 2}~~ do not apply to:

- (a) Employees who are not covered by the minimum wage provisions of NRS 608.250;
- (b) Outside buyers;
- (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;
- (d) Employees who are employed in bona fide executive, administrative or professional capacities;
- (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;
- (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;
- (g) Employees of a railroad;
- (h) Employees of a carrier by air;
- (i) Drivers or drivers' helpers making local deliveries and paid on a trip-rate basis or other delivery payment plan;
- (j) Drivers of taxicabs or limousines;
- (k) Agricultural employees;
- (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;
- (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and
- (n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 338.020 apply.

Sec. 3. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits

the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6 ~~[-7]~~ and ~~[-9]~~ 8, overtime is considered time worked in excess of ~~[-]~~

~~—(a) [Eight] 10 hours in 1 calendar day. [-;~~

~~—(b) Eight hours in any 16-hour period;] or~~

~~[(c) A-~~at~~ (b) A 40-hour week.~~

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

(a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➔ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. ~~For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.~~

~~—7.] Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly ~~[-7]~~, except those eligible employees who are approved for overtime in excess of one scheduled shift of ~~[-8] 10 or more hours per day.~~~~

~~—[8.] 7.~~ An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

~~[-9.] 8.~~ This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to

work 24 hours a day in a home setting must be approved in advance by the Commission.

~~{10.}~~ 9. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

~~{11.}~~ 10. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

~~{12.}~~ 11. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 4. NRS 338.020 is hereby amended to read as follows:

338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:

(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and

(b) Be posted on the site of the public work in a place generally visible to the workers.

2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.

3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of:

(a) ~~Forty~~ ~~40~~ hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work . . . or

(b) ~~Eight~~ ~~Ten~~ hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the

public work. ~~[unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one-half times the rate of wages set forth in the collective bargaining agreement for work in excess of:

- (a) Forty ~~40~~ hours in any scheduled week of work ~~47~~; or
- (b) ~~Eight~~ Ten hours in any workday. ~~[unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.

6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.

Sec. 5. This act becomes effective:

- 1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
- 2. On January 1, 2016, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

Thank you, Mr. President. Amendment No. 273 to Senate Bill No. 193 does a couple of things. It is a compromise amendment with what we heard out of Committee and stripping workers of the eight hour a day dramatically changes employment for low wage hourly workers by allowing employers to overwork employees through extra-long shifts without premium pay.

If we pass this bill without amending it, it is a pay cut for all people working more than 8 hours per day and less than 40 hours per week. There are over 350,000 Nevadans in jobs that would currently qualify for overtime. The reality is this, many Nevadans in these jobs do not work over 40 hours per week. For example, about 69 percent of minimum wage workers work part time. The national average for minimum wage workers is 26 hours per week. Raising only one tier of our two-tiered minimum wage is a small step in the right direction, but we have to think of it in the bigger picture. The part-time economy, coupled with the growth in service sector jobs is reason enough for Nevada to raise the minimum wage. However, a wage increase that cuts pay elsewhere is not a real increase.

This amendment is a fair compromise for workers and businesses that takes into account all the grievances that were brought up in Committee and off-record conversations. Not only is this amendment good for working people, it is good for our businesses. Our amendment will give businesses until January 1, 2016, before any changes to overtime or the minimum wage increase are put into place, allowing businesses some additional time to prepare for the adjustment in wages. This compromise is good for businesses because of the 2016 phase-in in this provision.

This amendment requires each employer to authorize his or her employees to take a rest period, consisting of at least eight hours, after each 10-hour period worked by the employee. It also changes existing law to require an employer to pay overtime to certain employees of one and a half times an employee's regular wage rate, whenever the employee works more than ten hours in any scheduled day of work. This would apply to employees who, under current law, are eligible for overtime after an eight-hour shift.

This is an opportunity. This is an opportunity for all of us, regardless of political affiliation, to come together for a true compromise that will benefit all Nevadans, particularly those who earn the lowest wages. This is a common sense and reasonable approach that both sides should be able to come to and agree on at this time. I urge the adoption of this amendment.

Senator Roberson, Farley and Settlemeyer moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 273 to Senate Bill No. 193.

