

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 21, 2015

Senate called to order at 2:03 p.m.

President Hutchison presiding.

Roll called.

All present except Senator Smith, who was excused.

Prayer by the Chaplain, Pastor Nick Emery.

In honor of May being Foster Care Awareness Month, lets pray for the children of our community.

Today, we pray in the name of Jesus, for the children of our communities that we represent. May they know that a bright and glorious future is being prepared for them by these men and women and by so many others who desire to leave them with a lasting legacy. May we fight for the injustice that comes upon our children. We pray for their safety; we pray for their needs; we pray for them—our future. Give us wisdom this day to lead and equip them. We pray in the mighty Name of Jesus.

God bless, and may God bless Nevada.

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 Commerce, Labor and Energy, to which was referred Assembly Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair**Mr. President:*

Your Committee on Education, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BECKY HARRIS, *Chair**Mr. President:*

Your Committee on Finance, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 412, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Finance, to which were re-referred Senate Bills Nos. 99, 253, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass as amended.

Also, our Committee on Finance, to which was referred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Health and Human Services.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GREG BROWER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

Mr. President:

Your Committee on Transportation, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SCOTT HAMMOND, *Chair*

Mr. President:

Your Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of: Amendment No. 781 to Assembly Bill No. 351; Amendment 908 to Assembly Bill No. 428.

JAMES A. SETTELMEYER, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, May 20, 2015

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Senate Bills Nos. 35, 62, 74, 78, 88, 94, 155, 293, 377, 410, 441, 457; Assembly Bills Nos. 437, 477.

Also, I have the honor to inform your honorable body that the Assembly amended, and on this day passed, as amended, Senate Bill No. 4, Amendment No. 818; Senate Bill No. 5, Amendment No. 795; Senate Bill No. 50, Amendment No. 722; Senate Bill No. 84, Amendment No. 725; Senate Bill No. 144, Amendment No. 820; Senate Bill No. 188, Amendment No. 808; Senate Bill No. 209, Amendment No. 809; Senate Bill No. 223, Amendment No. 721; Senate Bill No. 238, Amendment No. 822; Senate Bill No. 254, Amendment No. 823; Senate Bill No. 257, Amendment No. 847; Senate Bill No. 285, Amendment No. 739; Senate Bill No. 376, Amendment No. 810; Senate Bill No. 401, Amendment No. 733; Senate Bill No. 419, Amendments Nos. 674, 794; Senate Bill No. 476, Amendments Nos. 656, 672, and respectfully requests your honorable body to concur in said amendments.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Assembly Bill No. 351 be taken from the Secretary's desk and placed on the General File on the second Agenda.

Motion carried.

Senator Kieckhefer moved that Assembly Bill No. 405, just reported out of Committee, be re-referred to the Committee on Health and Human Services.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 121, 163, 172, 248, 451 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Roberson moved that Assembly Bill No. 428 be taken from the Secretary's desk and placed at the bottom of the General File on the second Agenda.

Motion carried.

Senator Roberson moved that Assembly Bills Nos. 40, 44, 132, 462 be taken from the Secretary's desk and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 437.

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

Motion carried.

Assembly Bill No. 477.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 881.

SUMMARY—Revises provisions relating to certain civil actions involving negligence. (BDR 3-954)

AN ACT relating to civil actions; providing immunity from civil actions for a board of trustees of a school district or the governing body of a charter school under certain circumstances; revising the applicability of certain provisions of existing law pertaining to certain civil actions involving negligence; revising provisions governing the limitation on the amount of noneconomic damages that may be awarded in certain civil actions; ~~requiring a trier of fact to determine the percentage of responsibility for a plaintiff's harm assigned to various parties in certain civil actions;~~ making various other changes relating to certain actions involving negligence; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a board of trustees of a school district or the governing body of a charter school is not liable for any civil damages arising from any act or omission by a person employed by or volunteering at

a school-based health center. Section 1 also defines "school-based health center" for such purposes.

Existing law defines "medical malpractice," "dental malpractice" and "professional negligence" and contains various provisions relating to civil actions involving claims of medical malpractice, dental malpractice and professional negligence. (Chapter 41A of NRS) This bill removes references in existing law to medical malpractice and dental malpractice and replaces those references with references to professional negligence. Section 1.5 of this bill also revises the definition of professional negligence to incorporate provisions of the previously used definition of medical malpractice.

Existing law defines the term "provider of healthcare" for the purposes of certain civil actions involving professional negligence. (NRS 41A.017) Section 2 of this bill revises that definition to include certain other professionals who provide health care and to include clinics, surgery centers and other entities that employ physicians and other such persons.

Existing law limits the amount of noneconomic damages that may be awarded in an action for injury or death against a provider of health care based upon professional negligence. (NRS 41A.035) Section 3 of this bill limits the total noneconomic damages that may be awarded in such an action to \$350,000, regardless of the number of plaintiffs, defendants or theories of liability.

~~[Existing law provides that in an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for certain damages severally only, and not jointly. (NRS 41A.045) Section 4 of this bill: (1) requires the trier of fact in an action for professional negligence to determine the percentage of responsibility assigned to each person; and (2) authorizes a defendant to present certain evidence to establish the percentage of responsibility of any party or nonparty to such an action.]~~

Existing law establishes a rebuttable presumption in actions for negligence against providers of medical care that the personal injury or death was caused by negligence when certain injuries are sustained. (NRS 41A.100) Section 9 of this bill provides that the rebuttable presumption does not apply in an action in which: (1) a plaintiff submits an affidavit or designates an expert witness to establish that a provider of health care deviated from the accepted standard of care; or (2) expert medical testimony is used to establish a claim of professional negligence.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school that allows or establishes a school-based health center is not liable for any civil damages as a result of any act or omission by a person

employed by or volunteering for or affiliated with a school-based health center or a sponsoring entity of the school-based health center.

2. As used in this section, "school-based health center" means a health center located on or in school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person.

~~[Section 1.]~~ Sec. 1.3. NRS 41A.003 is hereby amended to read as follows:

41A.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[41A.004]~~ 41A.007 to 41A.017, inclusive, have the meanings ascribed to them in those sections.

Sec. 1.5. NRS 41A.015 is hereby amended to read as follows:

41A.015 "Professional negligence" means ~~a negligent act or omission to act by~~ the failure of a provider of health care ~~in~~ in ~~the~~ rendering ~~of professional~~ services, ~~which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.~~ to use the reasonable care, skill or knowledge ordinarily used under similar circumstances by similarly trained and experienced providers of health care.

Sec. 2. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed ~~under~~ pursuant to chapter 630 ~~or 633~~ or 633 of NRS, *physician 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 or~~ licensed dietitian or a licensed hospital, *clinic, surgery center* ~~for other entity,~~ *physicians' professional corporation or group practice that employs any such person* and its employees.

Sec. 3. NRS 41A.035 is hereby amended to read as follows:

41A.035 In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed \$350,000 ~~or~~, *regardless of the number of plaintiffs, defendants or theories upon which liability may be based.*

Sec. 4. ~~NRS 41A.045 is hereby amended to read as follows:~~

~~41A.045 1. In an action for injury or death against a provider of health care based upon professional negligence, each defendant is liable to the plaintiff for economic damages and noneconomic damages severally only, and not jointly, for that portion of the judgment which represents the percentage of [negligence] fault attributable to the defendant.~~

~~2. In an action described in subsection 1, the trier of fact shall determine the percentage of responsibility assigned to all persons relating to the harm caused for which recovery is being sought. The trier of fact shall consider the percentage of responsibility of any person who could have contributed to the alleged injury or death, regardless of whether the person was, or could have been, named as a party to the action. A determination of the percentage of responsibility for any nonparty:~~

~~(a) May only be used as a vehicle for accurately determining the fault of the named parties;~~

~~(b) Does not subject the nonparty to liability in the action or in any other action; and~~

~~(c) May be introduced as evidence of liability in any action.~~

~~3. To establish the percentage of responsibility of any party or nonparty, a defendant may present to the trier of fact:~~

~~(a) An affidavit produced pursuant to NRS 41A.071;~~

~~(b) A report prepared by an expert pursuant to the Nevada Rules of Civil Procedure; and~~

~~(c) Testimony of an expert designated by any party, at any time, pursuant to the Nevada Rules of Civil Procedure.~~

~~4. This section is intended to abrogate joint and several liability of a provider of health care in an action for injury or death against the provider of health care based upon professional negligence.] (Deleted by amendment.)~~

Sec. 5. NRS 41A.061 is hereby amended to read as follows:

41A.061 1. Upon the motion of any party or upon its own motion, unless good cause is shown for the delay, the court shall, after due notice to the parties, dismiss an action involving ~~{medical malpractice or dental malpractice}~~ professional negligence if the action is not brought to trial within ~~[-~~

~~(a) Three years after the date on which the action is filed, if the action is filed on or after October 1, 2002, but before October 1, 2005.~~

~~(b) Two ~~2~~ 3 years after the date on which the action is filed . [- if the action is filed on or after October 1, 2005.]~~

2. Dismissal of an action pursuant to subsection 1 is a bar to the filing of another action upon the same claim for relief against the same defendants.

3. Each district court shall adopt court rules to expedite the resolution of an action involving ~~{medical malpractice or dental malpractice}~~ professional negligence.

Sec. 6. NRS 41A.071 is hereby amended to read as follows:

41A.071 If an action for ~~{medical malpractice or dental malpractice}~~ professional negligence is filed in the district court, the district court shall dismiss the action, without prejudice, if the action is filed without an affidavit ~~[- supporting] that:~~

1. Supports the allegations contained in the action ~~[-]~~ ;

2. *Is submitted by a medical expert who practices or has practiced in an area that is substantially similar to the type of practice engaged in at the time of the alleged ~~[malpractice]~~ professional negligence;*

3. *Identifies by name, or describes by conduct, each ~~[alleged]~~ provider of health care ~~for~~ who is alleged to be negligent; and*

4. ~~*[Complies with any written report required pursuant to Rule 16.1 of the Nevada Rules of Civil Procedure.]*~~ *Sets forth factually a specific act or acts of alleged negligence separately as to each defendant in simple, concise and direct terms.*

Sec. 7. NRS 41A.081 is hereby amended to read as follows:

41A.081 1. In an action for ~~[medical malpractice or dental malpractice]~~ *professional negligence*, all the parties to the action, the insurers of the respective parties and the attorneys of the respective parties shall attend and participate in a settlement conference before a district judge, other than the judge assigned to the action, to ascertain whether the action may be settled by the parties before trial.

2. The judge before whom the settlement conference is held:

(a) May, for good cause shown, waive the attendance of any party.

(b) Shall decide what information the parties may submit at the settlement conference.

3. The judge shall notify the parties of the time and place of the settlement conference.

4. The failure of any party, the party's insurer or the party's attorney to participate in good faith in the settlement conference is grounds for sanctions, including, without limitation, monetary sanctions, against the party or the party's attorney, or both. The judges of the district courts shall liberally construe the provisions of this subsection in favor of imposing sanctions in all appropriate situations. It is the intent of the Legislature that the judges of the district courts impose sanctions pursuant to this subsection in all appropriate situations to punish for and deter conduct which is not undertaken in good faith because such conduct overburdens limited judicial resources, hinders the timely resolution of meritorious claims and increases the costs of engaging in business and providing professional services to the public.

Sec. 8. NRS 41A.085 is hereby amended to read as follows:

41A.085 1. In an action for damages for ~~[medical malpractice or dental malpractice]~~ *professional negligence* in which the defendant is insured pursuant to a policy of insurance covering the liability of the defendant for a breach of the defendant's professional duty toward a patient:

(a) At any settlement conference, the judge may recommend that the action be settled for the limits of the policy of insurance.

(b) If the judge makes the recommendation described in paragraph (a), the defendant is entitled to obtain from independent counsel an opinion letter explaining the rights of, obligations of and potential consequences to the defendant with regard to the recommendation. The insurer shall pay the

independent counsel to provide the opinion letter described in this paragraph, except that the insurer is not required to pay more than \$1,500 to the independent counsel to provide the opinion letter.

2. The section does not:

(a) Prohibit the plaintiff from making any offer of settlement.

(b) Require an insurer to provide or pay for independent counsel for a defendant except as expressly provided in this section.

Sec. 9. NRS 41A.100 is hereby amended to read as follows:

41A.100 1. Liability for personal injury or death is not imposed upon any provider of ~~medical~~ *health* care based on alleged negligence in the performance of that care unless evidence consisting of expert medical testimony, material from recognized medical texts or treatises or the regulations of the licensed medical facility wherein the alleged negligence occurred is presented to demonstrate the alleged deviation from the accepted standard of care in the specific circumstances of the case and to prove causation of the alleged personal injury or death, except that such evidence is not required and a rebuttable presumption that the personal injury or death was caused by negligence arises where evidence is presented that the *provider of health care caused the* personal injury or death occurred in any one or more of the following circumstances:

(a) A foreign substance other than medication or a prosthetic device was unintentionally left within the body of a patient following surgery;

(b) An explosion or fire originating in a substance used in treatment occurred in the course of treatment;

(c) An unintended burn caused by heat, radiation or chemicals was suffered in the course of medical care;

(d) An injury was suffered during the course of treatment to a part of the body not directly involved in the treatment or proximate thereto; or

(e) A surgical procedure was performed on the wrong patient or the wrong organ, limb or part of a patient's body.

2. Expert medical testimony provided pursuant to subsection 1 may only be given by a provider of ~~medical~~ *health* care who practices or has practiced in an area that is substantially similar to the type of practice engaged in at the time of the alleged negligence.

3. ~~[As used in this section, "provider of medical care" means a physician, dentist, registered nurse or a licensed hospital as the employer of any such person.] The rebuttable presumption pursuant to subsection 1 does not apply in an action in which ~~for~~~~

~~—(a) ~~A~~ a plaintiff submits an affidavit pursuant to NRS 41A.071, or otherwise designates an expert witness ~~[pursuant to the Nevada Rules of Civil Procedure,~~ to establish that ~~for~~ the specific provider of health care deviated from the accepted standard of care ~~for caused the alleged personal injury or death.~~~~

~~—(b) Expert medical testimony is used to establish a claim of negligence.]~~

4. Nothing in this section shall be construed to preclude any party to the suit from designating and presenting expert testimony as to the legal or proximate cause of any alleged personal injury or death.

Sec. 10. NRS 3.029 is hereby amended to read as follows:

3.029 1. The Supreme Court shall provide by court rule for mandatory appropriate training concerning the complex issues of ~~[medical malpractice]~~ litigation *alleging professional negligence* for each district judge to whom actions involving ~~[medical malpractice]~~ *professional negligence* are assigned.

2. *As used in this section, "professional negligence" has the meaning ascribed to it in NRS 41A.015.*

Sec. 11. The amendatory provisions of this act apply to a cause of action that accrues on or after the effective date of this act.

Sec. 12. NRS 41A.004, 41A.009 and 41A.013 are hereby repealed.

Sec. 13. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

41A.004 "Dental malpractice" defined. "Dental malpractice" has the meaning ascribed to the term "malpractice" in NRS 631.075.

41A.009 "Medical malpractice" defined. "Medical malpractice" means the failure of a physician, hospital or employee of a hospital, in rendering services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.

41A.013 "Physician" defined. "Physician" means a person licensed pursuant to chapter 630 or 633 of NRS.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

Amendment No. 881 to Senate Bill No. 292 provides immunity to a school board of trustees or governing body of a charter school from a civil action arising from an alleged act or omission committed by an employee or volunteer of a school-based health center.

The amendment also deletes section 4 of the bill, which sets forth provisions regarding how a trier of fact was to determine the percentage of responsibility assigned to all persons relating to the harm at question.

And, finally, it revises the definition of professional negligence to incorporate portions of the previous definition of medical malpractice.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

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

Amendment No. 701.

SUMMARY—Revises provisions governing private investigators. (BDR 54-758)

AN ACT relating to private investigations; exempting the Private Investigator's Licensing Board from certain administrative procedures governing professional licensing boards; exempting certain professionals

who provide information security from regulation as a private investigator; deleting provisions requiring a licensee or applicant for a license to maintain a principal place of business in this State; authorizing the Board to revoke the registration of a registered employee under certain circumstances; revising certain provisions relating to licensure and registration by the Board; revising provisions relating to disciplinary actions by the Board; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Private Investigator's Licensing Board to comply with certain administrative procedures governing certain professional licensing boards. (Chapter 622A of NRS) Sections 1, 4 and 5 of this bill exempt the Board from complying with such procedures.

Existing law provides that a person engaging in the business of a private investigator must be licensed ~~by~~ and is subject to ~~the~~ regulation ~~of the Private Investigator's Licensing Board~~ by the Board. (NRS 648.060) Existing law defines a private investigator to include a person who conducts an investigation through the review or analysis of computerized data not available to the public. (NRS 648.012) Section ~~1.1~~ 1.3 of this bill defines the term "information security." Section 2.5 of this bill revises the definition of "private investigator" to exclude from the definition certain professionals who provide information security. Section 3 of this bill exempts certain professionals who provide information security from the provisions of NRS governing private investigators.

Existing law prohibits a person from engaging in any business regulated by the Board or advertising such business unless the person is licensed by the Board. Existing law further prohibits the employment by a licensee of a person unless the person is a registered employee. Existing law requires the Board to assess certain administrative fines for violations of these provisions and specifies the amounts of such administrative fines. (NRS 648.060, 648.165) Section 14 of this bill authorizes rather than requires the Board to assess such administrative fines and provides the Board with discretion as to the amount of such administrative fines.

Sections 7, 8, 10 and 11 of this bill delete provisions requiring a licensee or an applicant for a license to maintain a principal place of business in Nevada.

Section 9 of this bill provides that each registered employee employed in this State by a licensee must be supervised by the licensee or his or her designated agent who is physically present in this State.

Under existing law, the Board is required to issue a registration to a person who, in addition to certain other requirements, has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon. (NRS 648.1493) Existing law provides that a licensee may employ only persons who have not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon. (NRS 648.060) Sections 6 and 12 of this bill remove this prohibition.

effectively providing the Board with the discretion to issue a registration to a person who is otherwise qualified to obtain a registration but has been convicted of such crimes.

Section 1.7 of this bill authorizes the Board to revoke the registration of a registered employee under certain circumstances. Section 13 of this bill expands the authority of the Board to investigate the actions of a person holding or claiming to hold a license to include investigations of the actions of a person holding or claiming to hold a registration. Section 13.5 of this bill provides that it is grounds for the suspension or revocation of a registration or application for registration that a registered employee or applicant for a registration fails to comply with a notice of violation issued by the Board. Sections 14.5 and 15 of this bill similarly expand provisions of existing law relating to disciplinary action by the Board to include disciplinary action with regard to registered employees.

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

Section 1. NRS 622A.120 is hereby amended to read as follows:

622A.120 1. The following regulatory bodies are exempted from the provisions of this chapter:

- (a) State Contractors' Board.
- (b) State Board of Professional Engineers and Land Surveyors.
- (c) Nevada State Board of Accountancy.
- (d) Board of Medical Examiners.
- (e) Board of Dental Examiners of Nevada.
- (f) State Board of Nursing.
- (g) Chiropractic Physicians' Board of Nevada.
- (h) Nevada State Board of Optometry.
- (i) State Board of Pharmacy.
- (j) Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors.
- (k) Real Estate Commission, Real Estate Administrator and Real Estate Division of the Department of Business and Industry.
- (l) Commission of Appraisers of Real Estate.
- (m) Commissioner of Mortgage Lending and Division of Mortgage Lending of the Department of Business and Industry.
- (n) Commissioner of Financial Institutions and Division of Financial Institutions of the Department of Business and Industry.
- (o) Private Investigator's Licensing Board.
- (p) State Board of Health and Division of Public and Behavioral Health of the Department of Health and Human Services.

2. Any regulatory body which is exempted from the provisions of this chapter pursuant to subsection 1 may elect by regulation to follow the provisions of this chapter or any portion thereof.

~~[Section 1.]~~ *Sec. 1.1.* Chapter 648 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. "Information security" has the meaning ascribed to it in 44 U.S.C. 3552. The term includes restoring the integrity, confidentiality and availability of information and information systems after a data breach, suspected data breach or other data security incident.

Sec. 1.5. "Registered employee" means a person to whom the Board has issued a registration pursuant to NRS 648.1493.

Sec. 1.7. The Board may revoke the registration of a registered employee if the Board finds, after a hearing conducted pursuant to NRS 648.166 and 648.170, that the registered employee:

1. Failed to disclose any fact or misstated or otherwise misled the Board with respect to any fact contained in any application for the issuance or renewal of a registration submitted to the Board by the registered employee;

2. On or after the date on which the Board issues a registration to the registered employee, the registered employee commits or attempts or conspires to commit any act prohibited by this chapter or any regulation adopted or order issued pursuant thereto; or

3. On or after the date on which the Board issues a registration to the registered employee, the registered employee is convicted of, or enters a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.

Sec. 2. NRS 648.005 is hereby amended to read as follows:

648.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 648.006 to 648.016, inclusive, and ~~section 1.1~~ sections 1.3 and 1.5 of this act have the meanings ascribed to them in those sections.

Sec. 2.5. NRS 648.012 is hereby amended to read as follows:

648.012 1. "Private investigator" means any person who for any consideration engages in business or accepts employment to furnish, or agrees to make or makes any investigation for the purpose of obtaining ~~[including, without limitation, through the review, analysis and investigation of computerized data not available to the public,]~~ information with reference to:

~~[1.]~~ *(a) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation or character of any person;*

~~[2.]~~ *(b) The location, disposition or recovery of lost or stolen property;*

~~[3.]~~ *(c) The cause or responsibility for fires, libels, losses, accidents or damage or injury to persons or to property;*

~~[4.]~~ *(d) A crime or tort that has been committed, attempted, threatened or suspected, except an expert witness or a consultant who is retained for litigation or a trial, or in anticipation of litigation or a trial, and who performs*

duties and tasks within his or her field of expertise that are necessary to form his or her opinion;

~~{5-}~~ (e) Securing evidence to be used before any court, board, officer or investigating committee; or

~~{6-}~~ (f) The prevention, detection and removal of surreptitiously installed devices for eavesdropping or observation.

2. *The term does not include:*

(a) *Any person who is accessing exclusively public records, public databases or any other public information; or*

(b) *Any person who for any consideration engages in business or accepts employment to provide information security.*

Sec. 3. NRS 648.018 is hereby amended to read as follows:

648.018 Except as to polygraphic examiners and interns, this chapter does not apply:

1. To any detective or officer belonging to the law enforcement agencies of the State of Nevada or the United States, or of any county or city of the State of Nevada, while the detective or officer is engaged in the performance of his or her official duties.