Senators Ford, Manendo and Woodhouse requested a roll call vote on Senator Atkinson's motion.

Roll call on Senator Atkinson's motion.

YEAS—9.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settlemeyer—11.

EXCUSED—Smith.

The motion having failed to receive a majority, Mr. President declared it lost.

The following amendment was proposed by Senator Atkinson:

Amendment No. 257.

SUMMARY—Revises provisions governing the payment of minimum wage, ~~and compensation for overtime.~~ (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of minimum wage; ~~and compensation for overtime;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) ~~[Section 1 of this]~~ This bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is ~~[\$9]~~ at least \$10.10 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

~~The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) Sections 2-4 of this bill remove the provisions which require payment of compensation for overtime for hours worked in excess of 8 hours in any workday, while retaining the provisions which require payment of compensation for overtime for hours worked in~~

~~excess of 40 hours in any week of work.] , or at least \$9.10 per hour if the employer of the employee offers such health insurance to the employee.~~

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is ~~for~~ ~~at least \$9.10~~ ;

1. At least \$10.10 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner ~~for~~ ; or

2. At least \$9.10 per hour, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Sec. 2. ~~[NRS 608.018 is hereby amended to read as follows:~~

~~608.018 1. [An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:~~

~~—(a) More than 40 hours in any scheduled week of work; or~~

~~—(b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~2. An] Except as otherwise provided in subsection 2, an employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee [who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250] works more than 40 hours in any scheduled week of work.~~

~~[3.] 2. The provisions of [subsections] subsection 1 [and 2] do not apply to:~~

~~—(a) Employees who are not covered by the minimum wage provisions of NRS 608.250;~~

~~—(b) Outside buyers;~~

~~—(c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;~~

~~—(d) Employees who are employed in bona fide executive, administrative or professional capacities;~~

~~—(e) Employees covered by collective bargaining agreements which provide otherwise for overtime;~~

- ~~— (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;~~
- ~~— (g) Employees of a railroad;~~
- ~~— (h) Employees of a carrier by air;~~
- ~~— (i) Drivers or drivers' helpers making local deliveries and paid on a trip rate basis or other delivery payment plan;~~
- ~~— (j) Drivers of taxicabs or limousines;~~
- ~~— (k) Agricultural employees;~~
- ~~— (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;~~
- ~~— (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and~~
- ~~— (n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 238.020 apply.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 284.180 is hereby amended to read as follows:~~

~~284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.~~

~~2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one half, except for those employees described in NRS 284.148.~~

~~3. Except as otherwise provided in subsections 4, 6 [, 7] and [9,] 8, overtime is considered time worked in excess of [:~~

- ~~— (a) Eight hours in 1 calendar day;~~
 - ~~— (b) Eight hours in any 16 hour period; or~~
 - ~~— (c) A] a 40 hour week.~~
- ~~4. Firefighters who choose and are approved for a 24 hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:~~

- ~~— (a) Twenty four hours in one scheduled shift; or~~
- ~~— (b) Fifty three hours average per week during one work period for those hours worked or on paid leave.~~

~~→ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56 hour average and the overtime~~

~~threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.~~

~~—5. The Commission shall adopt regulations to carry out the provisions of subsection 4.~~

~~—6. [For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.~~

~~—7.] Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80 hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly. [, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.~~

~~—8.] 7. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.~~

~~—[9.] 8. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.~~

~~—[10.] 9. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.~~

~~—[11.] 10. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.~~

~~—[12.] 11. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 338.020 is hereby amended to read as follows:~~

~~—338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:~~

~~— (a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and~~

~~— (b) Be posted on the site of the public work in a place generally visible to the workers.~~

~~— 2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.~~

~~— 3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of [:~~

~~— (a) Forty] 40 hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work. [; or~~

~~— (b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

~~— 4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one half times the rate of wages set forth in the collective bargaining agreement for work in excess of [:~~

~~— (a) Forty] 40 hours in any scheduled week of work. [; or~~

~~— (b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

~~— 5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.~~

~~— 6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.] (Deleted by amendment.)~~

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Atkinson moved the adoption of the amendment.

Remarks by Senator Atkinson.

If we are serious, if we are really serious about raising the minimum wage in this State, then we need to raise both tiers. We have a two-tiered minimum wage structure in our State Constitution, but the way Senate Bill No. 193 is currently written, we are only talking about raising the upper level. The true minimum wage in Nevada will remain \$7.25 per hour. Without addressing both tiers of the minimum wage, the increase does not truly affect all minimum wage workers. An employer can simply offer a junk health plan, which the worker does not have to accept, but because it is offered, the employee is still paid \$7.25 instead of the \$9.00.

My amendment will raise both tiers. This amendment strikes the changes to overtime law contained within the bill and raises the minimum wage in Nevada to \$10.10 per hour when an employer does not offer health insurance, and \$9.10 per hour when an employer does offer insurance.

Why should we raise the wage? There are several reasons. First, it would bring the minimum wage more in line with inflation. If the minimum wage had kept up with inflation since its peak in the 1960s, it would be over \$10 per hour today. We are well below that here in Nevada in both minimum wage tiers.

Second, it would boost the economy. While opponents of a minimum wage increase claim that it will job growth, research points to the opposite. There is little evidence that it would hurt jobs, but it would likely help businesses through increasing demands, lower turnover and boosting prices which would give the economy a big boost thanks to more money in people's pockets to spend on purchases.

Third, it would help lift people out of poverty. Full-time, minimum wage workers earn about \$15,000 to \$16,000 per year, which for someone with two kids means living \$3,000 below the poverty line. The wage is not enough to make rent and pay bills, let alone save anything for the future.

Fourth, it would be a big help for women and people of color. We do not have exact numbers for Nevada, but we know that people of color make up 42 percent of the minimum wage workers nationally despite representing just 32 percent of the overall workforce, and women make up two-thirds of the Country's minimum wage workers despite being only half the population. Raising the wage to \$10.10 an hour would help lift those people out of poverty.

People support raising the minimum wage. Polls have shown that 80 percent of Americans support raising the wage to \$10.10 an hour, and that includes two-thirds of Republicans. In fact, when given the opportunity, voters nearly always approve minimum wage increases by substantial majorities. Mr. President, I again ask that this Body to support Amendment No. 257 to Senate Bill No. 193.

Senator Roberson, Farley and Settlemeyer moved the previous question.

The question being on the adoption of Amendment No. 257 to Senate Bill No. 193.

Senators Ford, Manendo and Woodhouse requested a roll call vote on Senator Atkinson's motion.

Roll call vote on Senator Atkinson's motion.

YEAS—9.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settlemeyer—11.

EXCUSED—Smith.

The motion having failed to receive a majority, Mr. President declared it lost.

The following amendment was proposed by Senator Ford:

Amendment No. 258.

SUMMARY—Revises provisions governing the payment of minimum wage, ~~and compensation for overtime.~~ (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of minimum wage; ~~and compensation for overtime;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) ~~[Section 1 of this]~~ This bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is ~~[\$9]~~ at least \$9.50 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

~~The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) Sections 2-4 of this bill remove the provisions which require payment of compensation for overtime for hours worked in excess of 8 hours in any workday, while retaining the provisions which require payment of compensation for overtime for hours worked in excess of 40 hours in any week of work.] , or at least \$8.50 per hour if the employer of the employee offers such health insurance to the employee.~~

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

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is ~~at least \$9]~~ :

1. At least \$9.50 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner ~~1]~~ ; or

2. At least \$8.50 per hour, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Sec. 2. ~~[NRS 608.018 is hereby amended to read as follows:~~

~~608.018 1. [An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:~~

~~— (a) More than 40 hours in any scheduled week of work; or~~
~~— (b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~— 2. An] Except as otherwise provided in subsection 2, an employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee [who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250] works more than 40 hours in any scheduled week of work.~~

~~— [3.] 2. The provisions of [subsections] subsection 1 [and 2] do not apply to:~~

~~— (a) Employees who are not covered by the minimum wage provisions of NRS 608.250;~~

~~— (b) Outside buyers;~~

~~— (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;~~

~~— (d) Employees who are employed in bona fide executive, administrative or professional capacities;~~