2. To special police officers appointed by the police department of any city, county, or city and county within the State of Nevada while the officer is engaged in the performance of his or her official duties.

3. To insurance adjusters and their associate adjusters licensed pursuant to the Nevada Insurance Adjusters Law who are not otherwise engaged in the business of private investigators.

4. To any private investigator, private patrol officer, process server, dog handler or security consultant employed by an employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

5. To a reposessor employed exclusively by one employer regularly in connection with the affairs of that employer if a bona fide employer-employee relationship exists, except as otherwise provided in NRS 648.060, 648.140 and 648.203.

6. To a person engaged exclusively in the business of obtaining and furnishing information as to the financial rating of persons.

7. To a charitable philanthropic society or association incorporated under the laws of this State which is organized and maintained for the public good and not for private profit.

8. To an attorney at law in performing his or her duties as such.

9. To a collection agency unless engaged in business as a reposessor, licensed by the Commissioner of Financial Institutions, or an employee thereof while acting within the scope of his or her employment while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his or her assets and of property which the client has an interest in or lien upon.

10. To admitted insurers and agents and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them.

11. To any bank organized pursuant to the laws of this State or to any national bank engaged in banking in this State.

12. To any person employed to administer a program of supervision for persons who are serving terms of residential confinement.

13. To any commercial registered agent, as defined in NRS 77.040, who obtains copies of, examines or extracts information from public records maintained by any foreign, federal, state or local government, or any agency or political subdivision of any foreign, federal, state or local government.

14. To any holder of a certificate of certified public accountant issued by the Nevada State Board of Accountancy pursuant to chapter 628 of NRS while performing his or her duties pursuant to the certificate.

15. To a person performing the repair or maintenance of a computer who performs a review or analysis of data contained on a computer solely for the purposes of diagnosing a computer hardware or software problem and who is not otherwise engaged in the business of a private investigator.

16. *To any person who for any consideration engages in business or accepts employment to provide information security.*

Sec. 4. NRS 648.033 is hereby amended to read as follows:

648.033 1. The Board shall maintain a public record of:

(a) The business it transacts at its regular and special meetings; and

(b) The applications received by it together with the record of the disposition of each application.

2. Except as otherwise provided in NRS 239.0115, information obtained by the Board from other than public sources concerning the:

(a) Financial condition; or

(b) Criminal record,

↪ of an applicant or a licensee is confidential and may be revealed only to the extent necessary for the proper administration of the provisions of this chapter.

3. The Board may release information described in subsection 2 to an agency of the Federal Government, of a state or of a political subdivision of this State.

4. The Board shall adopt by regulation a procedure for notifying the applicant or licensee of the release of confidential information pursuant to subsections 2 and 3. The Board shall release information described in subsection 2 concerning an applicant or licensee to the applicant or licensee upon request.

5. 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.

6. 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.

7. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing 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. 5. NRS 648.040 is hereby amended to read as follows:

648.040 1. There is hereby created in the State General Fund the Fund for the Private Investigator's Licensing Board, to be administered by the Board.

2. Except as otherwise provided in subsection 7, all money received pursuant to the provisions of this chapter must be deposited in the State Treasury for credit to the Fund for the Private Investigator's Licensing Board and must be used by the Board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the Board.

3. All claims against the Fund must be paid as other claims against the State are paid. Any amount remaining in the Fund at the end of a fiscal year must be carried forward into the next fiscal year.

4. The Board through majority vote controls exclusively the expenditures from the Fund. The Board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the Fund.

5. Except as otherwise provided in subsection 7, the money in this Fund may be used to:

(a) Pay the expenses of the Board in connection with the investigation of the background of an applicant;

(b) Finance a substantive investigation of a licensee or of unlicensed activity; and

(c) Pay the operational and administrative expenses of the Board and its Secretary,

↪ and for such other expenses as the Board deems appropriate to regulate the persons subject to its supervision.

6. ~~[In a manner consistent with the provisions of chapter 622A of NRS, the]~~ The Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in the State Treasury for credit to the Fund for the Private Investigator's Licensing Board.

7. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 6, the Board shall deposit the money collected from the imposition of fines with the State Treasurer for credit to the State

General Fund. In such a case, the Board may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 6. NRS 648.060 is hereby amended to read as follows:

648.060 1. Except as otherwise provided in NRS 253.220, no person may:

(a) Engage in the business of private investigator, private patrol officer, process server, reposessor, dog handler, security consultant, or polygraphic examiner or intern; or

(b) Advertise his or her business as such, irrespective of the name or title actually used,

↪ unless the person is licensed pursuant to this chapter.

2. No person may be employed by a licensee unless the person is registered pursuant to this chapter. The provisions of this subsection do not apply to a person licensed pursuant to this chapter.

~~[3. A person licensed pursuant to this chapter may employ only another licensee, or a nonlicensed person who:~~

~~— (a) Is at least 18 years of age.~~

~~— (b) Is a citizen of the United States or lawfully entitled to remain and work in the United States.~~

~~— (c) Is of good moral character and temperate habits.~~

~~— (d) Has not been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.~~

~~— (e) Is registered pursuant to this chapter.]~~

Sec. 7. NRS 648.080 is hereby amended to read as follows:

648.080 Every application for a license must contain:

1. A detailed statement of the applicant's personal history on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

2. A statement of the applicant's financial condition on the form specified by the Board. If the applicant is a corporation, the application must include such a statement concerning each officer and director.

3. The complete address of the principal place of business of the applicant ~~[in this State]~~ and of each branch office or other place of business of the applicant ~~[in this State]~~.

4. The business or businesses in which the applicant intends to engage and the category or categories of license he or she desires.

5. A complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

6. A recent photograph of the applicant or, if the applicant is a corporation, of each officer and director.

7. Evidence supporting the qualifications of the applicant in meeting the requirements for the license for which he or she is applying.

8. If the applicant is not a natural person, the full name and residence address of each of its partners, officers, directors and manager, and a certificate of filing of a fictitious name.

9. Such other facts as may be required by the Board to show the good character, competency and integrity of each signatory.

Sec. 8. NRS 648.100 is hereby amended to read as follows:

648.100 1. The Board shall require an applicant to pass a written examination for an initial license and may require an applicant to pass an oral examination. Examinations must be given at least four times a year.

2. The Board shall conduct ~~[such]~~ an investigation of an applicant, including the directors and officers of a corporate applicant, as it considers necessary. An applicant shall deposit with the Board at the time of making an initial application for any license a fee of \$750 for the first category of license and \$250 for each additional category of license for which application is made, which must be applied to the cost of conducting the investigation. ~~[An individual applicant who is a resident of Nevada is liable for the entire cost of the investigation up to a maximum cost of \$1,500 for the first category of license and \$500 for each additional category of license for which application is made. A corporate applicant or an individual applicant who is not a resident of Nevada is liable for the entire cost of the investigation.]~~ Each applicant must pay the entire fee for which he or she is liable before taking an examination.

3. The Board may refuse to grant a license if it determines that the applicant has:

(a) Committed any act which if committed by a licensee would be a ground for the suspension or revocation of a license under this chapter.

(b) Committed any act constituting dishonesty or fraud.

(c) Demonstrated untruthfulness or a lack of integrity.

(d) Been refused a license under this chapter or had a license revoked.

(e) Been an officer, director, partner or manager of any firm, partnership, association or corporation which has been refused a license under this chapter or whose license has been revoked.

(f) While unlicensed, performed any act for which a license is required by this chapter.

(g) Knowingly made any false statement in the application.

(h) Refused to provide any information required by the Board.

4. The Board shall provide the applicant with a copy of the report of the investigation within a reasonable time after it receives the completed report.

Sec. 9. NRS 648.140 is hereby amended to read as follows:

648.140 1. Any license obtained pursuant to the provisions of this chapter gives the licensee or any bona fide employee of the licensee authority to engage in the type of business for which he or she is licensed in any county or city in the State of Nevada. A county or city shall not enact ordinances regulating persons licensed pursuant to this chapter, except general business regulations designed to raise revenue or assure compliance

with building codes and ordinances or regulations concerning zoning and safety from fire.

2. Except for polygraphic examiners and interns, a licensee may employ, in connection with his or her business, as many ~~persons registered pursuant to this chapter~~ registered employees as may be necessary, but at all times every licensee:

(a) Shall ensure that each registered ~~person~~ employee employed in this State by the licensee is supervised by ~~the licensee~~ or his or her qualifying agent who is physically present in this State; and

(b) Is accountable for the good conduct of every person employed by the licensee in connection with his or her business.

3. Each licensee shall:

(a) Maintain at a location within this State records relating to the employment, compensation, licensure and registration of employees;

(b) Furnish the Board with the information requested by it concerning all registered employees; ~~registered pursuant to this chapter, except clerical personnel;~~ and

(c) Notify the Board within 3 days after such employees begin their employment.

Sec. 10. NRS 648.142 is hereby amended to read as follows:

648.142 1. The license, when issued, shall be in such form as may be determined by the Board and shall include:

(a) The name of the licensee.

(b) The name under which the licensee is to operate.

(c) The number and date of the license.

(d) The expiration date of the license.

(e) If the licensee is a corporation, the name of the person or persons affiliated with the corporation on the basis of whose qualifications such license is issued.

(f) The classification or classifications of work which the license authorizes.

2. The license shall at all times be posted in a conspicuous place in the licensee's principal place of business. ~~in this State.~~

3. Upon the issuance of a license, a pocket card of such size, design and content as may be determined by the Board shall be issued without charge to each licensee, if an individual, or if the licensee is a person other than an individual, to its manager and to each of its officers, directors and partners, which card shall be evidence that the licensee is duly licensed pursuant to this chapter. When any person to whom a card is issued terminates his or her position, office or association with the licensee, the card shall be surrendered to the licensee and within 5 days thereafter shall be mailed or delivered by the licensee to the Board for cancellation.

4. A licensee shall, within 30 days after such change, notify the Board of any and all changes of his or her address, of the name under which the licensee does business, and of any change in its officers, directors or partners.

5. A license issued under this chapter is not assignable.

Sec. 11. NRS 648.148 is hereby amended to read as follows:

648.148 1. Each licensee shall:

(a) Maintain a principal place of business; ~~in this State;~~ and
(b) File with the Board the complete address of his or her principal place of business, ~~in this State,~~ including the name and number of the street, or, if the street where the business is located is not numbered, the number of the post office box. The Board may require the filing of other information for the purpose of identifying such principal place of business.

2. Every advertisement by a licensee soliciting or advertising business shall contain the licensee's name and the number of the licensee's license as they appear in the records of the Board.

Sec. 12. NRS 648.1493 is hereby amended to read as follows:

648.1493 1. To obtain a registration, a person must:

(a) Be a natural person;
(b) File a written application for registration with the Board;
(c) Comply with the applicable requirements of this chapter; and
(d) Pay an application fee set by the Board of not more than \$135.

2. An application for registration must include:

(a) A fully completed application for registration as an employee;
(b) A passport size photo;
(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board; and

(d) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided in this chapter, the Board shall issue a registration to an applicant if:

(a) The application is verified by the Board and complies with the applicable requirements of this chapter; and

(b) The applicant:

(1) Is at least 18 years of age;

(2) Is a citizen of the United States or lawfully entitled to remain and work in the United States;

(3) Is of good moral character and temperate habits;

~~[(2)]~~ (4) Has not been convicted of, or entered a plea of nolo contendere to, a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon;

~~[(3)]~~ (5) Has not made a false statement of material fact on the application; and

~~[(4)]~~ (6) Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Board.

4. Upon the issuance of a registration, a pocket card of such size, design and content as may be determined by the Board will be issued without charge to each registered ~~person,~~ employee, and will be evidence that the ~~person~~ employee is duly registered pursuant to this chapter.

5. A registration issued pursuant to this section and the cards issued pursuant to subsection 4 expire 5 years after the date the registration is issued, unless it is renewed. To renew a registration, the holder of the registration must submit to the Board on or before the date the registration expires:

(a) A fully completed application for renewal of registration as an employee;

(b) A passport size photo;

(c) A completed set of fingerprint cards or a receipt for electronically submitted fingerprints of the applicant submitted as required by the Board;

(d) A renewal fee set by the Board of not more than \$135; and

(e) Any other information or supporting materials required pursuant to the regulations adopted by the Board or by an order of the Board. Such information or supporting materials may include, without limitation, other forms of identification of the person.

6. A denial of registration may be appealed to the Board. The Board shall adopt regulations providing for the consideration of such appeals.

Sec. 13. NRS 648.160 is hereby amended to read as follows:

648.160 1. The Board may, upon its own motion:

(a) Investigate the actions of any person holding or claiming to hold a license ~~or~~ or registration.

(b) Authorize a representative of the Board to issue a notice of violation to any licensee or registered employee or any applicant for a license or registration who, based upon probable cause, has violated a requirement of this chapter, or any standard, rule or order adopted or issued pursuant to this chapter.

2. The Board shall, upon the filing with it of a verified written complaint by any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license ~~or~~ or registration, investigate the actions of any person holding or claiming to hold a license ~~or~~ or registration.

3. The Board has the power of subpoena in any proceeding before the Board pursuant to this chapter concerning the activity of an unlicensed person or unregistered employee or discipline of a licensee ~~or~~ or registered employee. If any person refuses to respond to a subpoena, the Board shall certify the facts to the district court of the county where the hearing is being conducted. The court shall thereupon issue an order directing the person to appear before the court and show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement must be served on the person. Thereafter the court has jurisdiction of the matter. The same proceedings must be had, the same penalties may be imposed and the

person charged may purge himself or herself of the contempt in the same way, as in the case of a person who has committed a contempt in the trial of a civil action.

Sec. 13.5. NRS 648.164 is hereby amended to read as follows:

648.164 1. The failure of a licensee *or registered employee* to comply with a notice of violation after it is final is a ground for suspension or revocation of the *person's* license ~~or~~ *or registration*.

2. The failure of an applicant for ~~licensure~~ *a license or registration* to comply with a notice of violation after it is final is a ground for denial of the *person's application for a* license ~~or~~ *or registration*.

Sec. 14. NRS 648.165 is hereby amended to read as follows:

648.165 1. The Board may issue to a person who has violated NRS 648.060 a citation.

2. Such a citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each such violation.

3. If appropriate, the citation must contain an order to cease and desist conduct fixing a reasonable time for abatement of the violation. If the order to cease and desist conduct is directed to a business, the order must expressly state that it applies to any person acting in the name of the business regardless of whether any such person is alleged to have previously violated any of the provisions of this chapter.

4. The Board ~~shall~~ *may* assess an administrative fine of:

(a) For the first such violation, *not more than* \$2,500.

(b) For the second such violation, *not more than* \$5,000.

(c) For the third or subsequent such violation, *not more than* \$10,000.

5. To appeal the finding of such a violation, the person must request a hearing by written notice of appeal to the Board within 30 days after the date of issuance of the citation.

Sec. 14.5. NRS 648.174 is hereby amended to read as follows:

648.174 If a licensee *or registered employee, or an* applicant for a license *or registration*, has engaged in repeated acts which would be grounds for disciplinary action, but has corrected the conditions resulting from those acts, the correction of those conditions does not preclude the Board or its authorized representative from taking action against the person pursuant to NRS 648.160.

Sec. 15. NRS 648.177 is hereby amended to read as follows:

648.177 Upon receiving written notification of a suspension, revocation or refusal to renew a license ~~or~~ *or registration*, the holder of the license *or registration* shall immediately surrender the license *or registration* to the Board.

Sec. 16. NRS 648.200 is hereby amended to read as follows:

648.200 It is unlawful for any licensee or any *registered employee or other* employee, security guard, officer or member of any licensee:

1. To divulge to anyone, except as he or she may be so required by law to do, any information acquired by him or her except at the direction of the employer or client for whom the information was obtained.

2. To make a false report to his or her employer or client.

Senator Settelmeyer moved the adoption of the amendment.

Remarks by Senator Settelmeyer.

Amendment No. 701 makes six changes to Assembly Bill No. 173: 1) exempts the Private Investigator's Licensing Board from the provisions of chapter 622A, "Administrative Procedure Before Certain Regulatory Bodies," of *Nevada Revised Statutes* (NRS); 2) defines a "registered employee," pursuant to the applicable provisions of chapter 648 of NRS, "Private Investigators, Private Patrol Officers, Polygraphic Examiners, Process Servers, Repossessors and Dog Handlers;" 3) provides the conditions under which the Board may revoke the registration of a registered employee; 4) removes references in chapter 648 of NRS that an applicant or licensee must maintain a principal place of business in this State; 5) removes a provision, which provides that an applicant for an initial license as a private investigator is liable to the Board for certain costs relating to the investigation of the applicant, which the Board is required to conduct; 6) provides that the Board may, rather than shall, issue an administrative fine to a person who is unauthorized to practice pursuant to chapter 648 of NRS.

Amendment adopted.

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

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 842.

SUMMARY—~~[Makes various changes to]~~ Revises provisions relating to the solicitation of bids for a homeowners' association [] project. (BDR 10-808)

AN ACT relating to common-interest communities; ~~revising provisions authorizing a homeowners' association to direct the removal of vehicles from property owned or leased by the association; revising provisions governing eligibility to be a member of the executive board or an officer of a homeowners' association;~~ revising provisions relating to the solicitation of bids for a homeowners' association project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law establishes the Uniform Common Interest Ownership Act, which governs common interest communities. (Chapter 116 of NRS) Under existing law, a homeowners' association is authorized, under certain circumstances, to direct the removal of a vehicle improperly parked on property owned or leased by the association. Unless a vehicle is blocking a certain area of the association property or the vehicle poses a threat to the health, safety or welfare of the units' owners or residents, an association must provide certain written or oral notice to the owner or operator of a vehicle at least 48 hours before the association may direct the removal of the vehicle. (NRS 116.3102) Section 1 of this bill removes these requirements. Existing law also provides that unless a person is appointed by the declarant, a person~~

~~may not be a member of the executive board or an officer of a homeowners' association if the person or certain other persons perform the duties of a community manager for that association. (NRS 116.31034) Section 1.5 of this bill additionally excludes a person, other than a person appointed by the declarant, from eligibility as a candidate for, or as a member of, the executive board or an officer of a homeowners' association if: (1) except under certain circumstances, the person resides with, is married to or is related within the third degree of consanguinity to a member of the board or an officer of the association; (2) the person stands to gain any personal profit or compensation from a matter before the board; or (3) the person is a business associate of, or a co owner of a business co owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association. Additionally, section 1.5 provides that if a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association, the association: (1) must not place the name of the person on any ballot as a candidate; and (2) must prohibit the person from serving as a member of the executive board or as an officer of the association.~~

~~Existing~~ Under existing law ~~[also requires]~~ a homeowners' association is required to open and consider bids for an association project at a meeting of its executive board. (NRS 116.31086) ~~[Section 2 of this]~~ This bill requires an association to solicit, whenever reasonably possible, at least three bids if the association project is expected to cost: (1) in a common-interest community that consists of less than 1,000 units, ~~[\$2,500]~~ 3 percent or more ~~[-]~~ of the annual budget of the association; or (2) in a common-interest community that consists of 1,000 or more units, ~~[\$5,000]~~ 1 percent or more ~~[- Section 2]~~ of the annual budget of the association. This bill further specifies that the contents of bids which are opened at a meeting of the executive board must be read aloud.

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

Section 1. ~~[NRS 116.3102 is hereby amended to read as follows:~~

~~116.3102 1. Except as otherwise provided in this chapter, and subject to the provisions of the declaration, the association:~~

~~(a) Shall adopt and, except as otherwise provided in the bylaws, may amend bylaws and may adopt and amend rules and regulations;~~

~~(b) Shall adopt and may amend budgets in accordance with the requirements set forth in NRS 116.31151, may collect assessments for common expenses from the units' owners and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.~~

~~(c) May hire and discharge managing agents and other employees, agents and independent contractors.~~

~~(d) May institute, defend or intervene in litigation or in arbitration, mediation or administrative proceedings in its own name on behalf of itself~~

~~or two or more units' owners on matters affecting the common interest community.~~

~~— (e) May make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.~~

~~— (f) May regulate the use, maintenance, repair, replacement and modification of common elements.~~

~~— (g) May cause additional improvements to be made as a part of the common elements.~~

~~— (h) May acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:~~

~~— (1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and~~

~~— (2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.~~

~~— (i) May grant easements, leases, licenses and concessions through or over the common elements.~~

~~— (j) May impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.~~

~~— (k) May impose charges for late payment of assessments pursuant to NRS 116.3115.~~

~~— (l) May impose construction penalties when authorized pursuant to NRS 116.310305.~~

~~— (m) May impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.~~

~~— (n) May impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.~~

~~— (o) May provide for the indemnification of its officers and executive board and maintain directors and officers liability insurance.~~

~~— (p) May assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.~~

~~— (q) May exercise any other powers conferred by the declaration or bylaws.~~

~~— (r) May exercise all other powers that may be exercised in this State by legal entities of the same type as the association.~~

~~—(s) May direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common interest community in violation of the governing documents. [In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:~~

~~—(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or~~

~~—(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common interest community.]~~

~~—(t) May exercise any other powers necessary and proper for the governance and operation of the association.~~

~~—2. The declaration may not limit the power of the association to deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons.~~

~~—3. The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:~~

~~—(a) The association's legal position does not justify taking any or further enforcement action;~~

~~—(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;~~

~~—(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or~~

~~—(d) It is not in the association's best interests to pursue an enforcement action.~~

~~—4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.~~

~~—5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common interest community that is exempt from taxation~~

~~pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common interest community that is exempt from taxation pursuant to NRS 361.125.} (Deleted by amendment.)~~

~~Sec. 1.5. [NRS 116.31034 is hereby amended to read as follows:~~

~~116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members of the executive board and the officers of the association shall take office upon election.~~

~~2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.~~

~~3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:~~

~~(a) Members of the executive board who are appointed by the declarant; and~~

~~(b) Members of the executive board who serve a term of 1 year or less.~~

~~4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.~~

~~5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:~~

~~— (a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:~~

~~— (1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and~~

~~— (2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.~~

~~— (b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.~~

~~— 6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:~~

~~— (a) The association will not prepare or mail any ballots to units' owners pursuant to this section;~~

~~— (b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and~~

~~— (c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.~~

~~— 7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:~~

~~— (a) Prepare and mail ballots to the units' owners pursuant to this section; and~~

~~— (b) Conduct an election for membership on the executive board pursuant to this section.~~

~~— 8. Each person who is nominated as a candidate for membership on the executive board pursuant to subsection 4 or 5 must:~~

~~— (a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and~~

~~— (b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good~~

standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

~~→ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.~~

~~9. Unless a person is appointed by the declarant:~~

~~(a) A person [may] is not eligible to be a candidate for, or a member of, the executive board or an officer of the association if [the]:~~

~~(1) Unless there is an insufficient number of candidates to fill one or more vacancies as a member of the executive board or as an officer of the association, the person resides with another person in a unit, is married to that other person or is related by blood or adoption within the third degree of consanguinity or affinity, and if the other person is also a member of the executive board or is an officer of the association;~~

~~(2) The person stands to gain any personal profit or compensation of any kind from a matter before the executive board of the association;~~

~~(3) The person is a business associate of, or a co-owner of a business co-owned by, a person who is a member of the executive board or is an officer of the association or who performs the duties of a community manager for that association; or~~

~~(4) The person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.~~

~~(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:~~

~~(1) That master association; or~~

~~(2) Any association that is subject to the governing documents of that master association.~~

~~10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:~~

~~— (a) The person is associated with the corporate owner, trust, partnership, limited liability company or estate as required by this subsection; and~~

~~— (b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited liability company or estate.~~

~~— 11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:~~

~~— (a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner.~~

~~— (b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.~~

~~— (c) A quorum is not required for the election of any member of the executive board.~~

~~— (d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.~~

~~— (e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.~~

~~— (f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for membership on the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.~~

~~— 12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association.~~

~~— 13. A candidate who has submitted a nomination form for election as a member of the executive board may request that the association or its agent either:~~

~~— (a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:~~

~~— (1) Must be no longer than a single, typed page;~~

~~— (2) Must not contain any defamatory, libelous or profane information; and~~

~~— (3) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing; or~~

~~—(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than \$5 or by electronic mail at no cost:~~

~~—(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or~~

~~—(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:~~

~~—(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives;~~

~~—(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.~~

~~—* The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.~~

~~—14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 13.~~

~~—15. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.~~

~~16. If a person is not eligible to be a candidate for, or a member of, an executive board or an officer of the association pursuant to this section or any other provision of this chapter, the association:~~

~~(a) Must not place the name of the person on any ballot as a candidate; and~~

~~(b) Must prohibit the person from serving as a member of the executive board or as an officer of the association.~~ (Deleted by amendment.)