~~— (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;~~

~~— (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;~~

~~— (g) Employees of a railroad;~~

~~— (h) Employees of a carrier by air;~~

~~— (i) Drivers or drivers' helpers making local deliveries and paid on a trip rate basis or other delivery payment plan;~~

~~— (j) Drivers of taxicabs or limousines;~~

~~— (k) Agricultural employees;~~

~~— (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;~~

~~— (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and~~

~~— (n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 238.020 apply.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 284.180 is hereby amended to read as follows:~~

~~— 284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.~~

~~2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one half, except for those employees described in NRS 284.148.~~

~~3. Except as otherwise provided in subsections 4, 6 [, 7] and [9,] 8, overtime is considered time worked in excess of [:~~

~~(a) Eight hours in 1 calendar day;~~

~~(b) Eight hours in any 16 hour period; or~~

~~(c) A] a 40 hour week.~~

~~4. Firefighters who choose and are approved for a 24 hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:~~

~~(a) Twenty four hours in one scheduled shift; or~~

~~(b) Fifty three hours average per week during one work period for those hours worked or on paid leave.~~

~~5. The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56 hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.~~

~~5. The Commission shall adopt regulations to carry out the provisions of subsection 4.~~

~~6. [For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.~~

~~7.] Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80 hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly .[, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.~~

~~8.] 7. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.~~

~~[9.] 8. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.~~

~~—[10.] 9. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.~~

~~—[11.] 10. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.~~

~~—[12.] 11. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 338.020 is hereby amended to read as follows:~~

~~—338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:~~

~~—(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and~~

~~—(b) Be posted on the site of the public work in a place generally visible to the workers.~~

~~—2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.~~

~~—3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one half times the prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of[:~~

~~—(a) Forty] 40 hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work. [; or~~

~~—(b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a~~

~~scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

~~4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one half times the rate of wages set forth in the collective bargaining agreement for work in excess of [:~~

~~(a) Forty] 40 hours in any scheduled week of work. [; or~~

~~(b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

~~5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.~~

~~6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.] (Deleted by amendment.)~~

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Ford moved the adoption of the amendment.

Remarks by Senator Ford.

Thank you Mr. President. This amendment, once again, attempts to ascertain who is truly interested in providing a living wage. Minimum wage used to be earned by teenagers who just wanted to buy a pair of Jordan's. Now, it is earned by adults who are actually trying to raise their child named Jordan. We have an opportunity, yet again, to demonstrate a true desire to raise the minimum wage. This amendment revises provisions of section 1 of Senate Bill No. 193, the first reprint, regarding the minimum wage that an employer must pay to his or her employees. It provides that an employer must pay a minimum wage of \$9.50 per hour. \$10.10 was too much, so maybe \$9.50 is a good number if the employer does not offer health insurance to his or her employees. And, by the way, commensurate with the dollar difference enshrined in our Constitution, it also raises the bottom level to \$8.50 per hour if the employer does offer health insurance to his or her employees. This amendment also deletes sections 2, 3 and 4 of Senate Bill No. 193, first reprint, which makes changes to the overtime laws. By deleting those sections, the current overtime laws will remain in effect. Finally, this amendment extends the effective date of the Act from the default date of October 1, 2015, to January 1, 2016. The Act will become effective upon passage and approval for the purposes of adopting regulations and completing necessary administrative tasks. Again, I remind you that minimum wage is not some trick to add to an overtime bill so that you can get people on the record. It is an actual issue for many people in this State and we should be taking it that seriously. I urge support of Amendment No. 258 to Senate Bill No. 193.

Senators Roberson, Farley and Settlemeyer moved the previous question.

The question being on the adoption of Amendment No. 258 to Senate Bill No. 193.

Senators Ford, Manendo and Kihuen requested a roll call vote on Senator Ford's motion.

Roll call on Senator Ford's motion.

YEAS—9.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settelmeyer—11.

EXCUSED—Smith.

The motion having failed to receive a majority, Mr. President declared it lost.

The following amendment was proposed by Senator Manendo:

Amendment No. 259.

SUMMARY—Revises provisions governing the payment of minimum wage. ~~[and compensation for overtime.]~~ (BDR 53-989)

AN ACT relating to employment; revising provisions governing the payment of minimum wage; ~~[and compensation for overtime.]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner, in accordance with federal law, to establish by regulation the minimum wage which may be paid to an employee in private employment in this State. (NRS 608.250) ~~[Section 1 of this]~~ This bill requires the Labor Commissioner, in adopting those regulations, to ensure that the minimum wage for the employee is at least \$9 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner. ~~[.]~~

~~The Fair Labor Standards Act of 1938 requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, certain employees, including certain classified employees of this State, certain employees of contractors working on public works projects and certain other employees of private employers, are entitled to compensation for overtime at a rate of 1 1/2 times an employee's regular wage rate for any hours worked in excess of 8 hours in any workday or in excess of 40 hours in any week of work. (NRS 284.180, 338.020, 608.018) Sections 2-4 of this bill remove the provisions which require payment of compensation for overtime for hours worked in excess of 8 hours in any workday, while retaining the provisions which require payment of compensation for overtime for hours worked in excess of 40 hours in any week of work.] , or at least \$8 per hour if the employer of the employee offers such health insurance to the employee.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 608 of NRS is hereby amended by adding thereto a new section to read as follows:

In adopting the regulations establishing the minimum wage which may be paid pursuant to NRS 608.250, the Labor Commissioner shall ensure that the minimum wage for each employee to which those regulations apply is ~~at least~~ at least .

1. At least \$9 per hour, if the employer of the employee does not offer health insurance for the employee in accordance with regulations adopted by the Labor Commissioner ~~for~~; or

2. At least \$8 per hour, if the employer of the employee offers health insurance for the employee in accordance with regulations adopted by the Labor Commissioner.

Sec. 2. ~~[NRS 608.018 is hereby amended to read as follows:~~

~~608.018 1. [An employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee who receives compensation for employment at a rate less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250 works:~~

~~— (a) More than 40 hours in any scheduled week of work; or~~

~~— (b) More than 8 hours in any workday unless by mutual agreement the employee works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.~~

~~2. An] Except as otherwise provided in subsection 2, an employer shall pay 1 1/2 times an employee's regular wage rate whenever an employee [who receives compensation for employment at a rate not less than 1 1/2 times the minimum rate prescribed pursuant to NRS 608.250] works more than 40 hours in any scheduled week of work.~~

~~[3.] 2. The provisions of [subsections] subsection 1 [and 2] do not apply to:~~

~~— (a) Employees who are not covered by the minimum wage provisions of NRS 608.250;~~

~~— (b) Outside buyers;~~

~~— (c) Employees in a retail or service business if their regular rate is more than 1 1/2 times the minimum wage, and more than half their compensation for a representative period comes from commissions on goods or services, with the representative period being, to the extent allowed pursuant to federal law, not less than 1 month;~~

~~— (d) Employees who are employed in bona fide executive, administrative or professional capacities;~~

~~— (e) Employees covered by collective bargaining agreements which provide otherwise for overtime;~~

~~— (f) Drivers, drivers' helpers, loaders and mechanics for motor carriers subject to the Motor Carrier Act of 1935, as amended;~~

~~— (g) Employees of a railroad;~~

~~— (h) Employees of a carrier by air;~~

~~— (i) Drivers or drivers' helpers making local deliveries and paid on a trip rate basis or other delivery payment plan;~~

~~— (j) Drivers of taxicabs or limousines;~~

~~— (k) Agricultural employees;~~

~~— (l) Employees of business enterprises having a gross sales volume of less than \$250,000 per year;~~

~~— (m) Any salesperson or mechanic primarily engaged in selling or servicing automobiles, trucks or farm equipment; and~~

~~— (n) A mechanic or worker for any hours to which the provisions of subsection 3 or 4 of NRS 238.020 apply.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 284.180 is hereby amended to read as follows:~~

~~— 284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.~~

~~— 2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one half, except for those employees described in NRS 284.148.~~

~~— 3. Except as otherwise provided in subsections 4, 6 [, 7] and [9,] 8, overtime is considered time worked in excess of [:~~