Sec. 2. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project ~~the~~ :

(a) The association must, whenever reasonably possible, solicit at least three bids if the association project is expected to cost:

(1) In a common-interest community that consists of less than 1,000 units, ~~3 percent or more of the annual budget of the association;~~ or

(2) In a common-interest community that consists of 1,000 or more units, ~~1 percent or more of the annual budget of the association;~~ and

(b) The bids must be opened and read aloud during a meeting of the executive board.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of professional services to the association ~~the~~ , including, without limitation, accounting, engineering and legal services.

Sec. 3. This act becomes effective on July 1, 2015.

Senator Brower moved the adoption of the amendment.

Remarks by Senators Brower, Harris and Hammond.

SENATOR BROWER:

Amendment No. 842 to Assembly Bill No. 238 deletes all provisions of the bill except those addressing the bidding process for projects within a homeowner's association, which are revised to provide that bids must be sought according to the following provisions: for an association of less than 1,000 units, when the project is expected to cost 3 percent or more of the association's annual budget; and for an association of 1,000 or more units, when the project is expected to cost 1 percent or more of the association's annual budget.

SENATOR HARRIS:

It was my understanding in the hearing that the provisions relating to parking and the notice to remove a vehicle were going to be retained. However, based on the statement that you just read, it sounds like the only thing that is being retained are the percentages of budgets for HOAs.

SENATOR BROWER:

Thank you, Mr. President, I will defer to the Chair of our Transportation Committee to answer that and if he cannot, I suggest we give the Senator from Las Vegas a chance to read the amendment.

SENATOR HAMMOND:

It is my understanding, as I was talking to Legal Counsel from the Judiciary Committee, that because we struck the language in regard to the parking portion of this bill, we go back to the

original statute that is in law now. It states that there will be a 48-hour provision posted somewhere saying that you cannot park here. Also, it says that you cannot park by a fire hydrant or in certain areas in a common interest community. That is my understanding.

SENATOR HARRIS:

I texted the research analyst, and he said that all that is left in the bill are the percentages concerning bills.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:19 p.m.

SENATE IN SESSION

At 2:22 p.m.

President Hutchison presiding.

Quorum present.

Senator Harris moved that the bill be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 431.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 431 authorizes the Supreme Court of Nevada to enter into a 25-year lease for office space in Clark County, which extends beyond the 2016-2017 biennium. The total amount of money committed over the 25-year period, exclusive of operation and maintenance costs, must not exceed \$19,493,635. Senate Bill No. 431 also authorizes the Supreme Court of Nevada to execute any necessary amendments to effectuate the release of the Court and the State of Nevada from any further liability to Clark County incurred by an existing lease agreement for office space for the Court in the Regional Justice Center, which is owned by Clark County. This act becomes effective upon passage and approval.

Roll call on Senate Bill No. 431:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 431 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 159.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 159 provides that a public body, in any solicitation, contract, or other document related to a contract for a public work, shall not require or prohibit a bidder or contractor from entering into or adhering to any agreement with one or more labor organizations in regard to a public work, or discriminate against a bidder or contractor for entering or not entering into, or adhering or refusing to adhere to any agreement with one or more labor organizations in regard to a public work.

Additionally, a public body shall not require the awardee of a grant, tax abatement, tax credit or tax exemption to enter into any agreement with one or more labor organizations, or discriminate against a bidder or contractor for entering into or not entering into an agreement with a labor organization in regard to a project. A public body may exempt a particular public work or a grant, tax abatement, tax credit or tax exemption from those restrictions if the public body makes a finding, after notice and a hearing, that: 1) special circumstances require such an exemption to avert an imminent threat to public health or safety; or 2) the public work or construction, improvement, maintenance or renovation to real property that is the subject of the grant, tax abatement, tax credit or tax exemption, as applicable, is a part of critical infrastructure for an airport or a water system. Such a finding of special circumstances must not be based on the possibility or presence of certain labor disputes.

This bill is effective on July 1, 2015. The provisions of this bill do not affect any contract for a public work or for any project that is funded in whole or in part by a grant, tax abatement, tax credit or tax exemption from a public body that was entered into before July 1, 2015.

Roll call on Assembly Bill No. 159:

YEAS—12.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Segerblom, Spearman, Woodhouse—8.

EXCUSED—Smith.

Assembly Bill No. 159 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 452.

Bill read third time.

Remarks by Senator Roberson.

Assembly Bill No. 452 makes various changes relating to the filing of property tax appeals to a county board of equalization or to the State Board of Equalization. The bill specifies that the written authorization to file the appeal on behalf of the owner of the property may be signed by the owner or a person employed by the owner or an affiliate of the owner who is acting within the scope of his or her employment. The term "owner" is defined to include a person who owns or controls taxable property or possesses, in its entirety, taxable property.

The bill also requires that, if there is an objection to a written authorization, written notice specifying the grounds for the objection must be given to the person filing the appeal by either certified mail or by electronic mail if an electronic mail address is provided.

Finally, if the person filing the appeal submits any documentation necessary to cure the objection within five business days after the receipt of the notice, the appeal must be deemed to have been filed in a timely manner. This bill becomes effective on July 1, 2015.

Roll call on Assembly Bill No. 452:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 452 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 40.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 40 exempts certain proceedings and actions of the State Gaming Control Board from the Open Meeting Law including investigative hearings. The exemptions expire in four years.

The bill also changes the name of the State Gaming Control Board to the Nevada Gaming Control Board. This bill is effective upon passage and approval.

Roll call on Assembly Bill No. 40:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 40 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 44.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 44 provides that a judgment by confession may be entered without action in any justice court. The measure requires a written statement, signed by the defendant, to accompany the judgment. The statement must: authorize the entry of judgment for a specified sum, including costs and attorney fees and costs; include the facts on which the confession is based; and state the amount of debt due or contingent liability for which the judgment will be entered.

I want to thank the Committee for all its hard work on this important bill, and I urge this Body's support.

Roll call on Assembly Bill No. 44:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 44 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 132.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 132 increases from \$20 to \$30 the fee that a person filing any action for divorce must pay to the county clerk for programs administered by the Department of Employment, Training and Rehabilitation that provide education, training and counseling of displaced homemakers. The bill also requires a person who commences an action for the termination of a domestic partnership to pay such a fee. In addition, the bill allows one member of the Board for the Education and Counseling of Displaced Homemakers be a current or former displaced homemaker.

Roll call on Assembly Bill No. 132:

YEAS—19.

NAYS—Gustavson.

EXCUSED—Smith.

Assembly Bill No. 132 having received a two-thirds majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 462.

Bill read third time.

Remarks by Senator Settlemeyer.

Assembly Bill No. 462 makes various changes relating to election administration. The bill clarifies that election board officers are appointed for polling places in the county and not to precincts and districts. The maximum number of registered voters in a precinct is increased from the existing limit of 1,500 to 3,000 voters.

The measure also makes changes relating to electronic voter rosters and files. Election officials may provide sample ballots electronically if the option is available and if a registered voter elects to receive a sample ballot by electronic means. The system may include electronic mail or electronic access through a website. The measure provides that an e-mail address provided by a registered voter is confidential and not a public record and may not be disclosed by the county, city clerk or voter registrar. The e-mail address may only be used to distribute a sample ballot electronically and to communicate with the voter regarding the voting process. The measure also provides that during the hours a polling place is open, alphabetical listings of voters who have voted may be published online as well as posted in the polling place.

The measure provides, when signing the roster at a polling place, if a voter's signature does not match or if the voter cannot sign his or her name due to physical limitations, the voter must provide personal data that verifies the identity of the voter or provide proof of identification as set forth in Nevada's existing voter registration provisions. If the voter's signature has changed in comparison to the application to register to vote, the bill also requires a voter to update his or her signature using a form prescribed by the Secretary of State.

Assembly Bill No. 462 deletes the requirement that the county clerk publish the full text of a statewide measure in a newspaper of general circulation. However, the condensation of a statewide measure, its explanation, arguments, rebuttals and fiscal note shall be published.

Finally, the bill provides the name of an independent candidate on ballots must be listed as "no political party" with the abbreviation of "NPP," rather than the current listing of "independent" with the abbreviation of "IND."

Provisions relating to adopting regulations and performing other preparatory administrative tasks are effective upon passage and approval. All other provisions are effective on January 1, 2016.

Roll call on Assembly Bill No. 462:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Assembly Bill No. 462 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS
CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 268.

The following Assembly amendment was read.

Amendment No. 680.

SUMMARY—~~[Provides]~~ Temporarily provides certain services for veterans. (BDR 37-1042)

AN ACT relating to veterans; temporarily creating the Account to Assist Veterans Who Have Suffered Sexual Trauma and prescribing the uses of the money in the Account; temporarily requiring the Director of the Department of Veterans Services to ~~submit to the Interim Finance Committee an annual report detailing expenditures made from the Account; requiring the Department to~~ develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Veterans Services and requires the Director and Deputy Director of the Department to undertake certain activities to support veterans in this State. (NRS 417.020, 417.090) Section 1.5 of this bill requires the Director and Deputy Director to develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.

Section 1 of this bill: (1) creates in the State General Fund the Account to Assist Veterans Who Have Suffered Sexual Trauma to be administered by the Director of the Department; (2) authorizes the Director to apply for grants and accept gifts, grants, donations and any other source of money for deposit in the Account; and (3) limits the use of money in the Account to assisting veterans who have suffered sexual trauma while on active duty or during military training ; ~~and (4) requires the Director to submit an annual report to the Interim Finance Committee detailing the expenditures made from the Account.~~

Section 5 of this bill expires the provisions of the bill on June 30, 2017. Section 4.3 of this bill requires the Director of the Department to submit to the Interagency Council on Veterans Affairs for transmission to the 79th Session of the Nevada Legislature a report regarding: (1) the plans and programs developed to assist veterans who have suffered sexual trauma while on active duty or during military training; and (2) deposits to and expenditures from the Account. Section 4.7 of this bill provides for the transfer of any remaining balance in the Account to the Gift Account for Veterans.

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

Section 1. Chapter 417 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Account to Assist Veterans Who Have Suffered Sexual Trauma is hereby created in the State General Fund. The Director shall administer the Account.*

2. *The Director may apply for any available grants and accept gifts, grants, donations and any other source of money for deposit in the Account.*

3. *Money deposited in the Account and any interest and income earned on such money must be used only to assist veterans who have suffered sexual trauma while on active duty or during military training. The interest and*

income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. All money in the Account must be paid out on claims approved by the Director as other claims against the State are paid. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

~~*1. The Director shall, on or before August 1 of each year, prepare and submit to the Interim Finance Committee a report detailing the expenditures made from the Account.*~~

Sec. 1.5. NRS 417.090 is hereby amended to read as follows:

417.090 The Director and the Deputy Director shall:

1. Assist veterans, and those presently serving in the military and naval forces of the United States who are residents of the State of Nevada, their wives, widows, widowers, husbands, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for adjusted compensation, hospitalization, insurance, pension, disability compensation, vocational training, education or rehabilitation and assist them in obtaining any aid or benefit to which they may, from time to time, be entitled under the laws of the United States or of any of the states.

2. Aid, assist, encourage and cooperate with every nationally recognized service organization insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen.

3. Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

4. Coordinate activities of veterans' organizations.

5. Serve as a clearinghouse and disseminate information relating to veterans' benefits.

6. Conduct any studies which will assist veterans to obtain compensation, hospitalization, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

7. Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

8. Pay to each county that creates the office of coordinator of services for veterans, from state money available to him or her, a portion of the cost of operating the office in an amount determined by the Director.

9. Take possession of any abandoned or unclaimed artifacts or other property that has military value for safekeeping. The Director or Deputy Director may transfer such property to a veterans' or military museum.

10. *Develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.*

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.3. 1. On or before January 15, 2017, the Director of the Department of Veterans Services shall submit a report to the Interagency Council on Veterans Affairs setting forth:

(a) The plans and programs developed pursuant to subsection 10 of NRS 417.090, as amended by section 1.5 of this act, to assist veterans who have suffered sexual trauma while on active duty or during military training;

(b) The amount and sources of money deposited in the Account to Assist Veterans Who Have Suffered Sexual Trauma created by section 1 of this act since its creation; and

(c) The expenditures made from the Account to Assist Veterans Who Have Suffered Sexual Trauma since its creation.

2. The Interagency Council on Veterans Affairs shall include the report prepared by the Director pursuant to subsection 1 in the report submitted by the Council to the 79th Session of the Nevada Legislature pursuant to subsection 3 of NRS 417.0195.

Sec. 4.7. The balance of any money remaining on June 30, 2017, in the Account to Assist Veterans Who Have Suffered Sexual Trauma created by section 1 of this act that has not been committed for expenditure must be transferred to the Gift Account for Veterans created by NRS 417.145.

Sec. 5. This act becomes effective on July 1, 2015 ~~1-1~~, and expires by limitation on June 30, 2017.

Senator Goicoechea moved that the Senate concur in Assembly Amendment No. 680 to Senate Bill No. 268.

Remarks by Senator Goicoechea.

Assembly Amendment No. 680 to Senate Bill No. 268: 1) creates a two-year sunset on the bill; and 2) requires the Interagency Council on Veterans Affairs to provide a report to the 79th Session of the Nevada Legislature concerning the plans and programs developed to assist veterans who have suffered sexual trauma while on active duty or during military training. I urge your concurrence.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Senate Bill No. 303.

The following Assembly amendment was read.

Amendment No. 673.

SUMMARY—Revises provisions relating to the protection of children.
(BDR 38-1036)

AN ACT relating to the protection of children; revising provisions relating to the circumstances under which a child is considered to be in need of protection; revising provisions concerning proceedings related to the termination of parental rights; revising the powers and duties of the Legislative Committee on Child Welfare and Juvenile Justice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the circumstances under which a child is or may be in need of protection. (NRS 432B.330) Those circumstances are considered, without limitation, by: (1) an agency which provides child welfare services to determine whether to file a petition in juvenile court alleging that a child is in need of protection; and (2) the juvenile court in an adjudicatory hearing to determine whether a child was in need of protection at the time the child was removed from the home. (NRS 62A.180, 432B.050, 432B.340, 432B.410, 432B.490, 432B.510, 432B.530) Under existing law, a child may be in need of protection if the person responsible for the welfare of the child is responsible for the abuse or neglect of another child who resided with that person. (NRS 432B.330) Section 1 of this bill provides that a child is, rather than may be, in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services to address the abuse of the other child. Section 1 also provides that a child may be in need of protection if the child is in the care of a person responsible for the welfare of the child and another child has been subjected to abuse by that person, regardless of whether the person has successfully completed such a plan for services.

Existing law sets forth the grounds necessary to terminate parental rights, including, without limitation, conduct of a parent or parents that demonstrates a risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents. (NRS 128.105) Section 3 of this bill requires a court to consider certain factors if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, before making a finding that parental conduct satisfies that provision. Section 4 of this bill revises the conditions a court is required to consider in determining neglect by or unfitness of a parent for the purpose of proceedings regarding the termination of parental rights.

Sections 4.3 and 4.5 of this bill add: (1) reviewing issues relating to the provision of foster care; and (2) proposing recommended legislation concerning that issue to the powers and duties of the Legislative Committee on Child Welfare and Juvenile Justice.

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

Section 1. NRS 432B.330 is hereby amended to read as follows:

432B.330 1. A child is in need of protection if:

- (a) The child has been abandoned by a person responsible for the welfare of the child;
- (b) The child has been subjected to abuse or neglect by a person responsible for the welfare of the child;

(c) The child is in the care of a person responsible for the welfare of the child and another child has ~~died~~ :

(1) *Died* as a result of abuse or neglect by that person; or

(2) *Been subjected to abuse by that person, unless the person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child;*

(d) The child has been placed for care or adoption in violation of law; or

(e) The child has been delivered to a provider of emergency services pursuant to NRS 432B.630.

2. A child may be in need of protection if the person responsible for the welfare of the child:

(a) Is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity;

(b) Fails, although the person is financially able to do so or has been offered financial or other means to do so, to provide for the following needs of the child:

(1) Food, clothing or shelter necessary for the child's health or safety;

(2) Education as required by law; or

(3) Adequate medical care; ~~or~~

(c) Has been responsible for the ~~abuse or~~ neglect of a child who has resided with that person ~~[-]~~ ; or

(d) *Has been responsible for the abuse of another child regardless of whether that person has successfully completed a plan for services that was recommended by an agency which provides child welfare services pursuant to NRS 432B.340 to address the abuse of the other child.*

3. A child may be in need of protection if the death of a parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

4. A child may be in need of protection if the child is identified as being affected by prenatal illegal substance abuse or as having withdrawal symptoms resulting from prenatal drug exposure.

5. *As used in this section:*

(a) *"Abuse" means:*

(1) *Physical or mental injury of a nonaccidental nature; or*

(2) *Sexual abuse or sexual exploitation,*

➡ *of a child caused or allowed by a person responsible for the welfare of the child under circumstances which indicate that the child's health or welfare is harmed or threatened with harm. The term does not include the actions described in subsection 2 of NRS 432B.020.*

(b) *"Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that a child is abused or neglected.*

(c) *"Neglect" means abandonment or failure to:*

(1) Provide for the needs of a child set forth in paragraph (b) of subsection 2; or

(2) Provide proper care, control and supervision of a child as necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

➔ *The term does not include the actions described in subsection 2 of NRS 432B.020.*

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 128.105 is hereby amended to read as follows:

128.105 1. The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination. An order of the court for the termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 to 128.109, inclusive, and based on evidence and include a finding that:

~~{1.}~~ (a) The best interests of the child would be served by the termination of parental rights; and

~~{2.}~~ (b) The conduct of the parent or parents was the basis for a finding made pursuant to subsection 3 of NRS 432B.393 or demonstrated at least one of the following:

~~{(a)}~~ (1) Abandonment of the child;

~~{(b)}~~ (2) Neglect of the child;

~~{(c)}~~ (3) Unfitness of the parent;

~~{(d)}~~ (4) Failure of parental adjustment;

~~{(e)}~~ (5) Risk of serious physical, mental or emotional injury to the child if the child were returned to, or remains in, the home of his or her parent or parents;

~~{(f)}~~ (6) Only token efforts by the parent or parents:

~~{(1)}~~ (I) To support or communicate with the child;

~~{(2)}~~ (II) To prevent neglect of the child;

~~{(3)}~~ (III) To avoid being an unfit parent; or

~~{(4)}~~ (IV) To eliminate the risk of serious physical, mental or emotional injury to the child; or

~~{(g)}~~ (7) With respect to termination of the parental rights of one parent, the abandonment by that parent.

2. *Before making a finding pursuant to subparagraph (5) of paragraph (b) of subsection 1, if the child has been out of the care of his or her parent or guardian for at least 12 consecutive months, the court shall consider, without limitation:*

(a) The placement options for the child;

(b) The age of the child; and

(c) The developmental, cognitive and psychological needs of the child. ~~f.~~

~~*(d) Whether the child has formed a strong positive attachment or bond with the substitute caregiver; and*~~

~~(e) Whether the removal of the child from the care of the substitute caregiver is likely to result in psychological harm to the child.]~~

Sec. 4. NRS 128.106 is hereby amended to read as follows:

128.106 In determining neglect by or unfitness of a parent, the court shall consider, without limitation, the following conditions which may diminish suitability as a parent:

1. Emotional illness, mental illness or mental deficiency of the parent which renders the parent consistently unable to care for the immediate and continuing physical or psychological needs of the child for extended periods of time. The provisions contained in NRS 128.109 apply to the case if the child has been placed outside his or her home pursuant to chapter 432B of NRS.

2. Conduct toward a child of a physically, emotionally or sexually cruel or abusive nature.

3. Conduct that violates any provision of NRS 200.463, 200.4631, 200.464 or 200.465.

4. Excessive use of intoxicating liquors, controlled substances or dangerous drugs which renders the parent consistently unable to care for the child.

5. Repeated or continuous failure by the parent, although physically and financially able, to provide the child with adequate food, clothing, shelter, education or other care and control necessary for the child's physical, mental and emotional health and development, but a person who, legitimately practicing his or her religious beliefs, does not provide specified medical treatment for a child is not for that reason alone a negligent parent.

6. Conviction of the parent for commission of a felony, if the facts of the crime are of such a nature as to indicate the unfitness of the parent to provide adequate care and control to the extent necessary for the child's physical, mental or emotional health and development.

7. ~~[Unexplained injury or death of a]~~ *Whether the child, a sibling of the child [] or another child in the care of the parent suffered a physical injury resulting in substantial bodily harm, a near fatality or fatality for which the parent has no reasonable explanation and for which there is evidence that such physical injury or death would not have occurred absent abuse or neglect of the child by the parent.*

8. Inability of appropriate public or private agencies to reunite the family despite reasonable efforts on the part of the agencies.

9. *As used in this section, "near fatality" has the meaning ascribed to it in NRS 432B.175.*

Sec. 4.5. NRS 128.109 is hereby amended to read as follows:

128.109 1. If a child has been placed outside of his or her home pursuant to chapter 432B of NRS, the following provisions must be applied to determine the conduct of the parent:

(a) If the child has resided outside of his or her home pursuant to that placement for 14 months of any 20 consecutive months, it must be presumed

that the parent or parents have demonstrated only token efforts to care for the child as set forth in *subparagraph (6) of paragraph ~~[(4)]~~ (b) of subsection ~~[2]~~ 1 of NRS 128.105.*

(b) If the parent or parents fail to comply substantially with the terms and conditions of a plan to reunite the family within 6 months after the date on which the child was placed or the plan was commenced, whichever occurs later, that failure to comply is evidence of failure of parental adjustment as set forth in *subparagraph (4) of paragraph ~~[(4)]~~ (b) of subsection ~~[2]~~ 1 of NRS 128.105.*

2. If a child has been placed outside of his or her home pursuant to chapter 432B of NRS and has resided outside of his or her home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

3. The presumptions specified in subsections 1 and 2 must not be overcome or otherwise affected by evidence of failure of the State to provide services to the family.

Sec. 4.7. NRS 218E.715 is hereby amended to read as follows:

218E.715 The Committee shall evaluate and review issues relating to:

1. The provision of child welfare services in this State, including, without limitation:

- (a) Programs for the provision of child welfare services;
 - (b) Licensing and reimbursement of providers of foster care;
 - (c) *The provision of foster care, including, without limitation, reunification of foster children with a birth parent and adoption of foster children by a foster parent;*
 - (d) Mental health services; and
 - ~~[(d)]~~ (e) Compliance with federal requirements regarding child welfare;
- and

2. Juvenile justice in this State, including, without limitation:

(a) The coordinated continuum of care in which community-based programs and services are combined to ensure that health services, substance abuse treatment, education, training and care are compatible with the needs of each juvenile in the juvenile justice system;

(b) Individualized supervision, care and treatment to accommodate the individual needs and potential of the juvenile and the juvenile's family, and treatment programs which integrate the juvenile into situations of living and interacting that are compatible with a healthy, stable and familial environment;

(c) Programs for aftercare and reintegration in which juveniles will continue to receive treatment after their active rehabilitation in a facility to prevent the relapse or regression of progress achieved during the recovery process;

(d) Overrepresentation and disparate treatment of minorities in the juvenile justice system, including, without limitation, a review of the various places where bias may influence decisions concerning minorities;

(e) Gender-specific services, including, without limitation, programs for female juvenile offenders which consider female development in their design and implementation and which address the needs of females, including issues relating to:

- (1) Victimization and abuse;
- (2) Substance abuse;
- (3) Mental health;
- (4) Education; and
- (5) Vocational and skills training;

(f) The quality of care provided for juvenile offenders in state institutions and facilities, including, without limitation:

- (1) The qualifications and training of staff;
- (2) The documentation of the performance of state institutions and facilities;
- (3) The coordination and collaboration of agencies; and
- (4) The availability of services relating to mental health, substance abuse, education, vocational training and treatment of sex offenders and violent offenders;

(g) The feasibility and necessity for the independent monitoring of state institutions and facilities for the quality of care provided to juvenile offenders; and

(h) Programs developed in other states which provide a system of community-based programs that place juvenile offenders in more specialized programs according to the needs of the juveniles.

Sec. 4.9. NRS 218E.720 is hereby amended to read as follows:

218E.720 1. The Committee may:

(a) Conduct investigations and hold hearings in connection with its duties pursuant to NRS 218E.715 and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive;

(b) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee; and

(c) Propose recommended legislation concerning child welfare and juvenile justice to the Legislature ~~{ }~~ *including, without limitation, recommended legislation concerning the provision of foster care as described in paragraph (c) of subsection 1 of NRS 218E.715.*

2. The Committee shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the evaluation and review conducted pursuant to NRS 218E.715.

Sec. 5. This act becomes effective on July 1, 2015.

Senator Hardy moved that the Senate concur in Assembly Amendment No. 673 to Senate Bill No. 303.

Remarks by Senators Hardy and Hammond.

SENATOR HARDY:

The Assembly made this bill to their liking. Senator Hammond has further comments on the Bill.

SENATOR HAMMOND:

The only thing that the amendment does is take out two of the six considerations that were contemplated in the original bill. It takes out section 3, subsections d and e. It takes out the provisions d) whether the child has formed a strong, positive attachment or bond with a substitute caregiver and e) whether the removal of the child from the care of the substitute caregiver is likely to result in psychological harm to the child.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bills Nos. 276, 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which were referred Senate Joint Resolution No. 8 of the 77th Session; Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

PATRICIA FARLEY, *Chair*

SECOND READING AND AMENDMENT

Assembly Bill No. 115.

Bill read second time.

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

Amendment No. 829.

SUMMARY—Revises provisions governing audiologists, speech-language pathologists and hearing aid specialists. (BDR 54-165)

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) Section 1 of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) Section 72 of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and section 44 of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. Under sections 44 and 44.5 of this bill, the Board consists of eight members until July 1, 2017, on which date the membership of the Board will decrease to seven members. Section 45 of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. Section 46 of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. Section 16 of this bill authorizes the Board to select certain persons as advisory members, and sections 17, 18, 25 and 28 of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. Section 20 of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued

by the American Speech-Language-Hearing Association or a successor organization approved by the Board. Sections 21, 22 and 50 of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. Section 23 of this bill prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and section 72 repeals those requirements in chapter 637A of NRS. Section 27 authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and sections 29-31 prescribe requirements concerning the practice of an apprentice. Section 32 authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. Section 33 requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. Section 34 requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. 360k; 21 C.F.R. 801.421) Section 35 of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. Section 49 of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. Sections 48, 50, 53, 54 and 56-59 of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. Section 51 of this bill imposes fees for certain tasks relating to licensing. Section 53 provides that certain acts are grounds for disciplinary action.

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 ~~an~~ :

- (a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~§~~;
- (b) A physician assistant ~~§~~;
- (c) A dentist ~~§~~;
- (d) A licensed nurse ~~§~~;
- (e) A dispensing optician ~~§~~;
- (f) A speech-language pathologist;
- (g) An audiologist;
- (h) An optometrist ~~§~~;
- (i) A practitioner of respiratory care ~~§~~;
- (j) A registered physical therapist ~~§~~;
- (k) An occupational therapist ~~§~~;
- (l) A podiatric physician ~~§~~;
- (m) A licensed psychologist ~~§~~;
- (n) A licensed marriage and family therapist ~~§~~;
- (o) A licensed clinical professional counselor ~~§~~;
- (p) A music therapist ~~§~~;
- (q) A chiropractor ~~§~~;
- (r) An athletic trainer ~~§~~;
- (s) A perfusionist ~~§~~;
- (t) A doctor of Oriental medicine in any form ~~§~~;
- (u) A medical laboratory director or technician ~~§~~;
- (v) A pharmacist ~~§~~;
- (w) A licensed dietitian ; or ~~§~~
- (x) A licensed hospital as the employer of any ~~such~~ person ~~§~~ specified in this subsection.

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. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;

2. Required academic programs which applicants must successfully complete;

3. Procedures for applying for and issuing licenses;

4. Tests or examinations of applicants by the Board;

5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~637A,~~ 637B of NRS, as appropriate;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions

and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~{637A,}~~ 637B, respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and ~~{637A,}~~ 637B, respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. *"Apprentice" means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.*

Sec. 10. *"Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.*

Sec. 11. *"Hearing aid" means any:*

1. *Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and*

2. *Part, attachment or accessory for such a device.*

Sec. 12. *"Hearing aid specialist" means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.*

Sec. 13. "Manufacturer" means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.

Sec. 14. "Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:

1. Making impressions for earmolds;
2. Administering and interpreting tests of human hearing and middle ear functions;
3. Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;
4. Selecting and fitting hearing aids;
5. Providing assistance to a person after the fitting of a hearing aid;
6. Providing services relating to the care and repair of hearing aids;
7. Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and
8. Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.

Sec. 15. "Sponsor" means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.

Sec. 16. 1. Except as otherwise provided in subsection 2, the Board may, by majority vote, select ~~any person,~~ one or more persons, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.

2. A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.

3. An advisory member may not vote on any matter before the Board.

Sec. 17. The Board shall:

1. Enforce the provisions of this chapter and any regulations adopted pursuant thereto;

2. Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;

3. Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;

4. Adopt regulations establishing standards of practice for persons licensed or endorsed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;

5. Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine

whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;

6. Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;

7. Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and

8. Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.

Sec. 18. 1. *The Board shall adopt regulations prescribing:*

(a) The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;

(b) The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and

(c) The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.

2. The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.

3. The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:

(a) Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. 1. *Except as otherwise provided in subsection 2:*

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. *An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:*

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. *Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.*

Sec. 21. 1. *Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:*

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. *A limited license issued pursuant to this section is valid for not more than 15 days.*

Sec. 22. 1. *Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of ~~[speech language]~~ :*

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) Holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and

(2) Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.

2. *A provisional license issued pursuant to this section may be:*

(a) Renewed not more than twice; and

(b) Converted to an active license upon payment of the fee required pursuant to NRS 637B.230 for converting the license and the award of ~~fee~~ :

(1) A certificate of clinical competence by the American Speech-Language-Hearing Association; or

(2) Certification by the National Board for Certification in Hearing Instrument Sciences. ~~and payment of the fee required for converting the license pursuant to NRS 637B.230.~~

Sec. 23. *An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:*

1. *Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and*
2. *Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.*

Sec. 24. 1. *A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:*

- (a) *Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;*
- (b) *Be knowledgeable and competent in the technology used to provide services by telepractice;*
- (c) *Only use telepractice to provide services for which delivery by telepractice is appropriate;*
- (d) *Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;*
- (e) *Document any services provided by telepractice in the record of the person receiving the services; and*
- (f) *Comply with the provisions of this chapter and any regulations adopted pursuant thereto.*

2. *As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.*

Sec. 25. *The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:*

1. *The licensing of hearing aid specialists and apprentices;*
2. *The educational and training requirements for hearing aid specialists and apprentices;*
3. *The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and*
4. *A program of in-service training for apprentices.*

Sec. 26. *An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:*

1. *Successfully complete a program of education or training approved by the Board ~~for~~ which requires, without limitation, that the applicant:*

(a) Hold an associate's degree or bachelor's degree in hearing instrument sciences; or

(b) Hold:

(1) A high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences; and

(2) Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.

2. ~~Be~~ Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences. ~~+~~

3. Pass the examination prescribed pursuant to section 25 of this act. ~~+~~

4. Comply with the regulations adopted pursuant to section 25 of this act ~~+~~ and ~~+~~

5. Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.

Sec. 27. 1. The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.

2. An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.

Sec. 28. The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.

Sec. 29. 1. All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.

2. Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.

3. Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.

4. As used in this section:

(a) "Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 30. 1. A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.

2. Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.*

Sec. 33. *Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.*

Sec. 34. *Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, ~~as provided by the applicant pursuant to section 26 of this act,~~ notify the Board of the new address of his or her place of business.*

Sec. 35. 1. *A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:*

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. 801.421(a)(2); and

(b) The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.

2. *A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.*

3. *The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.*

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology , ~~and~~ the practice of ~~speech~~ *speech-language pathology and the practice of fitting and dispensing hearing aids* are hereby declared to be learned professions, affecting public safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, *and sections 9 to 15, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 "Audiologist" means any person who ~~engages~~ *is licensed to engage* in the practice of audiology ~~[-] pursuant to the provisions of this chapter.~~

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 "Board" means the ~~Board of Examiners for Audiology and Speech~~ *Speech-Language Pathology [-] , Audiology and Hearing Aid Dispensing Board.*

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" ~~{consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of}~~ *means the application of principles, methods and procedures relating to hearing and balance, hearing [impairment,] disorders and related speech and language disorders and includes, without limitation:*

1. *The conservation of auditory system functions;*
2. *Screening, identifying, assessing and interpreting, ~~{diagnosing,}~~ preventing and rehabilitating auditory and balance system disorders;*
3. *The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing and training persons to use such technology;*
4. *Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services; ~~and~~*
5. *Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing ~~[-]; and~~*
6. *Providing referral services for medical diagnosis and treatment.*

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of ~~speech~~ *speech-language pathology*" ~~{consists of holding out to the public, or rendering, services for the measurement, testing,~~

identification, prediction, treatment or modification of, or counseling or research concerning:

- ~~1. Normal and abnormal development of a person's ability to communicate;~~
- ~~2. Disorders and problems concerning a person's ability to communicate;~~
- ~~3. Deficiencies in a person's sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~
- ~~4. Sensorimotor functions of a person's mouth, pharynx and larynx.]~~

means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:

- 1. The prevention, screening, consultation, assessment, ~~[diagnosis]~~ treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;*
- 2. Argumentative and alternative communication techniques and strategies;*
- 3. Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;*
- 4. The screening of persons for hearing loss and middle ear pathology;*
- 5. Vocal tract imaging and visualization by the use of nonmedical oral and nasal endoscopy;*
- 6. Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss; ~~[and]~~*
- 7. Providing services to modify or enhance communication ~~[and]~~; and*
- 8. Providing referral services for medical diagnosis and treatment.*

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~["Speech"]~~ "Speech-language pathologist" means any person who ~~[engages]~~ *is licensed to engage in the practice of [speech] speech-language pathology [and] pursuant to the provisions of this chapter.*

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to [:

- ~~1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~
- ~~2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~
- ~~3. Any] any person who:~~

~~[(a)]~~ *1. Holds a current credential [as an audiologist or a speech pathologist] issued by the Department of Education [;*
~~[(b)]~~ *pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;*

2. Is employed ~~as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;~~

~~—(e)—~~ *by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;*

3. Is a ~~graduate~~ student ~~intern~~ enrolled in a program or school approved by the Board, ~~and~~ is pursuing a ~~graduate~~ degree in audiology or ~~speech~~ speech-language pathology;

~~—(d)—~~ *Is a registered nurse employed as a school nurse; or*

~~—(e)—~~ *and is clearly designated to the public as a student; or*

4. Holds a current ~~certificate from the Council on the Education of the Deaf as a teacher,~~ license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,

↪ and who does not engage in the private practice of audiology or ~~of speech~~ speech-language pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~Board of Examiners for Audiology and Speech~~ Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~five-seven~~ eight members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~{Two}~~ *Three* members who ~~{have been engaged in the practice of speech pathology for 2 years or more;}~~ *are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;*

(b) ~~{One member who has been engaged in the practice of audiology for 2 years or more;}~~ *Two* members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~{One member}~~ *Two* members who ~~{is a physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;}~~ *are hearing aid specialists; and*

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~speech~~ speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~speech~~ speech-language pathologist, hearing aid specialist or an audiologist.

3. ~~{Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.}~~

~~—4.—~~ Each member of the Board who is ~~{a speech pathologist or}~~ an audiologist, a speech-language pathologist or a hearing aid specialist must ~~{hold}~~:

(a) *Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and*

(b) Hold a current license issued pursuant to this chapter . ~~[for a current certificate of clinical competence from the American Speech Language Hearing Association.~~

~~5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.]~~

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 44.5. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~[eight]~~ seven members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~[Two members]~~ One member who ~~[are]~~ is a hearing aid ~~[specialists;]~~ specialist; and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. *The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.*

2. The Board shall meet at least *twice* annually and may meet at other times on the call of the ~~President~~ Chair or a majority of its members.

~~{2-}~~ 3. A majority of the Board constitutes a quorum to transact all business.

4. *The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.*

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. *The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.*

4. *The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.*

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~{1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license}~~ *Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing by the Board {if the}, an applicant {:*

~~—(a) Is over the age of 21 years;~~

~~—(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~

~~—(c) Is}~~ *for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:*

1. *Be a natural person of good moral character;*

~~{(d) Meets the requirements for education or training and experience provided by subsection 2;~~

~~—(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;~~

~~—(f) Applies for the license in the manner provided by the Board;~~

~~—(g) Passes any}~~

2. *Pass an examination [required by this chapter;
~~—(h) Pays]~~ prescribed by the Board pursuant to section 18 or 25 of this act,
 as applicable;*

3. *Pay the fees provided for in this chapter; and*

~~[(i) Submits]~~

4. *Submit all information required to complete an application for a license.*

~~[2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.]~~

Sec. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* 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 engage in the practice of audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* 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 engage in the practice of audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* 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. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~[A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter;~~
or

~~—2.]~~ A current certificate of clinical competence issued by the American ~~[Speech and Hearing]~~ *Speech-Language-Hearing* Association in the field of practice for which the person is applying for a license ~~[]~~; or

2. *Current certification from the American Board of Audiology.*

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~[shall]~~ may issue a temporary license to engage in the practice ~~[audiology or speech]~~ of:

(a) *Audiology, speech-language pathology ~~[]~~ or fitting and dispensing hearing aids upon application and the payment of the fee required ~~[fee]~~ pursuant to NRS 637B.230 to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[other than passing the examination.]~~; and*

(b) *Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.*

2. *The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:*

(a) *Is so licensed in another state; and*

(b) *Attests that he or she meets all of the qualifications for licensure in this State.*

3. A temporary license issued pursuant to this section ~~[is valid until the Board publishes the results of the examination next administered after the license is issued.]~~:

- (a) *Is valid for not more than 6 months;*
 (b) *May be renewed not more than once; and*
 (c) *May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.*

Sec. 51. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee ~~[for a license to practice speech pathology]~~	\$100
~~Application fee for a license to practice audiology~~	100
~~Annual fee]~~	\$150
License fee	100
Fee for the renewal of a license	~~150~~ 100
Reinstatement fee.....	~~75~~ 100
Examination fee	300
Fee for converting to a different type of license.....	50
Fee for each additional license or endorsement.....	50
Fee for obtaining license information.....	50

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~[Secretary-Treasurer of the]~~ Board to be used to defray the necessary expenses of the Board. The ~~[Secretary-Treasurer]~~ Board shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 1. The grounds for initiating disciplinary action pursuant to this chapter are:

~~[1.]~~ (a) Unprofessional conduct.

~~[2.]~~ (b) Conviction of:

~~[(a)]~~ (1) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~[(b)]~~ (2) A felony or gross misdemeanor relating to the practice of audiology ~~[or speech]~~ , speech-language pathology ~~[;]~~ or fitting and dispensing hearing aids;

~~[(c)]~~ (3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~[(d)]~~ (4) Any offense involving moral turpitude.

~~[3.]~~ (c) ~~[Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.~~

~~—4.]~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~[5.—4.]~~ (d) Professional incompetence.

~~[6.—5.]~~ (e) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~[(a)]~~ (1) The license of the facility is suspended or revoked; or

~~[(b)]~~ (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➔ This ~~[subsection]~~ paragraph applies to an owner or other principal responsible for the operation of the facility.

~~[6.]~~ 2. As used in this section, "unprofessional conduct" includes, without limitation:

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) A violation of any provision of:

(1) Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. 801.420 and 801.421;

(2) NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or

(3) This chapter or any regulations adopted pursuant thereto.

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 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 engage in the practice of audiology ~~[or speech]~~ , speech-language pathology ~~[;]~~ or fitting and dispensing hearing aids, 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 engage in the practice of audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) 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; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

- (a) Refuse to renew a license;
- (b) Revoke a license;
- (c) Suspend a license; ~~{for a definite time, not to exceed 1 year;}~~
- (d) Administer to the licensee a public reprimand; ~~{or}~~
- (e) *Impose conditions on the practice of the licensee;*
- (f) Impose a civil penalty not to exceed ~~[\$1,000.]~~ \$5,000 for each act constituting grounds for disciplinary action; or
- (g) *Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.*

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. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must 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. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 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]~~ *engages in the practice of* or offers to *engage in the practice of* audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any 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]~~ *engages in the practice of* audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* 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]~~ *engaging in the practice of* audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~[President]~~ *Chair* or ~~[Secretary-Treasurer]~~ *Vice Chair* may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ *engaging in the practice of* audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* without a license valid under this chapter.

2. Such an injunction:

(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) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board,

the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 61. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637,

~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 62. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, ~~[637A.352,]~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 63. 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, 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, 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. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~[speech]~~ *speech-language* pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~[speech]~~ *speech-language* pathologist by the ~~[Board of Examiners for Audiology and Speech]~~ *Speech-Language Pathology []*, *Audiology and Hearing Aid Dispensing Board*;

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~[Board of Examiners for Audiology and Speech]~~ *Speech-Language Pathology* ~~[,]~~, *Audiology and Hearing Aid Dispensing Board*; and

(b) The employee is assigned by the school district to serve as a ~~[speech]~~ *speech-language* pathologist during the school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by

the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or 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 child has been abused or neglected.

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 or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare 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, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

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 a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage;

(d) Workers' compensation insurance; and

(e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

- (c) Number of policies issued;
 - (d) Net investment income, using appropriate estimates when necessary;
 - (e) Losses paid;
 - (f) Losses incurred;
 - (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
 - (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
 - (i) Expenses for adjustment of losses, including allocated and unallocated losses;
 - (j) Net underwriting gain or loss;
 - (k) Net operation gain or loss, including net investment income; and
 - (l) Any other information requested by the Commissioner.
3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:
- (a) Recoverable federal income tax;
 - (b) Net unrealized capital gain or loss; and
 - (c) All other expenses not included in subsection 2.

Sec. 67.5. 1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the administration of the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.

4. ~~The [State Controller shall transfer the money in any fund or account] Secretary of the Board of Hearing Aid Specialists [to a fund or account created for]~~ shall close each account maintained with a financial institution by the Board of Hearing Aid Specialists pursuant to NRS 637A.080 and pay the closing balance of the account to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of each such ~~fund or~~ account are unaffected by the ~~[transfer]~~ closure and payment. The

Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board shall deposit the money so received in qualified banks, credit unions or savings and loan associations in this State in accordance with NRS 637B.240, as amended by section 52 of this act.

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) ~~Three~~ Four members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and

Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. 1. This section and sections 1 to 44, inclusive, and 45 to 72, inclusive, of this act ~~becomes~~ become effective:

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

~~2.~~ (b) On October 1, 2015, for all other purposes.

2. Section 44.5 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

637A.010 Short title.

637A.020 Definitions.

637A.021 "Board" defined.

637A.0213 "Chair" defined.

637A.0217 "Hearing aid" defined.

637A.022 "Hearing aid specialist" defined.

637A.0221 "Incompetence" defined.

637A.0223 "License" defined.

637A.0227 "Manufacturer" defined.