~~— (a) Eight hours in 1 calendar day;~~

~~— (b) Eight hours in any 16 hour period; or~~

~~— (c) A] a 40 hour week.~~

~~— 4. Firefighters who choose and are approved for a 24 hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:~~

~~— (a) Twenty four hours in one scheduled shift; or~~

~~— (b) Fifty three hours average per week during one work period for those hours worked or on paid leave.~~

~~→ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56 hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.~~

~~— 5. The Commission shall adopt regulations to carry out the provisions of subsection 4.~~

~~— 6. [For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.~~

~~— 7.] Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80 hour work schedule within a biweekly pay period and who choose and are approved for such a work schedule will be considered eligible for overtime only after working~~

~~80 hours biweekly. [, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.~~

~~—[8.] 7. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.~~

~~—[9.] 8. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.~~

~~—[10.] 9. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.~~

~~—[11.] 10. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.~~

~~—[12.] 11. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 338.020 is hereby amended to read as follows:~~

~~—338.020 1. Every contract to which a public body of this State is a party, requiring the employment of skilled mechanics, skilled workers, semiskilled mechanics, semiskilled workers or unskilled labor in the performance of public work, must contain in express terms the hourly and daily rate of wages to be paid each of the classes of mechanics and workers. The hourly and daily rate of wages must:~~

~~—(a) Not be less than the rate of such wages then prevailing in the county in which the public work is located, which prevailing rate of wages must have been determined in the manner provided in NRS 338.030; and~~

~~—(b) Be posted on the site of the public work in a place generally visible to the workers.~~

~~—2. When public work is performed by day labor, the prevailing wage for each class of mechanics and workers so employed applies and must be stated clearly to such mechanics and workers when employed.~~

~~—3. Except as otherwise provided in subsection 4, a contractor or subcontractor shall pay to a mechanic or worker employed by the contractor or subcontractor on the public work not less than one and one-half times the~~

~~prevailing rate of wages applicable to the class of the mechanic or worker for each hour the mechanic or worker works on the public work in excess of [:~~

~~— (a) Forty] 40 hours in any scheduled week of work by the mechanic or worker for the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work. [; or~~

~~— (b) Eight hours in any workday that the mechanic or worker was employed by the contractor or subcontractor, including, without limitation, hours worked for the contractor or subcontractor on work other than the public work, unless by mutual agreement the mechanic or worker works a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

~~4. The provisions of subsection 3 do not apply to a mechanic or worker who is covered by a collective bargaining agreement that provides for the payment of wages at not less than one and one half times the rate of wages set forth in the collective bargaining agreement for work in excess of [:~~

~~— (a) Forty] 40 hours in any scheduled week of work. [; or~~

~~— (b) Eight hours in any workday unless the collective bargaining agreement provides that the mechanic or worker shall work a scheduled 10 hours per day for 4 calendar days within any scheduled week of work.]~~

~~5. The prevailing wage and any wages paid for overtime pursuant to subsection 3 or 4 to each class of mechanics or workers must be in accordance with the jurisdictional classes recognized in the locality where the work is performed.~~

~~6. Nothing in this section prevents an employer who is signatory to a collective bargaining agreement from assigning such work in accordance with established practice.] (Deleted by amendment.)~~

Sec. 5. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

Senator Manendo moved the adoption of the amendment.

Remarks by Senator Manendo.

This amendment revises the provisions of section 1 of Senate Bill No. 193 regarding the minimum wage that an employer must pay to his or her employees. It provides that an employer must pay a minimum wage of \$9.00 per hour if the employer does not offer health insurance to his or her employees, and \$8.00 if the employer does offer health insurance to his or her employees. I am taking another shot at this because it is important to the people of the State of Nevada.

Amendment No. 259 also deletes sections 2, 3 and 4 of S.B. No. 193, first reprint, which makes changes to the laws regarding the payment of overtime. By deleting these sections, the current overtime laws will remain in effect.

Finally, this amendment extends the effective date of the act from the default date of October 1, 2015 to January 1, 2016. The act will become effective upon passage and approval for the purpose of adopting regulations and taking any necessary administrative tasks.