637A.023 "Member" defined.

- 637A.0233 "Negligence" defined.
- 637A.0235 "Practice of fitting and dispensing hearing aids" defined.
- 637A.024 "Secretary" defined.
- 637A.025 Applicability.
- 637A.030 Creation; number and appointment of members.
- 637A.035 Qualifications of members; terms; members serve at pleasure of Governor.
- 637A.040 Chair and Secretary; meetings; quorum.
- 637A.060 Officers; rules and regulations.
- 637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
- 637A.090 Compensation of members and employees.
- 637A.100 Duties.
- 637A.110 Powers.
- 637A.120 Seal.
- 637A.130 Application for examination; fee.
- 637A.140 Contents of application.
- 637A.150 Actions by Board on applications.
- 637A.160 Requirements for licensing.
- 637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.
- 637A.170 Examination waived for certain specialists applying before October 1, 1973.
- 637A.190 Display of license.
- 637A.200 Expiration and renewal of licenses.
- 637A.205 Transfer of license to inactive list.
- 637A.210 Fees.
- 637A.220 Apprentices: Employment; application for licensure.
- 637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.
- 637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.
- 637A.235 Apprentices: Identification; title.
- 637A.240 Limitation on period of apprenticeship.
- 637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.
- 637A.245 Audiograms for use of physician or member of related profession.
- 637A.250 Grounds.
- 637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.
- 637A.260 Complaint against licensee; investigation; retention of complaints.

637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.

637A.300 Surrender and reinstatement of revoked license.

637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.

637A.310 Records required.

637A.315 Confidentiality of certain records of Board; exceptions.

637A.340 Transfer or alteration of license.

637A.345 Inspection of premises by Board.

637A.350 Fraudulent use of assumed name or practice without license.

637A.352 Engaging in business of hearing aid specialist without license; penalties.

637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.

637A.355 Injunctive relief against violators.

637A.360 Penalty.

637B.090 Use of title "certified hearing aid audiologist."

637B.110 Officers.

637B.150 Regulations.

637B.170 Examinations.

637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.

637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.

637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.

637B.300 Prescribing or administering drugs or piercing or severing body tissue.

Senator Settlemeyer moved the adoption of the amendment.

Remarks by Senator Settlemeyer.

Amendment No. 829 makes six changes to Assembly Bill No. 115: 1) revises the composition of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; 2) authorizes the Board to issue a provisional license to an applicant who is completing the training period required for certification by the National Board for Certification in Hearing Instrument Sciences for the fitting and dispensing of hearing aids; 3) requires an audiologist or an applicant for a license to engage in the practice of fitting and dispensing hearing aids to pass an examination prescribed by the Board, which must be identical to that required for hearing aid specialists; 4) clarifies the education and training requirements for an applicant for a license to engage in the practice of fitting and dispensing hearing aids; 5) removes the word "diagnosis" from the scope of practice of the speech-language pathologists and audiologists and clarifies the role of an audiologist relating to programming and training for cochlear implants and the role of a speech-language pathologist in the use of endoscopy for nonmedical purposes; and 6) clarifies how the funds of the Board of Hearing Aid Specialists are to be transferred to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board.

Amendment adopted.

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

Assembly Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 716.

SUMMARY—Revises provisions relating to public administrators. (BDR 20-168)

AN ACT relating to public administrators; setting forth certain qualifications for deputy public administrators; authorizing the board of county commissioners in smaller counties to impose certain duties on the public administrators of the county; revising the circumstances under which a public administrator may secure the property of a deceased person; authorizing a board of county commissioners to take certain action concerning complaints received by the board against the public administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public administrator to meet certain qualifications for office. (NRS 253.010) Existing law also authorizes a public administrator to appoint as many deputy public administrators as he or she deems necessary and authorizes a deputy public administrator to perform all duties required of the public administrator. (NRS 253.025) Section 1 of this bill requires a deputy public administrator, like a public administrator, to: (1) be a qualified elector of the county; (2) be 21 years of age or older; (3) not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and (4) not have been found liable in a civil action involving fraud, misrepresentation, material omission, misappropriation, theft or conversion.

Existing law authorizes a public administrator, without procuring letters of administration and upon filing with the court an affidavit of his or her right to do so, to administer an estate in which the gross value of the decedent's property does not exceed \$20,000. (NRS 253.0403) Section 1.5 of this bill increases this threshold amount to \$25,000.

Under existing law, a public administrator may secure the property of a deceased person before the issuance of letters of administration for the estate of the decedent, before filing an affidavit to administer the estate or before petitioning to have the estate set aside without administration if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property. (NRS 253.0405) Section 1.7 of this bill instead authorizes a public administrator to act on behalf of the estate of a deceased person to identify and secure all tangible and intangible assets of the estate before the issuance of letters of administration, before filing the affidavit, before

petitioning to have the estate set aside without administration and without giving notice to next of kin if the public administrator finds that there are no relatives of the decedent who are able to protect the property or that the failure to secure the property could endanger the property.

Section 1.7 also prohibits a public administrator from distributing, liquidating or otherwise administering the assets of an estate before a court has issued letters of administration for the estate or otherwise authorized the public administrator to act as administrator of the estate. Additionally, section 1.7 authorizes a public administrator who has identified and secured the assets of an estate to authorize a relative of the decedent, a named executor or trustee of the estate or an attorney or other natural person designated by the next of kin of the decedent to access the real and personal property of the estate.

Existing law sets forth the duties of a public administrator in administering the estate of an intestate decedent. (NRS 253.0415) Section 2 of this bill authorizes the board of county commissioners, in a county whose population is less than 100,000, to require by ordinance, the public administrator, if he or she has been made an administrator of the estate of an intestate decedent who resides in the county, to notify or obtain permission from the board before taking any property belonging to the decedent out of the county.

Existing law authorizes a board of county commissioners to investigate any complaint received by the board against the public administrator. (NRS 253.091) Section 3 of this bill authorizes the board to take any appropriate action that it deems is necessary to resolve such a complaint. Section 3 also authorizes the board of county commissioners, in a county whose population is less than 100,000, to require, by ordinance, a public administrator to submit an independent audit report to the board on an annual basis, which covers the records and office of the public administrator.

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

Section 1. NRS 253.025 is hereby amended to read as follows:

253.025 1. A public administrator may appoint as many deputies as the public administrator deems necessary to perform fully the duties of his or her office. A deputy so appointed may perform all duties required of the public administrator and has the corresponding powers and responsibilities. Before entering upon the discharge of his or her duties each deputy must take and subscribe to the constitutional oath of office. The appointment of a deputy must not be construed to confer upon that deputy policymaking authority for the office of the county public administrator or the county by which the deputy is employed.

2. Each appointment must be in writing and recorded with the oath of office of that deputy in the office of the county recorder. Any revocation or resignation of an appointment must be recorded in the office of the county recorder.

3. The public administrator is responsible on his or her official bond for any official malfeasance or nonfeasance of his or her deputies and may require a bond for the faithful performance of the official duties of his or her deputies.

4. *Every deputy appointed pursuant to this section must:*

- (a) *Be a qualified elector of the county;*
- (b) *Be at least 21 years of age;*
- (c) *Not have been convicted of a felony for which his or her civil rights have not been restored by a court of competent jurisdiction; and*
- (d) *Not have been found liable in a civil action involving a finding of fraud, misrepresentation, material omission, misappropriation, theft or conversion.*

Sec. 1.5. NRS 253.0403 is hereby amended to read as follows:

253.0403 1. When the gross value of a decedent's property situated in this State does not exceed ~~[\$20,000,]~~ \$25,000, a public administrator may, without procuring letters of administration, administer the estate of that person upon filing with the court an affidavit of his or her right to do so.

2. The affidavit must provide:

- (a) The public administrator's name and address, and his or her attestation that he or she is entitled by law to administer the estate;
- (b) The decedent's place of residence at the time of his or her death;
- (c) That the gross value of the decedent's property in this State does not exceed ~~[\$20,000,]~~ \$25,000;
- (d) That at least 40 days have elapsed since the death of the decedent;
- (e) That no application or petition for the appointment of a personal representative is pending or has been granted in this State;
- (f) A description of the personal property of the decedent;
- (g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;
- (h) If heirs or next of kin are known to the affiant, a description of the method of service the affiant used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided;
- (i) That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and
- (j) The name of each person to whom the affiant intends to distribute the decedent's property.

3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, the administrator shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.

4. If the affiant:

- (a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property the affiant receives or distributes is subject to all debts of

the decedent, based on the priority for payment of debts and charges specified in NRS 147.195.

(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property the affiant holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.

5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if the person relies in good faith, he or she is immune from civil liability for actions based on that reliance.

6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:

(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.

(b) A governmental agency required to issue certificates of title, ownership or registration to personal property shall issue a new certificate of title, ownership or registration to the person claiming to succeed to ownership of the property.

Sec. 1.7. NRS 253.0405 is hereby amended to read as follows:

253.0405 ~~{Before}~~

1. Subject to the provisions of subsections 2 and 3, before the issuance of the letters of administration for an estate, before filing an affidavit to administer an estate pursuant to NRS 253.0403 ~~{or}~~ before petitioning to have an estate set aside pursuant to NRS 253.0425, and without giving notice to the next of kin, the public administrator may act on behalf of the estate of a deceased person to identify and secure ~~{the property of a deceased person}~~ all tangible and intangible assets of the estate if the administrator finds that:

~~{1.}~~ *(a) There are no relatives of the deceased who are able to protect the property; or*

~~{2.}~~ *(b) Failure to do so could endanger the property.*

2. A public administrator shall not distribute, liquidate or otherwise administer any assets of an estate which are identified and secured pursuant to subsection 1 unless:

(a) A court has issued letters of administration for the estate; or

(b) A court order authorizing the public administrator to act as administrator of the estate has been issued.

3. A public administrator may, for the purpose of protecting the assets of an estate which are identified and secured pursuant to subsection 1, authorize any of the following persons to access the real and personal property of the estate:

(a) A relative of the deceased;

(b) A named executor or named trustee of the estate; or

(c) An attorney or any other natural person designated by the next of kin of the deceased.

Sec. 2. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) The financial status of any decedent for whom he or she has been requested to serve as administrator to determine the assets and liabilities of the estate.

(2) Whether there is any qualified person who is willing and able to serve as administrator of the estate of an intestate decedent to determine whether he or she is eligible to serve in that capacity.

(3) Whether there are beneficiaries named on any asset of the estate or whether any deed upon death executed pursuant to NRS 111.655 to 111.699, inclusive, is on file with the county recorder.

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of an intestate decedent if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

(c) Upon court order, act as administrator of the estate of an intestate decedent, regardless of the amount of assets in the estate of the decedent if no other qualified person is willing and able to serve.

2. The public administrator shall not administer any estate:

(a) Held in joint tenancy unless all joint tenants are deceased; or

(b) For which a deed upon death has been executed pursuant to NRS 111.655 to 111.699, inclusive.

3. *In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require the public administrator to notify or obtain approval from the board of county commissioners before transporting outside the county any property of a decedent for whose estate the public administrator serves as administrator.*

4. As used in this section, "intestate decedent" means a person who has died without leaving a valid will, trust or other estate plan.

Sec. 3. NRS 253.091 is hereby amended to read as follows:

253.091 1. The board of county commissioners shall:

(a) Establish regulations for the form of any reports made by the public administrator.

(b) Review reports submitted to the board by the public administrator.

(c) Investigate any complaint received by the board against the public administrator ~~[-]~~ and take any appropriate action it deems necessary to resolve the complaint.

2. The board of county commissioners may at any time investigate any estate for which the public administrator is serving as administrator.

3. *In a county whose population is less than 100,000, the board of county commissioners may, by ordinance, require that, on or before March 1 of each year, the public administrator submit to the board of county*

commissioners an independent audit report prepared by a certified public accountant of the records and office of the public administrator. The ordinance must:

(a) Provide that each such audit report cover the period starting January 1 of the previous calendar year and ending December 31 of the previous calendar year.

(b) Prescribe who is responsible for paying the costs of the audit.

Sec. 4. This act becomes effective on July 1, 2015.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment revises the provisions for the public administrator to act on behalf of the estate of a deceased person to identify and secure all tangible and intangible assets of the estate.

Amendment adopted.

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

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 805.

SUMMARY—Revises provisions relating to school police officers.
(BDR 34-925)

AN ACT relating to schools; requiring school districts to enter into contracts with charter schools for the provision of school police officers in certain circumstances; requiring a charter school or private school to provide certain notice to the primary law enforcement agency ~~to respond to requests for assistance relating to certain offenses at schools;~~ where the school is located; requiring a chief of school police to supervise a school police officer who provides services to a charter school under certain circumstances; clarifying that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district; requiring a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to certain protocols; requiring a local law enforcement agency to consider notifying public schools or private schools when responding to certain situations or when notifying another school regarding a crisis or emergency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a charter school to contract with the board of trustees of the school district in which the charter school is located to provide school police officers. (NRS 386.560) Section ~~44~~ 1.2 of this bill requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes a request for the provision of school police officers. Sections 3 and 4 of this bill make conforming changes.

~~[Section 5 of this bill authorizes the principal or a teacher at a public school, including a charter school, and a school police officer, to notify the primary law enforcement agency in the city or county where the school is located when: (1) certain offenses have been committed in the presence of the principal, teacher or officer; (2) the principal, teacher or officer has reasonable cause to believe certain offenses have been committed; or (3) the principal, teacher or officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken. Section 5 also requires a primary law enforcement agency to respond when it receives such notice of an alleged offense or threat, regardless of whether the school has school police officers.]~~

Section 1.4 of this bill requires a charter school to notify the primary law enforcement agency where the charter school is located of: (1) the location of the charter school; (2) the names of authorized contact persons for the charter school; (3) the number of pupils enrolled in the charter school; and (4) the maximum number of pupils that may enroll in the charter school. Section 1.4 also requires a charter school to notify the primary law enforcement agency if the charter school relocates and if the name of any authorized contact person changes. Section 7.4 of this bill requires a private school to provide notice containing the same information to the primary law enforcement agency where the private school is located. Section 8.5 of this bill requires each charter school and each private school in this State to provide such notice as soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year regardless of when the school commenced operation.

Existing law requires the board of trustees of a school district to employ a law enforcement officer to serve as the chief of school police and supervise each person employed as a school police officer. (NRS 391.100) Section 6 of this bill requires a chief of school police to supervise any school police officer that provides services to a charter school pursuant to a contract between the governing body of a charter school and the board of trustees of the school district in which the charter school is located to provide police officers.

Existing law authorizes the board of trustees of a school district in a county that has a metropolitan police department to 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. Existing law also authorizes the board of trustees of a school district in a county that does not have a metropolitan police department to contract with the sheriff of that county for the provision of police services in the public schools within the school district. (NRS 391.100) Section 6 also clarifies that the board of trustees of a school district may contract with the metropolitan police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

Existing law extends the jurisdiction of school police officers to all school property, buildings and facilities for the purpose of protecting personnel,

pupils and property. (NRS 391.275) Section 7 of this bill clarifies that the jurisdiction of school police officers extends to all charter school property, buildings and facilities that have contracted with the board of trustees of the school district for police services. Section 7 also requires a law enforcement agency that is contacted for assistance by a public school or private school which does not have school police to respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Existing law requires the principal of a public school or private school to contact all appropriate local agencies to respond to a crisis or emergency that occurs at a public school or private school. (NRS 392.648, 394.1696) Sections 7.2 and 7.6 of this bill, respectively, require a local law enforcement agency to consider whether it is necessary and appropriate to notify any other public school or private school of the crisis or emergency under certain circumstances. Sections 7.2 and 7.6 require this notification to include any information necessary for the school to appropriately respond to the crisis or emergency.

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto ~~to~~ a new section to read the provisions set forth as ~~follows:~~ sections 1.2 and 1.4 of this act.

Sec. 1.2. 1. If the governing body of a charter school makes a request to the board of trustees of the school district in which the charter school is located for the provision of school police officers pursuant to NRS 386.560, the board of trustees of the school district must enter into a contract with the governing body for that purpose. Such a contract must provide for payment by the charter school for the provision of school police officers by the school district which must be in an amount not to exceed the actual cost to the school district of providing the officers ~~for~~ , including, without limitation, any other costs associated with providing the officers. If the school district is the sponsor of the charter school, the contract entered into pursuant to this section must be separate from any other contract or agreement with the sponsor.

2. Any contract for the provision of school police officers pursuant to this section must be entered into between the governing body of the charter school and the board of trustees of the school district by not later than March 15 for the next school year and must provide for the provision of school police officers for not less than 3 school years.

3. A school district that enters into a contract pursuant to this section with a charter school for the provision of school police officers is immune from civil and criminal liability for any act or omission of a school police officer that provides services to the charter school pursuant to the contract.

Sec. 1.4. 1. As soon as practicable after commencing operation, but before the first day of the school year, a charter school shall notify the primary law enforcement agency where the charter school is located of:

- (a) The location of the charter school;
- (b) The names of authorized contact persons for the charter school, including, without limitation, the principal and vice principal of the charter school;
- (c) The number of pupils enrolled in the charter school; and
- (d) The maximum number of pupils that may enroll in the charter school.

2. As soon as practicable, but not later than 30 days after a charter school relocates or the name of any authorized contact person changes, the charter school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

- (a) The police department of an incorporated city;
- (b) The sheriff's office of a county; or
- (c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 2. NRS 386.490 is hereby amended to read as follows:

386.490 As used in NRS 386.490 to 386.649, inclusive, ~~and *section 1.4*~~ *sections 1.2 and 1.4 of this act*, the words and terms defined in NRS 386.492 to 386.503, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services ~~[-]~~, *other than for the provision of school police officers when the provisions of section ~~1.4~~ 1.2 of this act apply.*

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➡ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➡ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public

school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 4. NRS 386.563 is hereby amended to read as follows:

386.563 1. Unless otherwise authorized by specific statute, it is unlawful for a member of the board of trustees of a school district or an employee of a school district to solicit or accept any gift or payment of money on his or her own behalf or on behalf of the school district or for any other purpose from a member of a committee to form a charter school, the governing body of a charter school, or any officer or employee of a charter school.

2. This section does not prohibit the payment of a salary or other compensation or income to a member of the board of trustees or an employee of a school district for services provided in accordance with a contract made pursuant to NRS 386.560 ~~[-]~~ or section ~~HH~~ 1.2 of this act.

3. A person who violates subsection 1 shall be punished for a misdemeanor.

Sec. 5. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. At any public school, including, without limitation, a charter school, the principal of the school, a teacher or a school police officer may notify the primary law enforcement agency in the city or county, as appropriate, where the school is located when:~~

~~(a) An offense involving serious bodily harm has been committed in the presence of the principal, teacher or school police officer;~~

~~(b) The principal, teacher or school police officer has reasonable cause to believe such an offense has been committed; or~~

~~(c) The principal, teacher or school police officer believes that a serious threat to commit such an offense has been made which may be carried out if no action is taken.~~

~~2. If notified pursuant to subsection 1 of an alleged offense or threat to commit an offense, the primary law enforcement agency must respond, even if the school has school police officers. The provisions of subsection 1 do not prohibit a principal, teacher or school police officer from:~~

~~(a) Contacting a primary law enforcement agency for assistance with any other offense or threatened offense that does not involve serious bodily harm; or~~

~~(b) Responding to any offense until the appropriate primary law enforcement agency arrives at the school. Such a response may include, without limitation, taking any appropriate action to provide assistance to a victim, to apprehend the person suspected of committing or attempting or threatening to commit the offense, to secure the location where the offense~~

~~was allegedly committed or attempted and to protect the life and safety of any person who is present.~~

~~3. Upon the arrival of an officer from the primary law enforcement agency notified pursuant to subsection 2, the principal, teacher or school police officer, if applicable, shall immediately transfer the investigation of the offense, attempted offense or threatened offense to the primary law enforcement agency.~~

~~1. As used in this section, "primary law enforcement agency" means:~~

~~(a) A police department of an incorporated city;~~

~~(b) The sheriff's office of a county; or~~

~~(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.~~ (Deleted by amendment.)

Sec. 6. 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 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 ~~[-]~~,

including any school police officer that provides services to a charter school pursuant to a contract entered into with the board of trustees pursuant to section ~~HH~~ 1.2 of this act. 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 ~~[-]~~ *and on property therein that is owned or occupied by a charter school if the board of trustees has entered into a contract with the charter school for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act.* 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, *including, without limitation, any charter school with which the school district has entered into a contract for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act,* and on property owned by the school district ~~[-]~~, *and if applicable, the property owned or occupied by the charter school,* 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, *including, without limitation, in any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act,* and on property therein that is owned by the school district ~~[-]~~ *and, if applicable, the property owned or occupied by the charter school.*

Sec. 7. NRS 391.275 is hereby amended to read as follows:

391.275 1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district *and, if the board of trustees has entered into a contract with a charter school for the provision of school police officers pursuant to section ~~HH~~ 1.2 of this act, all property, buildings and facilities in which the charter school is located,* for the purpose of:

(a) Protecting school district personnel, pupils, or real or personal property; or

(b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

(a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

3. A law enforcement agency that is contacted for assistance by a public school or private school which does not have school police shall respond according to the protocol of the law enforcement agency established for responding to calls for assistance from the general public.

Sec. 7.2. NRS 392.648 is hereby amended to read as follows:

392.648 1. If a crisis or an emergency that requires immediate action occurs at a public school, including, without limitation, a charter school, the principal of the school involved, or the principal's designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 392.620 and in accordance with any deviation approved pursuant to NRS 392.636, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in

chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a public school or notifies a public school regarding a crisis or an emergency that occurs outside of the public school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any other public school, including, without limitation, a charter school, or any private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

Sec. 7.4. Chapter 394 of NRS is hereby amended by adding a new section to read as follows:

1. As soon as practicable after commencing operation, but before the first day of the school year, a private school shall notify the primary law enforcement agency where the private school is located of:

(a) The location of the private school;

(b) The names of authorized contact persons for the private school, including, without limitation, the principal and vice principal of the private school;

(c) The number of pupils enrolled in the private school; and

(d) The maximum number of pupils that may enroll in the private school.

2. As soon as practicable, but not later than 30 days after a private school relocates or the name of any authorized contact person changes, the private school shall notify the primary law enforcement agency of the relocation or change.

3. As used in this section, "primary law enforcement agency" means, as applicable:

(a) The police department of an incorporated city;

(b) The sheriff's office of a county; or

(c) If the county is within the jurisdiction of a metropolitan police department, the metropolitan police department.

Sec. 7.6. NRS 394.1696 is hereby amended to read as follows:

394.1696 1. If a crisis or an emergency that requires immediate action occurs at a private school, the principal or other person in charge of the private school involved, or his or her designated representative, shall, in accordance with the plan developed for the school pursuant to NRS 394.1687 and in accordance with any deviation approved pursuant to NRS 394.1692, contact all appropriate local agencies to respond to the crisis or the emergency.

2. If a local agency that is responsible for responding to a crisis or an emergency is contacted pursuant to subsection 1 and the local agency

determines that the crisis or the emergency requires assistance from a state agency, the local agency may:

(a) If a local organization for emergency management has been established in the city or county in which the local agency that was contacted is located, through such local organization for emergency management, notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency; or

(b) If a local organization for emergency management has not been established in the city or county in which the local agency that was contacted is located, directly notify the Division of Emergency Management of the Department of Public Safety of the crisis or the emergency and request assistance from the Division in responding to the crisis or the emergency.

3. If the Division of Emergency Management of the Department of Public Safety receives notification of a crisis or an emergency and a request for assistance pursuant to subsection 2 and the Governor or the Governor's designated representative determines that the crisis or the emergency requires assistance from a state agency, the Division shall carry out its duties set forth in the plan developed pursuant to NRS 392.640 and its duties set forth in chapter 414 of NRS, including, without limitation, addressing the immediate crisis or emergency and coordinating the appropriate and available local, state and federal resources to provide support services and counseling to pupils, teachers, and parents or legal guardians of pupils, and providing support for law enforcement agencies, for as long as is reasonably necessary.

4. If a local law enforcement agency responds to a crisis or an emergency that occurs at a private school or notifies a private school regarding a crisis or an emergency that occurs outside of the private school, the local law enforcement agency must consider whether it is necessary and appropriate to notify any public school, including, without limitation, a charter school, or any other private school of the crisis or emergency. Such notification must include, without limitation, any information necessary for the public school or private school to appropriately respond to the crisis or emergency.

Sec. 8. NRS 280.287 is hereby amended to read as follows:

280.287 1. The department may enter into a contract with the board of trustees of the school district located in the county served by the department for the provision and supervision of police services in the public schools within the school district *and any charter school with which the board of trustees has entered into a contract for the provision of school police officers pursuant to section ~~1.2~~ 1.2 of this act*, and on property owned by the school district ~~and~~ *and, if applicable, on property owned or operated by a charter school*. If the department enters into a contract pursuant to this section, the department shall create a separate unit designated as the school police unit for this purpose.

2. The department may establish different qualifications and training requirements for officers assigned to the school police unit than those generally applicable to officers of the department.

Sec. 8.5. As soon as practicable after July 1, 2015, but before the first day of the 2015-2016 school year, each charter school and each private school in this State must comply with the requirements of sections 1.4 and 7.4 of this act, respectively, regardless of when the charter school or private school commenced operation.

~~Sec. 9. [1. This section and section 5 of this] This act [become] becomes effective [upon passage and approval.~~

~~2. Sections 1 to 4, inclusive, and 6, 7 and 8 of this act become effective] on July 1, 2015.~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

The amendment clarifies the costs that may be passed along from a school district to a charter school; limits the liability of a school district that contracts with a charter school; deletes section 5 related to notification of and interaction with the primary local law enforcement agency; requires a law enforcement agency, contacted for assistance by a public or private school without school police, to respond as it would to a call for assistance from the general public; requires all charter and private schools, after they begin operating but before the first day of school, to notify local law enforcement of certain key information; adds a transitory provision to require existing charter and private schools to also inform local law enforcement as just described; and if there is an incident for which local law enforcement notifies a public school, the amendment requires that the law enforcement agency consider whether it is necessary and appropriate to notify any other public or private school. Such notification must include any information necessary for the school to respond appropriately.

That is a really long way of saying that we are going to allow charter schools to contract with local school districts to provide for school police. Should they not, the local law enforcement agencies will respond to an emergency. Also, that charter schools and public schools have a responsibility to notify local law enforcement of their existence so that local law enforcement can take that into account when they are preparing for emergency situations so that we can preserve the safety and integrity of our schools.

Amendment adopted.

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

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 712.

SUMMARY—Revises provisions relating to real property. (BDR 3-921)

AN ACT relating to real property; establishing supplemental procedures for the retaking of a dwelling subject to housebreaking or unlawful entry; establishing procedures for the retaking of a dwelling subject to forcible entry or forcible detainer; revising provisions relating to unlawful detainer; revising the procedures for removing a tenant who is guilty of an unlawful detainer; establishing the criminal offenses of housebreaking, unlawful entry and unlawful reentry; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures for the removal of a person who is guilty of forcible entry, forcible detainer or unlawful detainer. (NRS 40.230, 40.240, 40.280-40.420) Section 23 of this bill revises provisions governing the service of a notice to surrender by: (1) providing for different posting and mailing requirements; (2) eliminating the requirement that a witness be present for service if notice is served by a sheriff, constable or licensed process server; and (3) revising the contents of proof of service that must be filed with a court.

Existing law authorizes and sets forth a summary procedure for eviction of a tenant of certain types of properties who is guilty of unlawful detainer for: (1) continuing in possession of real property after the expiration of a specific term; (2) continuing in possession after expiration of a notice to surrender; (3) waste, nuisance, violation of certain lease terms and committing certain unlawful activities; and (4) failure to perform lease or agreement conditions or covenants. (NRS 40.254) Section 20 of this bill revises this summary procedure as it relates to the contents of certain notices served upon a tenant and the commencement and conduct of court proceedings in contested cases.

Existing law provides that a tenant's neglect or failure to perform any condition or covenant of the lease or agreement under which property is held constitutes unlawful detainer and warrants the commencement of proceedings to remove the tenant. (NRS 40.2516) Section 17 of this bill revises the types of property to which these provisions apply and specifies the regular and summary procedures, if applicable, by which a landlord may remove a tenant from the property.

Existing law describes conduct which constitutes forcible entry and forcible detainer. (NRS 40.230, 40.240) Sections 11 and 12 of this bill revise the definitions of "forcible entry" and "forcible detainer," establish requirements relating to a notice to surrender that must be served upon a person who commits forcible entry or forcible detainer and authorize the entry of judgment for three times the amount of actual damages for such offenses under certain circumstances. Section 2 of this bill establishes a procedure by which an owner of a dwelling that is the object of a housebreaking or unlawful occupancy may retake possession of and change the locks on the dwelling. Section 4 of this bill establishes a procedure by which an occupant who has been locked out of a dwelling may seek to recover possession of the dwelling.

Sections 45-48 of this bill set forth the acts which constitute the criminal offenses of housebreaking, unlawful occupancy and unlawful reentry and the penalties that attach upon conviction. Section 3 of this bill establishes a procedure by which the owner of a dwelling that was subject to forcible entry or forcible detainer may seek to recover possession of the dwelling.

Section 56 of this bill repeals a provision that authorizes treble damages in a recovery for a forcible or unlawful entry to certain types of real property.

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in subsection 4, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, this section and sections 3 and 4 of this act, when all known unlawful or unauthorized adult occupants of a dwelling have been arrested for housebreaking or unlawful occupancy and all minor occupants are taken into the custody of the State, the owner of the dwelling may retake possession and change the locks on the dwelling.*

2. *At the time an owner of a dwelling retakes possession or changes the locks of a dwelling pursuant to subsection 1, the owner or an authorized representative of the owner shall post a written notice on the dwelling. The notice must:*

(a) *Identify the address of the dwelling;*
(b) *Identify the court that has jurisdiction over any matter relating to the dwelling;*

(c) *Identify the date on which the owner took possession of the dwelling pursuant to subsection 1 or changed the locks; and*

(d) *Advise the unlawful or unauthorized occupant that:*

(1) *One or more locks on the dwelling have been changed as the result of an arrest for housebreaking or unlawful occupancy.*

(2) *The unlawful or unauthorized occupant has the right to contest the matter by filing a verified complaint for reentry with the court within 21 calendar days after the date indicated in paragraph (c). The complaint must be served upon the owner of the dwelling or the authorized representative of the owner at the address provided to the court with the filing of the written notice pursuant to subsection 3.*

(3) *Reentry of the property without a court order is a criminal offense, punishable by up to 4 years in prison.*

(4) *Except as otherwise provided in this subparagraph, the owner of the dwelling shall provide safe storage of any personal property which remains on the property. The owner may dispose of any personal property which remains on the property after 21 calendar days from the date indicated in paragraph (c) unless within that time the owner receives an affidavit or notice of hearing pursuant to section 3 of this act. The unlawful or unauthorized occupant may recover his or her personal property by filing an affidavit with the court pursuant to section 3 of this act within 21 calendar days after the date indicated in paragraph (c). The owner is entitled to payment of the reasonable and actual costs of inventory, moving and storage before releasing the personal property to the occupant.*

3. *The notice posted pursuant to subsection 2 must remain posted on the dwelling for not less than 21 calendar days. A copy of the notice must be filed with the court not later than 1 day after any locks are changed on the*

dwelling and must be accompanied by a statement which includes an address for service of any documents on the owner of the dwelling or an authorized representative of the owner.

4. This section does not apply if one or more unlawful or unauthorized occupants is occupying the dwelling.

5. As used in this section:

(a) "Housebreaking" has the meaning ascribed to it in section 46 of this act.

(b) "Unlawful ~~entry~~ occupancy" has the meaning ascribed to it in section ~~48~~ 47 of this act.

Sec. 3. 1. In addition to the remedy provided in NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, when a person who is guilty of forcible entry or forcible detainer fails, after the expiration of a written notice to surrender which was served pursuant to NRS 40.230 or 40.240, to surrender the real property to the owner of the real property or the occupant who is authorized by the owner to be in possession of the real property, the owner or occupant who is authorized by the owner may seek to recover possession of the real property pursuant to this section.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall serve the notice to surrender on the unlawful or unauthorized occupant in accordance with the provisions of NRS 40.280.

3. In addition to the requirements set forth in subsection 2 of NRS 40.230 and subsection 2 of NRS 40.240, a written notice to surrender must:

(a) Identify the court that has jurisdiction over the matter.

(b) Advise the unlawful or unauthorized occupant:

(1) Of his or her right to contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice of surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons why the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer.

(2) That if the court determines that the unlawful or unauthorized occupant is guilty of a forcible entry or forcible detainer, the court may issue a summary order for removal of the unlawful or unauthorized occupant or an order providing for the nonadmittance of the unlawful or unauthorized occupant, directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(3) That, except as otherwise provided in this subparagraph, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner of the real property to be in possession of the real property shall provide safe storage of any personal property of the unlawful or unauthorized occupant which remains on the property. The owner, an authorized representative of the owner or the occupant may dispose of any personal property of the unlawful or

unauthorized occupant remaining on the real property after 14 calendar days from the execution of an order for removal of the unlawful or unauthorized occupant or the compliance of the unlawful or unauthorized occupant with the notice to surrender, whichever comes first. The unlawful or unauthorized occupant must pay the owner, authorized representative of the owner or occupant for the reasonable and actual costs of inventory, moving and storage of the personal property before the personal property will be released to the unlawful or unauthorized occupant.

4. Upon service of the written notice to surrender pursuant to subsection 3, the unlawful or unauthorized occupant shall:

(a) Before the expiration of the notice, surrender the real property to the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property, in which case an affidavit of complaint may not be filed pursuant to subsection 5 and a summary order for removal may not be issued pursuant to subsection 6;

(b) Request that the court stay the execution of a summary order for removal, stating the reasons why such a stay is warranted; or

(c) Contest the matter by filing, before the court's close of business on the fourth judicial day following service of the notice to surrender, an affidavit with the court that has jurisdiction over the matter stating the reasons that the unlawful or unauthorized occupant is not guilty of a forcible entry or forcible detainer. A file-stamped copy of the affidavit must be served by mail upon the issuer of the notice to surrender.

5. Upon expiration of the written notice to surrender, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may apply by affidavit of complaint for eviction to the justice court of the township in which the real property is located or the district court of the county in which the real property is located, whichever has jurisdiction over the matter. The affidavit of complaint for eviction must state or contain:

(a) The date on which the unlawful or unauthorized occupant forcibly entered or detained the real property or the date on which the applicant first became aware of the forcible entry or forcible detainer.

(b) A summary of the specific facts detailing how the alleged forcible entry or forcible detainer was or is being committed.

(c) A copy of the written notice to surrender that was served on the unlawful or unauthorized occupant.

(d) Proof of service of the written notice to surrender in compliance with NRS 40.280.

6. Upon the filing of the affidavit of complaint by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to subsection 5, the justice court or the district court, as applicable, shall

determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If:

(a) The unlawful or unauthorized occupant has failed to timely file an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court.

(b) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit fails to raise an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court may rule on the matter without a hearing. If the court determines that sufficient evidence has been set forth in the affidavit of complaint to demonstrate that a forcible entry or forcible detainer has been committed by the unlawful or unauthorized occupant, the court must issue an order directing the sheriff or constable of the county to remove the unlawful or unauthorized occupant within 24 hours after the sheriff's or constable's receipt of the order from the court, unless the court has stayed the execution of the order pursuant to a request pursuant to paragraph (b) of subsection 4.

(c) The unlawful or unauthorized occupant has timely filed an affidavit contesting the matter pursuant to paragraph (c) of subsection 4 and the court determines that the affidavit raises an element of a legal defense regarding the alleged forcible entry or forcible detainer, the court must require the parties to appear at a hearing to determine the truthfulness and sufficiency of the evidence set forth in any affidavit. Such a hearing must be held within 7 judicial days after the filing of the affidavit of complaint.

(d) Upon review of the affidavits of any party or upon hearing, the court determines that:

(1) There is a legal defense as to the alleged forcible entry or forcible detainer, the court must refuse to grant either party any relief and, except as otherwise provided in this subsection, must require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.

(2) The unlawful or unauthorized occupant gained entry or possession of the real property peaceably and as a result of an invalid lease, fraudulent act or misrepresentation by a person without the authority of the owner of the real property, the court may issue a summary order for the removal of the unlawful or unauthorized occupant but also may, within the discretion of the court, stay such order for a period sufficient to allow the unlawful or unauthorized occupant to vacate and remove his or her personal property. This period may not exceed 20 days.

7. *The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may, without incurring any civil or criminal liability, dispose of personal property abandoned on the real property by an unlawful or unauthorized occupant who is ordered removed by this section in the following manner:*

(a) The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property shall reasonably provide for the safe storage of the abandoned personal property for 21 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first, and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the abandoned personal property to the unlawful or unauthorized occupant or his or her authorized representative rightfully claiming the property within that period. The owner or the occupant is liable to the unlawful or unauthorized occupant only for negligent or wrongful acts in storing the abandoned personal property.

(b) After the expiration of the 21-day period, the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may dispose of the abandoned personal property and recover his or her reasonable costs out of the personal property or the value thereof.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

(d) Any dispute relating to the amount of the costs claimed by the owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property pursuant to paragraph (a) may be resolved by the court pursuant to a motion filed by the unlawful or unauthorized occupant and the payment of the appropriate fees relating to the filing and service of the motion. The motion must be filed within 14 calendar days after the removal of the unlawful or unauthorized occupant or the surrender of the real property in compliance with a written notice to surrender, whichever comes first. Upon the filing of a motion by the unlawful or unauthorized occupant pursuant to this paragraph, the court shall schedule a hearing on the motion. The hearing must be held within 10 judicial days after the filing of the motion. The court shall affix the date of the hearing to the motion and mail a copy to the owner, an authorized representative of the owner or the occupant at the address on file with the court.

Sec. 4. 1. *If the owner of a dwelling or an authorized representative of the owner locks an occupant out of the dwelling pursuant to section 2 of this act, the occupant may recover possession of the dwelling as provided in this section.*

2. *The occupant must file with the justice court of the township in which the dwelling is located a verified complaint for reentry, specifying:*

(a) The facts of the lockout by the owner of the dwelling or the authorized representative of the owner; and

(b) The legal basis upon which reentry into the dwelling is warranted.

3. *The court shall, after notice to both parties, hold a trial on the occupant's verified complaint for reentry not later than 10 judicial days after the date on which the occupant files the verified complaint for reentry.*

4. *If the court finds that an unjustified lockout has occurred, the court must issue a writ of restitution, restoring possession of the dwelling to the occupant.*

5. *A party may appeal from the court's judgment at the trial on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.*

6. *If the owner of the dwelling or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the owner or the person on whom the writ was served, under chapter 22 of NRS.*

7. *This section does not affect:*

(a) The right of any party to pursue a separate cause of action under this chapter or chapter 118A of NRS if the court finds that a landlord and tenant relationship exists between the parties; or

(b) The rights of an owner or occupant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.215 is hereby amended to read as follows:

40.215 As used in NRS 40.215 to 40.425, inclusive, and sections 2 to 7, inclusive, of this act, unless the context requires otherwise:

1. *"Dwelling" or "dwelling unit" means a structure or part thereof that is occupied, or designed or intended for occupancy, as a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.*

2. *"Landlord's agent" means a person who is hired or authorized by the landlord or owner of real property to manage the property or dwelling unit, to enter into a rental agreement on behalf of the landlord or owner of the property or who serves as a person within this State who is authorized to act for and on behalf of the landlord or owner for the purposes of service of process or receiving notices and demands. A landlord's agent may also include a successor landlord or a property manager as defined in NRS 645.0195.*

3. *"Mobile home" means every vehicle, including equipment, which is constructed, reconstructed or added to in such a way as to have an enclosed*

room or addition occupied by one or more persons as a ~~[dwelling]~~ *residence* or sleeping place and which has no foundation other than wheels, jacks, skirting or other temporary support.

~~{2.}~~ 4. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

~~{3.}~~ 5. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. "Mobile home park" or "park" does not include those areas or tracts of land, whether within or outside of a park, where the lots are held out for rent on a nightly basis.

~~{4.}~~ 6. "Premises" includes a mobile home.

~~{5.}~~ 7. "Recreational vehicle" means a vehicular structure primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled or mounted upon or drawn by a motor vehicle.

~~{6.}~~ 8. "Recreational vehicle lot" means a portion of land within a recreational vehicle park, or a portion of land so designated within a mobile home park, which is rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

~~{7.}~~ 9. "Recreational vehicle park" means an area or tract of land where lots are rented or held out for rent to accommodate a recreational vehicle overnight or for less than 3 months.

10. *"Short-term tenancy" means a tenancy in which rent is reserved by a period of 1 week and the tenancy has not continued for more than 45 days.*

Sec. 10. NRS 40.220 is hereby amended to read as follows:

40.220 No entry shall be made *upon or* into any ~~[lands, tenements]~~ *real property* or other possessions but in cases where entry is given by law; and in such cases, only in a peaceable manner, not with strong hand nor with multitude of people.

Sec. 11. NRS 40.230 is hereby amended to read as follows:

40.230 1. Every person is guilty of a forcible entry who ~~[either:~~

~~1. By breaking open doors, windows or other parts of a house, or by fraud, intimidation or stealth, or by]~~ *unlawfully enters any real property:*

(a) *By means of physical force resulting in damage to a structure on the real property;*

(b) *By any kind of violence or circumstance of terror* ~~[, enters upon or into any]~~ ;

(c) *Peaceably or otherwise and:*

(1) *Thereafter prevents the owner of the real property* ~~[,]~~ *from access or occupancy of the property by changing a lock; or*

~~{2. Who, after entering peaceably upon real property, turns]~~

(2) *Turns out by force, threats of violence or menacing conduct, the* ~~[party in natural]~~ *owner of the real property or an occupant who is authorized by the owner to be in possession* ~~[,]~~ *of the real property.*

2. *The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of*

the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner, authorized representative of the owner or authorized occupant upon the person who committed the forcible entry. The notice must:

(a) Inform the person who committed the forcible entry that he or she is guilty of forcible entry; and

(b) Afford the person who committed the forcible entry 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible entry, judgment may be entered for three times the amount at which the actual damages are assessed. As used in this section, "actual damages" means damages to real property and personal property.

Sec. 12. NRS 40.240 is hereby amended to read as follows:

40.240 1. Every person is guilty of a forcible detainer who either:

~~{1. By}~~

(a) Unlawfully holds and keeps the possession of any real property by force ~~{, or by menaces}~~ or threats of violence ~~{, unlawfully holds and keeps the possession of any real property,}~~, or whether the ~~{same}~~ possession was acquired peaceably or otherwise; or

~~{2. Who, in the nighttime, or during the absence of the occupant of}~~

(b) Enters any real property ~~{, unlawfully enters thereon,}~~ without the authority of the owner of the property, an authorized representative of the owner or an occupant who is authorized by the owner to be in possession of the real property and who, after ~~{demand made for the}~~ receiving written notice to surrender ~~{thereof, refuses for a period of 3 days}~~ pursuant to subsection 2, fails to surrender the ~~{same to such former occupant. The occupant of real property within the meaning of this subsection is one who, within 5 days preceding such unlawful entry, was in the peaceable and undisturbed possession of such lands.}~~ property.

2. The owner of the real property, an authorized representative of the owner or the occupant who is authorized by the owner to be in possession of the real property may seek to recover possession of the property pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act, after the expiration of the notice to surrender served by the owner or authorized occupant upon the person who committed the forcible detainer. The notice must:

(a) Inform the person who committed the forcible detainer that he or she is guilty of a forcible detainer; and

(b) Afford the person who committed the forcible detainer 4 judicial days to surrender the property.

3. If an owner of real property or an authorized representative of the owner recovers damages for a forcible detainer, judgment may be entered for three times the amount at which the actual damages are assessed. As used in

this section, "actual damages" means damages to real property and personal property.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, *a dwelling unit, a recreational vehicle* or a mobile home *other than a mobile home lot or a recreational vehicle lot* for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the *real property, dwelling unit, recreational vehicle* or mobile home is held, other than those mentioned in NRS 40.250 to ~~[40.252,]~~ 40.254, inclusive, ~~[and NRS 40.254,]~~ and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the *real property, dwelling unit, recreational vehicle or mobile home*, served upon the tenant, and, if there is a subtenant in actual occupation of the premises ~~[,]~~ *or property*, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within ~~[3]~~ 5 days after the service, the tenant, or any subtenant in actual occupation of the premises ~~[,]~~ *or property*, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. *If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS 40.254 or 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.*

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 40.254 is hereby amended to read as follows:

40.254 1. Except as otherwise provided by specific statute, in addition to the remedy provided in ~~[NRS 40.251 and in]~~ NRS 40.290 to 40.420, inclusive, *and sections 2, 3 and 4 of this act* when the tenant of a dwelling unit, ~~[which is subject to the provisions of chapter 118A of NRS,]~~ part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer ~~[,]~~ *pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516*, the landlord ~~[is entitled to]~~ *or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that [*

~~1. Written]~~ *written notice to surrender the premises must:*

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

- (b) Advise the tenant of the court that has jurisdiction over the matter; and
- (c) Advise the tenant of the tenant's right to ~~contest~~ :

(1) *Contest the notice by filing ~~[within 5 days]~~ before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter ~~[that]~~ stating the reasons why the tenant is not guilty of an unlawful detainer ~~[~~*
~~—2.]; or~~

(2) *Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.*

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must *state or* contain:

(a) The date when the tenancy commenced, the term of the tenancy ~~[;]~~ and, if any, a copy of the rental agreement . ~~[;]~~

~~—(b) The] If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.~~

(b) *The date when the tenancy or rental agreement allegedly terminated.*

(c) *The date when written notice to surrender was given to the tenant ~~[became subject]~~ pursuant to the provisions of NRS 40.251 ~~[to]~~, 40.2514 or 40.2516, ~~[inclusive,]~~ together with any ~~[supporting]~~ facts ~~[~~*

~~—(d) The date when the] supporting the notice.~~

(d) *The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with ~~[NRS 40.280.]~~ NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.*

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Sec. 21. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to ~~[quit]~~ *surrender* has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive ~~[;]~~ , *and sections 2, 3 and 4 of this act:*

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, *and sections 2, 3 and 4 of this act* after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

3. During the notice period described in subsection 2:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

4. The notice described in subsection 2 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings ~~[-]~~, *including, without limitation, proceedings conducted pursuant to NRS 40.253 and 40.254.*

5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.