Senators Roberson, Farley and Settlemeyer moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 259 to Senate Bill No. 193.

Senators Ford, Manendo and Spearman requested a roll call vote on Senator Manendo's motion.

Roll call on Senator Manendo's motion:

YEAS—9.

NAYS—Brower, Farley, Goicoechea, Gustavson, Hammond, Hardy, Harris, Kieckhefer, Lipparelli, Roberson, Settlemeyer—11.

EXCUSED—Smith.

The motion having failed to receive a majority vote, Mr. President declared it lost.

Remarks from Senators Settlemeyer and Atkinson.

SENATOR SETTELMAYER:

Thank you Mr. President. Senate Bill No. 193 requires the Labor Commissioner to establish a \$9.00-an-hour minimum wage for an employee in private employment if the employer does not offer health insurance for the employee. The measure also removes the provisions requiring compensation for overtime for hours worked in excess of eight hours in any work day while retaining provisions requiring that compensation for overtime must be paid to certain employees for hours worked in excess of 40 hours in any week consistent with 46 other states that have the 40-hour per week rule. This is the first time in this Body's career that we have ever had the opportunity to vote on the minimum wage. Thank you.

SENATOR ATKINSON:

Thank you, Mr. President. Mr. President, as considered in the Committee and as discussed on the Floor, if we are going to have a serious debate about overtime, if we are going to have a serious debate about minimum wage, then we should have that debate. As we have seen over the last few days, a growing disregard and disrespect for this Body by cutting off debate when we are trying to have debate since we cannot have them in Committee, this is the only opportunity that we are afforded. We have attempted in good faith to work with the Majority Party on sensible minimum wage rates for our citizens. Anything that we have seen and have been able to ascertain, the minimum wage that they are setting for workers, still does not bring our employees out of the poverty level. What they are asking us to do as a state is trade a minimum of 75-cent wage increase for overtime payment benefits. I think that it is a slap in the face to our workers. I think it is a slap in the face to the folks that are in need of reasonable wages. I had a lady say to me, Mr. President, that if she has to work past her eight hours and she picks her child up from daycare past nine hours, she has to pay that daycare time and a half. Under this scenario, she would actually be losing money because her daycare will be charging her time and a half while she is making straight time. Is that fair? It is not fair. It is not fair, but they believe that they are throwing the constituents a bone by giving them 75 cents past their work hour, 75 cents, you do the math. If an employee works over four hours and they are paid \$10.10 and they receive overtime, you do the math, it is quite significant. I think we need to stop playing games, and if we are going to have serious discussions this Session, let us not cut off debate. Let us not silence folks on matters that matter to them and their constituents. Let us have a serious discussion on what we need to be doing to fix our state. Do we want to talk about partisanship? Let us talk a partisanship. We do not mind, I mean we just made four efforts to try to doing something that we can all agree on, but, Mr. President, I already know that chatter that is going to be in this building after this vote and I have to really think about where we are headed this Session and destroying our worker base. Thank you for the time.

Senators Roberson, Farley and Settlemeyer moved the previous question.

Senators Manendo, Ford and Kihuen requested a roll call vote on Senators Roberson's, Farley's and Settlemeyer's motion.

Roll call vote on Senators Roberson's, Farley's and Settlemeyer's motion.

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

The motion having received a majority, Mr. President declared it carried.

The question being on the passage of Senate Bill No. 193.

Roll call on Senate Bill No. 193:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Senate Bill No. 193 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 20, 34, 41, 45.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Farley, the privilege of the floor of the Senate Chamber for this day was extended to Brooke Farley.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Joseph Anderson and Tomas Hammond.

On request of Senator Hardy, the privilege of the floor of the Senate Chamber for this day was extended Shari Peterson.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Garth Harris.

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Annette Lincicome and Antonio Gonzalez.

On request of Senator Lipparelli, the privilege of the floor of the Senate Chamber for this day was extended to Tavin Hays and Grace Lipparelli.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Berdine Woodhouse.

Senator Roberson moved that the Senate adjourn until Monday,
April 6, 2015, at 4:00 p.m.

Motion carried.

Senate adjourned at 2:06 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT

Secretary of the Senate