6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.

7. This section does not apply to the tenant of a mobile home lot in a mobile home park.

8. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 22. NRS 40.260 is hereby amended to read as follows:

40.260 In all cases of tenancy upon agricultural land where the tenant has held over and retained possession for more than 60 days after the expiration of the tenant's term, without any demand of possession or notice to ~~quit~~ *surrender* by the landlord, or the successor in estate of the landlord, if any there be, the tenant shall be deemed to be holding by permission of the landlord, or the successor in the estate of the landlord, if any there be, and shall be entitled to hold under the terms of the lease for another full year, and shall not be guilty of an unlawful detainer during the year, and such holding over for the period aforesaid shall be taken and construed as a consent on the part of the tenant to hold for another year.

Sec. 23. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253, the notices required by NRS 40.251 to 40.260, inclusive, ~~may~~ *must* be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness. ~~If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.~~

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable

age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business . ~~{5- or}~~

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. *The notices required by NRS 40.230 and 40.240 and section 3 of this act must be served upon an unlawful or unauthorized occupant:*

(a) *Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.*

(b) *If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."*

(c) *If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."*

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

~~{3. Before an}~~

4. *Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:*

(a) *An order ~~{to remove}~~ for removal of a tenant is issued ~~{pursuant to subsection 5 of NRS 40.253, a landlord shall file with the court a proof of service of any notice required by that section. Before a person may be removed as prescribed in NRS 40.290 to 40.420, inclusive, a landlord shall file with the court proof of service of any notice required pursuant to NRS 40.255. Except as otherwise provided in subsection 4, this proof}~~ pursuant to NRS 40.253 or 40.254;*

(b) *An order for removal of an unlawful or unauthorized occupant is issued pursuant to section 3 of this act; or*

(c) *A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive, and sections 2, 3 and 4 of this act.*

5. *Proof of service of an order or writ filed pursuant to subsection 4 must consist of:*

(a) ~~{A statement,}~~ *Except as otherwise provided in paragraphs (b) and (c):*

(1) *If the notice was served pursuant to paragraph (a) of subsection 1 or paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date .* ~~};~~

~~—(b) A}~~

(2) *If the notice was served pursuant to paragraph (b) or (c) of subsection 1 or paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service ~~};~~ or confirmation of actual delivery by a private postal service.*

~~{(c) The endorsement of}~~

(b) *If the notice was served by a sheriff, a constable or ~~{other}~~ a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the ~~{time}~~ date and manner of service.*

~~{4.—If}~~ *The statement must also include the number of the badge or license of the person who served the notice.*

(c) *For a short-term tenancy, if service of the notice was not delivered in person ~~{to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, proof of service must include:~~*

~~—(a) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or~~

~~—(b) The endorsement of a} :~~

(1) *A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or*

(2) *The endorsement of a sheriff or constable stating the:*

~~{(1)}~~ (I) *Time and date the request for service was made by the landlord or the landlord's agent;*

~~{(2)}~~ (II) *Time, date and manner of the service; and*

~~{(3) Fees paid for the service.}~~

(III) *Fees paid for the service.*

Sec. 24. NRS 40.330 is hereby amended to read as follows:

40.330 When, upon the trial of any proceeding under NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, it appears from the evidence that the defendant has been guilty of either a forcible entry or forcible or unlawful detainer, and other than the offense charged in the complaint, the judge must order that such complaint be forthwith amended to conform to such proofs. Such amendment must be without any imposition of terms. No continuance must be permitted upon account of such amendment, unless the defendant, by affidavit filed, shows to the satisfaction of the court good cause therefor.

Sec. 25. NRS 40.340 is hereby amended to read as follows:

40.340 The court or justice of the peace may for good cause shown adjourn the trial of any cause under NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act* not exceeding 5 days; and when the defendant, or the defendant's agent or attorney, shall make oath that the defendant cannot safely proceed to trial for want of some material witness, naming that witness, stating the evidence that the defendant expects to obtain, showing that the defendant has used due diligence to obtain such witness and believes that if an adjournment be allowed the defendant will be able to procure the attendance of such witness, or the witness's deposition, in time to produce the same upon the trial, in which case, if such person or persons will give bond, with one or more sufficient sureties, conditioned to pay the ~~complainant~~ *plaintiff* for all rent that may accrue during the pending of such suit, and all costs and damages consequent upon such adjournment, the court or justice of the peace shall adjourn the cause for such reasonable time as may appear necessary, not exceeding 30 days.

Sec. 26. NRS 40.350 is hereby amended to read as follows:

40.350 If the ~~complainant~~ *plaintiff* admit that the evidence stated in the affidavit mentioned in NRS 40.340 would be given by such witness, and agree that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be adjourned.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 40.390 is hereby amended to read as follows:

40.390 In all cases of appeal under NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, the appellate court shall not dismiss or quash the proceedings for want of form, provided the proceedings have been conducted substantially according to the provisions of NRS 40.220 to 40.420, inclusive; *and sections 2 to 7, inclusive, of this act*, and amendments to the complaint, answer or summons, in matters of form only, may be allowed by the court at any time before final judgment upon such terms as may be just; and all matters of excuse, justification or avoidance of the allegations in the complaint may be given in evidence under the answer.

Sec. 29. NRS 40.400 is hereby amended to read as follows:

40.400 The provisions of NRS, Nevada Rules of Civil Procedure , *Justice Court Rules of Civil Procedure* and Nevada Rules of Appellate Procedure relative to civil actions, appeals and new trials, so far as they are not inconsistent with the provisions of NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act*, apply to the proceedings mentioned in those sections.

Sec. 30. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$2,500 \$50.00

If the sum claimed exceeds \$2,500 but does not exceed
\$5,000 100.00

If the sum claimed exceeds \$5,000 but does not exceed
\$10,000 175.00

In a civil action for unlawful detainer pursuant to
NRS 40.290 to 40.420, inclusive, ~~and sections~~
~~2, 3 and 4 of this act~~ in which a notice
to ~~quit~~ *surrender* has been served pursuant
to NRS 40.255 \$225.00

In all other civil actions..... 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000 \$45.00

If the sum claimed exceeds \$1,000 but does not exceed
\$2,500 65.00

If the sum claimed exceeds \$2,500 but does not exceed
\$5,000 85.00

If the sum claimed exceeds \$5,000 but does not exceed
\$7,500 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions..... \$50.00

For every additional defendant, appearing separately..... 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention \$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution..... \$25.00

(g) For the issuance of any writ of restitution \$75.00

(h) For filing a notice of appeal, and appeal bonds \$25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court \$25.00

(j) For preparation and transmittal of transcript and papers on
appeal \$25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk..... \$75.00

(l) For entering judgment by confession \$50.00

(m) For preparing any copy of any record, proceeding or paper, for each page \$.50

(n) For each certificate of the clerk, under the seal of the court.....\$3.00

(o) For searching records or files in his or her office, for each year ...\$1.00

(p) For filing and acting upon each bail or property bond.....\$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

- (e) Acquire advanced technology for the use of a justice court;
 - (f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;
 - (g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;
 - (h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and
 - (i) Pay for one-time projects for the improvement of a justice court.
- ↪ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

- (a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and
- (b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 31. NRS 21.130 is hereby amended to read as follows:

21.130 1. Before the sale of property on execution, notice of the sale, in addition to the notice required pursuant to NRS 21.075 and 21.076, must be given as follows:

(a) In cases of perishable property, by posting written notice of the time and place of sale in three public places at the township or city where the sale is to take place, for such a time as may be reasonable, considering the character and condition of the property.

(b) In case of other personal property, by posting a similar notice in three public places of the township or city where the sale is to take place, not less than 5 or more than 10 days before the sale, and, in case of sale on execution issuing out of a district court, by the publication of a copy of the notice in a newspaper, if there is one in the county, at least twice, the first publication being not less than 10 days before the date of the sale.

(c) In case of real property, by:

(1) Personal service upon each judgment debtor or by registered mail to the last known address of each judgment debtor and, if the property of the judgment debtor is operated as a facility licensed under chapter 449 of NRS, upon the State Board of Health;

(2) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(3) Publishing a copy of the notice three times, once each week, for 3 successive weeks, in a newspaper, if there is one in the county. The cost of publication must not exceed the rate for legal advertising as provided in NRS 238.070. If the newspaper authorized by this section to publish the notice of sale neglects or refuses from any cause to make the publication, then the posting of notices as provided in this section shall be deemed sufficient notice. Notice of the sale of property on execution upon a judgment for any sum less than \$500, exclusive of costs, must be given only by posting in three public places in the county, one of which must be the courthouse;

(4) Recording a copy of the notice in the office of the county recorder; and

(5) If the sale of property is a residential foreclosure, posting a copy of the notice in a conspicuous place on the property. In addition to the requirements of NRS 21.140, the notice must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

2. If the sale of property is a residential foreclosure, the notice must include, without limitation:

(a) The physical address of the property; and

(b) The contact information of the party who is authorized to provide information relating to the foreclosure status of the property.

3. If the sale of property is a residential foreclosure, a separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the judgment debtor, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 1. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes, eviction proceedings may begin against you after you have been given a notice to ~~quit~~ *surrender*.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[-]~~, *unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;*

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[-]~~ *and to the place where the leased property is situated, if different; or*

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[-, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[-]~~ *situated.*

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The sheriff shall not conduct a sale of the property on execution or deliver the judgment debtor's property to the judgment creditor if the

judgment debtor or any other person entitled to notice has not been properly notified as required in this section and NRS 21.075 and 21.076.

5. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 32. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 15 days before the date of sale. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to ~~quit~~ *surrender*.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness ~~[-]~~, *unless service is accomplished by a sheriff, constable or licensed process server, in which case the presence of a witness is not required;*

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business ~~[-]~~ *and to the place where the leased property is situated, if different;* or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property ~~[-, delivering a copy to a person residing there, if a person can be found,]~~ and mailing a copy to you at the place where the leased property is ~~[-]~~ *situated.*

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff of the county in which the property is located.

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 33. NRS 116.4112 is hereby amended to read as follows:

116.4112 1. A declarant of a common-interest community containing converted buildings, and any dealer who intends to offer units in such a common-interest community, shall give each of the residential tenants and any residential subtenant in possession of a portion of a converted building

notice of the conversion and provide those persons with the public offering statement no later than 120 days before the tenants and any subtenant in possession are required to vacate. The notice must set forth generally the rights of tenants and subtenants under this section and must be hand-delivered to the unit or mailed by prepaid United States mail to the tenant and subtenant at the address of the unit or any other mailing address provided by a tenant. No tenant or subtenant may be required to vacate upon less than 120 days' notice, except by reason of nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. Failure to give notice as required by this section is a defense to an action for possession. If, during the 6-month period before the recording of a declaration, a majority of the tenants or any subtenants in possession of any portion of the property described in such declaration has been required to vacate for reasons other than nonpayment of rent, waste or conduct that disturbs other tenants' peaceful enjoyment of the premises, a rebuttable presumption is created that the owner of such property intended to offer the vacated premises as units in a common-interest community at all times during that 6-month period.

2. For 60 days after delivery or mailing of the notice described in subsection 1, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that 60-day period, the offeror may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant. This subsection does not apply to any unit in a converted building if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

3. If a seller, in violation of subsection 2, conveys a unit to a purchaser for value who has no knowledge of the violation, the recordation of the deed conveying the unit or, in a cooperative, the conveyance of the unit, extinguishes any right a tenant may have under subsection 2 to purchase that unit if the deed states that the seller has complied with subsection 2, but the conveyance does not affect the right of a tenant to recover damages from the seller for a violation of subsection 2.

4. If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of NRS 40.251 and 40.280, the notice also constitutes a notice to ~~{vacate}~~ *surrender* specified by those sections.

5. This section does not permit termination of a lease by a declarant in violation of its terms.

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 118A.180 is hereby amended to read as follows:

118A.180 1. Except as otherwise provided in subsection 2, this chapter applies to, regulates and determines rights, obligations and remedies under a

rental agreement, wherever made, for a dwelling unit or premises located within this State.

2. This chapter does not apply to:

(a) A rental agreement subject to the provisions of chapter 118B of NRS;
 (b) Low-rent housing programs operated by public housing authorities and established pursuant to the United States Housing Act of 1937, 42 U.S.C. 1437 et seq.;

(c) Residence in an institution, public or private, incident to detention or the provision of medical, geriatric, educational, counseling, religious or similar service;

(d) Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or his or her successor in interest;

(e) Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;

(f) Occupancy in a hotel or motel for less than 30 consecutive days unless the occupant clearly manifests an intent to remain for a longer continuous period;

(g) Occupancy by an employee of a landlord whose right to occupancy is solely conditional upon employment in or about the premises;

(h) Occupancy by an owner of a condominium unit or by a holder of a proprietary lease in a cooperative apartment; ~~{or}~~

(i) Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes ~~{-}~~; *or*

(j) Occupancy by a person who is guilty of a forcible entry, as defined in NRS 40.230, or a forcible detainer, as defined in NRS 40.240.

Sec. 36. (Deleted by amendment.)

Sec. 37. NRS 118B.086 is hereby amended to read as follows:

118B.086 1. Each manager and assistant manager of a manufactured home park which has 2 or more lots shall complete annually 6 hours of continuing education relating to the management of a manufactured home park.

2. The Administrator shall adopt regulations specifying the areas of instruction for the continuing education required by subsection 1.

3. The instruction must include, but is not limited to, information relating to:

(a) The provisions of chapter 118B of NRS;
 (b) Leases and rental agreements;
 (c) Unlawful detainer and eviction as set forth in NRS 40.215 to 40.425, inclusive ~~{-}~~, *and sections 2 to 7, inclusive, of this act;*

(d) The resolution of complaints and disputes concerning landlords and tenants of manufactured home parks; and

(e) The adoption and enforcement of the rules and regulations of a manufactured home park.

4. Each course of instruction and the instructor of the course must be approved by the Administrator. The Administrator shall adopt regulations setting forth the procedure for applying for approval of an instructor and course of instruction. The Administrator may require submission of such reasonable information by an applicant as the Administrator deems necessary to determine the suitability of the instructor and the course. The Administrator shall not approve a course if the fee charged for the course is not reasonable. Upon approval, the Administrator shall designate the number of hours of credit allowable for the course.

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 118B.190 is hereby amended to read as follows:

118B.190 1. A written agreement between a landlord and tenant for the rental or lease of a manufactured home lot in a manufactured home park in this State, or for the rental or lease of a lot for a recreational vehicle in an area of a manufactured home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection ~~{6}~~ 8 of NRS 40.215, must not be terminated by the landlord except upon notice in writing to the tenant served in the manner provided in NRS 40.280:

(a) Except as otherwise provided in paragraph (b), 5 days in advance if the termination is because the conduct of the tenant constitutes a nuisance as defined in NRS 40.140 or violates a state law or local ordinance.

(b) Three days in advance upon the issuance of temporary writ of restitution pursuant to NRS 40.300 on the grounds that a nuisance as defined in NRS 40.140 has occurred in the park by the act of a tenant or any guest, visitor or other member of a tenant's household consisting of any of the following specific activities:

- (1) Discharge of a weapon.
- (2) Prostitution.
- (3) Illegal drug manufacture or use.
- (4) Child molestation or abuse.
- (5) Property damage as a result of vandalism.
- (6) Operating a vehicle while under the influence of alcohol or any other controlled substance.
- (7) Elder molestation or abuse.

(c) Except as otherwise provided in subsection 6, 10 days in advance if the termination is because of failure of the tenant to pay rent, utility charges or reasonable service fees.

(d) One hundred eighty days in advance if the termination is because of a change in the use of the land by the landlord pursuant to NRS 118B.180.

(e) Forty-five days in advance if the termination is for any other reason.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination must be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. The termination must be in

accordance with the provisions of NRS 118B.200 and reference alone to a provision of that section does not constitute sufficient specificity pursuant to this subsection.

3. The service of such a notice does not enhance the landlord's right, if any, to enter the tenant's manufactured home. Except in an emergency, the landlord shall not enter the manufactured home of the tenant served with such a notice without the tenant's permission or a court order allowing the entry.

4. If a tenant remains in possession of the manufactured home lot after expiration of the term of the rental agreement, the tenancy is from week to week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month to month. The tenant's continued occupancy is on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.

5. The landlord and tenant may agree to a specific date for termination of the agreement. If any provision of this chapter specifies a period of notice which is longer than the period of a particular tenancy, the required length of the period of notice is controlling.

6. Notwithstanding any provision of NRS 40.215 to 40.425, inclusive, *and sections 2 to 7, inclusive, of this act*, if a tenant who is not a natural person has received three notices for nonpayment of rent in accordance with subsection 1, the landlord is not required to give the tenant a further 10-day notice in advance of termination if the termination is because of failure to pay rent, utility charges or reasonable service fees.

Sec. 41. NRS 118B.200 is hereby amended to read as follows:

118B.200 1. Notwithstanding the expiration of a period of a tenancy or service of a notice pursuant to subsection 1 of NRS 118B.190, the rental agreement described in NRS 118B.190 may not be terminated except on one or more of the following grounds:

(a) Failure of the tenant to pay rent, utility charges or reasonable service fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;

(b) Failure of the tenant to correct any noncompliance with a law, ordinance or governmental regulation pertaining to manufactured homes or recreational vehicles or a valid rule or regulation established pursuant to NRS 118B.100 or to cure any violation of the rental agreement within a reasonable time after receiving written notification of noncompliance or violation;

(c) Conduct of the tenant in the manufactured home park which constitutes an annoyance to other tenants;

(d) Violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;

(e) A change in the use of the land by the landlord pursuant to NRS 118B.180;

(f) Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140 or which violates a state law or local ordinance, specifically including, without limitation:

- (1) Discharge of a weapon;
- (2) Prostitution;
- (3) Illegal drug manufacture or use;
- (4) Child molestation or abuse;
- (5) Elder molestation or abuse;
- (6) Property damage as a result of vandalism; and
- (7) Operating a motor vehicle while under the influence of alcohol or any other controlled substance; or

(g) In a manufactured home park that is owned by a nonprofit organization or housing authority, failure of the tenant to meet qualifications relating to age or income which:

- (1) Are set forth in the lease signed by the tenant; and
- (2) Comply with federal, state and local law.

2. A tenant who is not a natural person and who has received three or more 10-day notices to ~~[quit]~~ *surrender* for failure to pay rent in the preceding 12-month period may have his or her tenancy terminated by the landlord for habitual failure to pay timely rent.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 203.110 is hereby amended to read as follows:

203.110 *Except as otherwise provided in sections 46 and 47 of this act:*

1. Every person who shall unlawfully use, or encourage or assist another in unlawfully using, any force or violence in entering upon or detaining any lands or other possessions of another; and ~~[every]~~

2. *Every person who, having removed or been removed ~~[therefrom]~~ from any lands or possessions of another pursuant to the order or direction of any court, tribunal or officer, shall afterward unlawfully return to settle or reside upon, or take possession of, such lands or possessions,*
 ➡ shall be guilty of a misdemeanor.

Sec. 44. Chapter 205 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 48, inclusive, of this act.

Sec. 45. *As used in sections 45 to 48, inclusive, of this act, "dwelling" means a structure or part thereof that is designed or intended for occupancy as a residence or sleeping place.*

Sec. 46. 1. *A person who forcibly enters an uninhabited or vacant dwelling, knows or has reason to believe that such entry is without permission of the owner of the dwelling or an authorized representative of the owner and has the intent to take up residence or provide a residency to another therein is guilty of housebreaking.*

2. *A person convicted of housebreaking is guilty of:*

- (a) *For a first offense, a gross misdemeanor; and*
- (b) *For a second and any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.*

3. *A person convicted of housebreaking and who has previously been convicted three or more times of housebreaking must not be released on probation or granted a suspension of sentence.*

4. *As used in this section, "forcibly enters" means an entry involving:*

(a) Any act of physical force resulting in damage to the structure; or

(b) The changing or manipulation of a lock to gain access.

Sec. 47. 1. *A person who takes up residence in an uninhabited or vacant dwelling and knows or has reason to believe that such residency is without permission of the owner of the dwelling or an authorized representative of the owner is guilty of unlawful occupancy.*

2. *A person convicted of unlawful occupancy is guilty of a gross misdemeanor. A person convicted of unlawful occupancy and who has been convicted three or more times of unlawful occupancy is guilty of a category D felony and shall be punished as provided in NRS 193.130.*

3. *A person who is accused of unlawful occupancy pursuant to subsection 1 and has previously been convicted two times of housebreaking, unlawful occupancy or any lesser included or related offense, or any combination thereof, arising from the same set of facts is presumed to have obtained residency of the dwelling with the knowledge that:*

(a) Any asserted lease is invalid; and

(b) Neither the owner nor an authorized representative of the owner permitted the residency.

Sec. 48. 1. *A person is guilty of unlawful reentry if:*

(a) An owner of real property has recovered possession of the property from the person pursuant to section 2 or 3 of this act; and

(b) Without the authority of the court or permission of the owner, the person reenters the property.

2. *A person convicted of unlawful reentry is guilty of a gross misdemeanor.*

Sec. 49. (Deleted by amendment.)

Sec. 50. (Deleted by amendment.)

Sec. 51. (Deleted by amendment.)

Sec. 52. (Deleted by amendment.)

Sec. 53. NRS 315.041 is hereby amended to read as follows:

315.041 1. Except as otherwise required by federal law or regulation, or as a condition to the receipt of federal money, a housing authority or a landlord shall, immediately upon learning of facts indicating that a tenant is required pursuant to NRS 315.031 to vacate public housing, serve upon the tenant a written notice which:

(a) States that the tenancy is terminated at noon of the fifth full day following the day of service, and that the tenant must surrender the premises at or before that time;

(b) Sets forth the facts upon which the tenant is required to vacate the premises pursuant to NRS 315.031;

(c) Advises the tenant of the tenant's right to contest the matter by filing, within 5 days, an affidavit with the justice of the peace denying the occurrence of the conditions set forth in NRS 315.031; and

(d) Contains any other matter required by federal law or regulation regarding the eviction of the tenant from those premises, or as a condition to the receipt of federal money.

➔ If the tenant timely files the affidavit and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord shall not refuse the tenant, or any person who resides with the tenant, access to the premises.

2. Upon noncompliance with the notice:

(a) The housing authority or the landlord shall apply by affidavit to the justice of the peace of the township where the premises are located. If it appears to the justice of the peace that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the tenant and any other person on the premises within 24 hours after receipt of the order. The affidavit required by this paragraph must contain:

(1) The date when, and the facts upon which, the tenant became required to vacate the premises.

(2) The date when the written notice was given, a copy of the notice and a statement that the notice was served as provided in NRS 315.051.

(b) Except when the tenant has timely filed the affidavit described in subsection 1 and provides the housing authority or the landlord with a copy of the affidavit, stamped as filed with the justice of the peace, the housing authority or the landlord may, in a peaceable manner, refuse the tenant, and any person who resides with the tenant, access to the premises.

3. Upon the filing by the tenant of the affidavit authorized by subsection 1 and the filing by the housing authority or the landlord of the affidavit required by subsection 2, the justice of the peace shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the justice of the peace determines that the conditions set forth in NRS 315.031 have occurred and that the tenant is required by that section to vacate the premises, the justice of the peace shall issue a summary order for removal of the tenant and any other person on the premises, or an order refusing the tenant, and any person who resides with the tenant, admittance to the premises. If the justice of the peace determines that the conditions set forth in NRS 315.031 have not occurred and that the tenant is not required by that section to vacate the premises, the justice of the peace shall refuse to grant any relief.

4. The provisions of NRS 40.215 to 40.425, inclusive, *and sections 2 to 7, inclusive, of this act* do not apply to any proceeding brought pursuant to the provisions of NRS 315.011 to 315.071, inclusive.

Sec. 54. NRS 326.070 is hereby amended to read as follows:

326.070 1. All lands in this state shall be deemed and regarded as public lands until the legal title is known to have passed from the government to private persons.

2. Every person who shall have complied with the provisions of NRS 326.010 to 326.070, inclusive, shall be deemed and held to have the right or title of possession of all the lands embraced within the survey, not to exceed 160 acres; and any person who shall thereafter, without the consent of the person so complying, enter into or upon such lands adversely, shall be deemed and held guilty of an unlawful and fraudulent entry thereon, and may be removed therefrom by proceedings had before any justice of the peace of the township in which the lands are situated. Such proceedings may be commenced and prosecuted under the provisions of NRS 40.220 to 40.420, inclusive, *and sections 2 to 7, inclusive, of this act* and all the provisions contained in those sections are made applicable to proceedings under NRS 326.010 to 326.070, inclusive.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 40.170 is hereby repealed.

TEXT OF REPEALED SECTION

40.170 Damages in actions for forcible or unlawful entry may be trebled.

1. If a person recovers damages for a forcible or unlawful entry in or upon, or detention of, any building or any uncultivated or cultivated real property, judgment may be entered for three times the amount at which the actual damages are assessed.

2. As used in this section, "actual damages" means damages to real property and personal property.

Senator Brower moved the adoption of the amendment.

Remarks by Senator Brower.

The amendment does two minor things. It changes the word "entry" to "occupancy" in section 2.5(b) of the bill to clarify a definition. It deletes an unnecessary internal reference in section 30(a) of the bill to clarify the amount of a fee charged pursuant to the bill's provisions.

Amendment adopted.

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

Assembly Joint Resolution No. 10.

Resolution read second time.

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

Amendment No. 867.

SUMMARY—Proposes to amend the Nevada Constitution to revise provisions relating to the compensation of certain elected officers. (BDR C-1068)

ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada Constitution to provide a citizens' commission to establish the ~~salaries~~ compensation of certain elected officers.

Legislative Counsel's Digest:

Existing law establishes the salaries of the various constitutional officers of this State, members of the Senate and Assembly, justices of the Supreme Court, judges of the Court of Appeals and district judges. (NRS 2.050, 2A.080, 3.030, 218A.630, 218A.635, 223.050, 224.050, 225.050, 226.090, 227.060, 228.070) Existing law also creates an advisory Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers which is empowered to review and make recommendations to the Legislature concerning the salary of the various offices within its purview. (NRS 281.157-281.1575) This resolution proposes to revise the Nevada Constitution to reserve to a Citizens' Commission on ~~Salaries~~ Compensation for Certain Elected Officers the power to establish salaries and benefits for various offices within this State, including members of the Senate and Assembly, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Court ~~and~~ and to establish salaries for various other offices within this State, including county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators. This resolution also authorizes the Commission to: (1) fix the compensation of the members of the Legislature for each calendar day of service during any regular or special session of the Legislature; and (2) provide compensation to members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session.

WHEREAS, The Nevada Legislature established the Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers in 1993; and

WHEREAS, While the Commission is empowered by law to review compensation, hold public hearings and make recommendations for revisions to compensation for the various offices within its purview, it serves a purely advisory function and its recommendations have no effect unless enacted by the Legislature; and

WHEREAS, A constitutional amendment is required to fully empower such a commission to engage in a comprehensive review of the compensation given to various officers within this State and put into effect its findings; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 33A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 33A. 1. The Legislature shall provide by law for a Citizens' Commission on ~~Salaries~~ Compensation for Certain Elected Officers.

2. The Commission must consist of seven members appointed by the Governor who have diverse personal and professional interests and reside in various geographical areas of this State of which:

(a) One member has expertise in public compensation and is ~~appointed~~ recommended by the ~~Speaker of the Assembly;~~ Public Employees' Retirement Board or its successor organization;

(b) One member ~~is appointed by the Minority Leader of the Assembly;~~ represents a nonprofit public interest organization;

(c) One member ~~is appointed by the Majority Leader of the Senate;~~ represents the general public;

(d) One member ~~is appointed by the Minority Leader of the Senate;~~ has experience with the operation of independent businesses in this State and is recommended by an organization which represents the interests of independent businesses in this State;

(e) ~~Two members are appointed by the Governor;~~ One member has experience with the operation of a retailer in this State and is recommended by an organization which represents the interests of retailers in this State; and

(f) ~~One member is appointed by the Chief Justice of the Supreme Court;~~ Two members have experience as officers or members of a labor organization in this State and are recommended by a labor organization in this State.

3. Each member of the Commission must be a resident of this State and must not be a state officer, public employee or lobbyist, or a parent, spouse, sibling, child or dependent relative of a state officer, public employee or lobbyist.

4. Except as otherwise provided in this subsection, the term of office of each member of the Commission is 4 years. ~~The member first appointed by the Speaker of the Assembly and the member first appointed by the Majority Leader of the Senate shall each serve an initial term of 2 years.~~ The Governor shall appoint ~~one~~ three of the members first appointed by him or her for ~~an~~ initial term ~~terms~~ of 2 years. If a vacancy occurs, the ~~appointing authority~~ Governor shall fill the vacancy for the unexpired term in the same manner as the original appointment, within 30 days after the vacancy occurs. A member of the Commission may not serve more than two terms.

5. ~~An appointing authority~~ The Governor may remove a member of the Commission only for cause of incapacity, incompetence, neglect of duty, malfeasance in office or failure to meet a qualification set forth in subsection 3.

6. The Commission shall elect a Chair from among its members. Except as otherwise provided in this section, the Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties. The

affirmative vote of a majority of all the members appointed to the Commission is required to take action.

7. *Members of the Commission are entitled to:*

(a) The compensation provided by law for members of the Commission on Judicial Discipline who are not judicial officers; and

(b) The per diem allowance and travel expenses provided by law for state officers and employees generally.

8. *The Commission shall:*

(a) Study the relationship of salaries and benefits to the duties of the members of the Legislature, the Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Controller, Attorney General, justices of the Supreme Court, judges of the Court of Appeals and judges of the District Courts;

(b) Study the relationship of salaries to the duties of county commissioners, district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators;

(c) Compare the salaries and benefits of the elected officers set forth in paragraph (a) to the salaries and benefits of persons who are employed by a public or private employer and who have similar qualifications as those elected officers

~~—(e)—~~ and compare the salaries of the elected officers set forth in paragraph (b) to the salaries of persons who are employed by a public or private employer and who have similar qualifications as those elected officers;

(d) Fix the salaries and benefits of the elected officers set forth in paragraph (a) ~~fix~~ and fix the salaries of the elected officers set forth in paragraph (b); and

~~—(d)—~~ (e) Carry out any duties provided by the Legislature.

9. *The Commission may increase, but not diminish, the salary and benefits of an elected officer set forth in paragraph (a) of subsection 8 during his or her term of office. Except for the initial schedule of salaries and benefits for elected officers filed pursuant to subsection 10, the Commission may not increase or decrease the salary of any elected officer by more than 15 percent of the salary of that elected officer provided in the immediately preceding schedule of salaries for elected officers. The Commission may exercise any powers conferred by the Legislature.*

10. *The Commission shall file its initial schedule of salaries and benefits for elected officers with the Secretary of State not later than January 1, 2019, and shall file a schedule of salaries and benefits not later than January 1 of each odd-numbered year thereafter. Each schedule of salaries and benefits is effective:*

(a) For members of the Legislature, for the period from the first Monday of February immediately following the January 1 that the

schedule is due through the day before the first Monday of February of the next odd-numbered year; and

(b) For all other elected officers set forth in paragraph (a) or (b) of subsection 8, for the period from July 1 immediately following the January 1 that the schedule is due through June 30 of the next odd-numbered year.

The Legislature shall provide by law for setting apart from each year's revenues a sufficient amount of money to pay such salaries ~~and~~ benefits.

11. Before the Commission may file a schedule of salaries and benefits with the Secretary of State, the Commission shall hold at least four meetings to receive public testimony on the schedule. At the last public hearing before the schedule is filed with the Secretary of State, the Commission shall adopt the schedule as originally proposed or as amended. All meetings of the Commission are subject to the provisions of any open meeting laws made applicable generally to other public bodies.

12. The Legislative Counsel Bureau shall include in the Nevada Revised Statutes a copy of the most recent schedule of salaries and benefits established by the Commission and filed with the Secretary of State.

And be it further

RESOLVED, That Section 32 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties and , unless fixed by the Citizens' Commission on Compensation for Certain Elected Officers pursuant to Section 33A of this Article, fix their compensation. County Clerks shall be ex-officio Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 33. The members of the Legislature shall receive for their services a compensation to be fixed by ~~law~~ the Citizens' Commission on ~~Salaries~~ Compensation for Certain Elected Officers pursuant to Section 33A of this Article and paid out of the public treasury, for ~~not to exceed 60 days~~ each calendar day of service during any regular session of the Legislature and ~~not to exceed 20 days~~ during any special session. ~~but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; Provided, that an~~ The Citizens' Commission on

~~[Salaries]~~ Compensation for Certain Elected Officers may provide for the compensation of members of the Legislature for the performance of duties as a member of the Legislature outside of a regular or special session. An appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court, the judges of the court of appeals and the district judges are each entitled to receive for their services a compensation to be fixed by ~~[law]~~ the Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers pursuant to Section 33A of Article 4 and paid in the manner provided by law. ~~[, which must not be increased or diminished during the term for which they have been elected, unless]~~ If a vacancy occurs, ~~[in which case]~~ the successor of the former incumbent is entitled to receive ~~[only such salary as may be]~~ the salary and benefits provided for that office by ~~[law]~~ the Citizens' Commission on ~~[Salaries]~~ Compensation for Certain Elected Officers pursuant to Section 33A of Article 4 at the time of his or her election or appointment. ~~[A provision must be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation.]~~

And be it further

RESOLVED, That Section 9 of Article 15 of the Nevada Constitution be repealed.

TEXT OF REPEALED SECTION

Sec: 9. Increase or decrease of compensation of officers whose compensation fixed by constitution. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Senator Farley moved the adoption of the amendment.

Remarks by Senator Farley.

Amendment No. 867 to Assembly Joint Resolution No. 10: includes the salaries of county elected officials as part of the Commission's salary studies; provides that the Governor appoint the seven members of the Commission based upon recommendations from various groups.

These members would include: 1) a public compensation expert; 2) a member of the general public; and 3) persons representing nonprofit organizations, independent business, retailers and labor.

It clarifies that, in addition to salaries, the benefits for elected state officers should also be reviewed, studied and set by the Commission; and finally, it changes the name of the proposed Commission to the "Citizens' Commission on Compensation for Certain Elected Officers."

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 99 be taken from the General File and placed on the Secretary's desk.

Motion carried.

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

Motion carried.

Senate in recess at 2:48 p.m.

SENATE IN SESSION

At 7:45 p.m.

President Hutchison presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 253.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 253 provides for the sale of guaranteed asset protection waivers, which are defined in this bill as contracts pursuant to which a creditor agrees to waive part or all of the amount owed to the creditor pursuant to a finance agreement in the event of a total physical damage loss or unrecovered theft of the vehicle covered by the finance agreement. This bill provides that the marketing, issuance, sale, offering for sale, making, proposing to make and administration of guaranteed asset protection waivers are exempt from the provisions of the Nevada Insurance Code, except for those provisions that give the Commissioner of Insurance the authority to regulate and conduct investigations and hearings on violations of the law. Guaranteed asset protection waivers do not apply to a debt cancellation or debt suspension agreement regulated by federal laws or to a policy of insurance. The costs of the guaranteed asset protection waiver must be separately stated as part of the amount financed and must not be considered a finance charge or interest.

Senate Bill No. 253 also requires certain information to be disclosed, and requires a free-look period in which a borrower may cancel the guaranteed asset protection waiver and receive a full refund. If the request is made outside of the free-look period, a borrower must provide a written request for a refund. It also authorizes a creditor to apply any refund owed to the borrower because of the cancellation of the guaranteed asset protection waiver to the finance agreement.

Senate Bill No. 253 becomes effective upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks necessary to carry out the provision of this act, and on January 1, 2016, for all other purposes.

Roll call on Senate Bill No. 253:

YEAS—11.

NAYS—Atkinson, Denis, Ford, Kihuen, Manendo, Parks, Segerblom, Spearman, Woodhouse—9.

EXCUSED—Smith.

Senate Bill No. 253 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 412.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 412 provides a tax credit to certain employers who match a contribution of an employee to one of the college savings plans offered through the Nevada College Savings program. The tax credit is an amount equal to 25 percent of the matching contribution, not to exceed \$500 per contributing employee per year, and any unused credits may be carried forward for 5 years. This bill authorize the tax credit for employers that are financial institutions and are liable for a tax pursuant to chapter 363A of *Nevada Revised Statutes* (NRS) and for other employers liable for a tax pursuant to chapter 363B of NRS.

Senate Bill No. 412 becomes effective upon passage 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 phases in on January 1, 2016, and on July 1, 2016, for all other purposes.

Roll call on Senate Bill No. 412:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 412 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 414.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 414 encourages the Board of Regents to enter into a reciprocal agreement with the State of California to authorize waivers of nonresident tuition to certain residents of Nevada and California in the Lake Tahoe Basin. Any such agreement to authorize waivers of nonresident tuition are dependent upon passage and approval of Senate Bill 605 of the 2015-16 regular Session of the Legislature of the State of California. This bill becomes effective upon passage and approval.

Roll call on Senate Bill No. 414:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 414 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 500.

Bill read third time.

Remarks by Senator Kieckhefer.

Under existing law, a facility for the treatment of abuse of alcohol or drugs must be certified by the Division of Public and Behavioral Health of the Department of Health and Human Services prior to obtaining a license to operate a facility. Senate Bill No. 500 requires the

licensure of all facilities providing treatment for alcohol or drug abuse be licensed regardless of certification. This act becomes effective July 1, 2015.

Roll call on Senate Bill No. 500:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 500 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 21.

Bill read third time.

Remarks by Senator Hammond.

Assembly Bill No. 21 extends the maximum period of maturity for special obligation bonds that provide funding to complete pending and currently projected highway constructions projects from not more than 20 years to not more than 30 years. This bill is effective upon passage and approval. Assembly Bill No. 21 was requested by the Department of Transportation.

Roll call on Assembly Bill No. 21:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 21 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351.

Bill read third time.

The following amendment was proposed by Senator Kieckhefer:

Amendment No. 781.

SUMMARY—Revises provisions relating to projects to benefit charter schools. (BDR 34-1012)

AN ACT relating to charter schools; revising the requirements for a project that is financed through bonds to benefit a charter school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the Department of Business and Industry to issue bonds and other obligations to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings and facilities for charter schools if certain criteria are met. Existing law requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 3 consecutive school years, one of the two highest ratings of performance pursuant to the statewide system of accountability for public schools. (NRS 386.630, 386.632, 386.634) ~~(This)~~ Section 1.8 of this bill instead requires a charter school for whose benefit a project is being financed to have received, within the immediately preceding 2 consecutive school years, one of the three highest

ratings of performance pursuant to the statewide system of accountability for public schools. Sections 1-1.4 and 2.2-2.8 of this bill clarify that the Director of the Department of Business and Industry has the authority to administer the Charter School Financing Law. (NRS 386.612-386.649)

Under existing law, the State pledges not to repeal, amend or modify the Charter School Financing Law in a way that impairs any outstanding bonds until all the bonds have been discharged in full or provisions for their payment and redemption have been fully made. (NRS 386.646) Section 3.3 of this bill clarifies that such a pledge must not be construed to bind the State or the Legislature to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

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

Section 1. NRS 386.616 is hereby amended to read as follows:

386.616 "Director of the Department of Business and Industry" means the Director of the Department of Business and Industry or any person within the Department of Business and Industry designated by the Director *of the Department of Business and Industry* to perform duties in connection with a project or the issuance of bonds pursuant to NRS 386.612 to 386.649, inclusive.

Sec. 1.2. NRS 386.619 is hereby amended to read as follows:

386.619 "Financing agreement" means an agreement by which the Director of the Department of Business and Industry agrees to issue bonds pursuant to NRS 386.612 to 386.649, inclusive, to finance one or more projects and the obligor agrees to:

1. Make payments directly or through notes, debentures, bonds or other secured or unsecured debt obligations of the obligor executed and delivered by the obligor to the Director *of the Department of Business and Industry* or his or her designee or assignee, including a trustee, sufficient to pay the principal of, premium, if any, and interest on the bonds;

2. Pay other amounts required by NRS 386.612 to 386.649, inclusive; and

3. Comply with all the applicable provisions of NRS 386.612 to 386.649, inclusive.

Sec. 1.4. NRS 386.630 is hereby amended to read as follows:

386.630 When the Director of the Department of Business and Industry has received requests from one or more charter schools, lessees, purchasers or other obligors, the Director *of the Department of Business and Industry* may issue revenue bonds to obtain money to fulfill the requests. Title to or in a project may at all times remain in the obligor or the obligor's designee or assignee and, in that case, the bonds must be secured by a pledge of one or more notes, debentures, bonds or other secured or unsecured debt obligations of the obligor.

~~{Section 1.}~~ Sec. 1.8. NRS 386.632 is hereby amended to read as follows:

386.632 Except as otherwise provided in NRS 386.639, the Director of the Department of Business and Industry shall not finance a project unless, before financing the project, the Director *of the Department of Business and Industry* finds and the State Board of Finance approves the findings of the Director *of the Department of Business and Industry* that:

1. The project consists of any land, building or other improvement, and all real and personal properties necessary in connection therewith, which is suitable for new construction, improvement, restoration or rehabilitation of charter school facilities;

2. The charter school for whose benefit the project is being financed is not in default under the written charter or charter contract, as applicable, granted by its sponsor, as determined by the sponsor;

3. The charter school for whose benefit the project is being financed has received, within the immediately preceding ~~{3}~~ 2 consecutive school years, one of the ~~{two}~~ three highest ratings of performance pursuant to the statewide system of accountability for public schools, or has received equivalent ratings in another state, as determined by the Department of Education;

4. There are sufficient safeguards to ensure that all money provided by the Director of the Department of Business and Industry will be expended solely for the purposes of the project;

5. There are sufficient safeguards to ensure that the Director of the Department of Business and Industry will have the ability to monitor compliance with the provisions of NRS 386.612 to 386.649, inclusive, on an ongoing basis with respect to the project;

6. Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

7. There has been a request by a charter school, lessee, purchaser or other obligor to have the Director of the Department of Business and Industry issue bonds to finance the project.

Sec. 2. (Deleted by amendment.)

Sec. 2.2. NRS 386.633 is hereby amended to read as follows:

386.633 1. Except as otherwise provided in NRS 386.639, before financing a project pursuant to NRS 386.632, the Director of the Department of Business and Industry and the State Board of Finance must:

(a) Determine the total amount of money necessary to be provided by the Director of the Department of Business and Industry for financing the project.

(b) Except as otherwise provided in this subsection, receive a 5-year operating history from the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bond issued. An operating history is not required if the bonds:

(1) Are to be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least \$100,000; or

(2) Will receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(c) Consider whether the contemplated charter school, lessee, purchaser or other obligor that will make or guarantee the payment of the principal, premium, if any, and interest on any bonds issued has received within the 12 months immediately preceding the date of the findings of the Director of the Department of Business and Industry, or then has or has not in effect, a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.

(d) Consider the extent to which the project is affected by any federal, state or local governmental action, activity, program or development.

(e) Consider the length of time the charter school, lessee, purchaser or other obligor of the project has maintained facilities appropriate to the community in this State.

2. The Director of the Department of Business and Industry may adopt regulations to set forth additional factors to be considered by the Director *of the Department of Business and Industry* and the State Board of Finance before financing a project pursuant to NRS 386.632.

Sec. 2.4. NRS 386.634 is hereby amended to read as follows:

386.634 1. The Director of the Department of Business and Industry may provide financing for a project pursuant to NRS 386.612 to 386.649, inclusive, if:

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, construction, improvement, restoration or rehabilitation of the project; and

(2) The cost of the project;

(b) The Director *of the Department of Business and Industry* makes the findings required by NRS 386.632; and

(c) The Director *of the Department of Business and Industry* complies with the guidelines established by the Director *of the Department of Business and Industry* pursuant to subsection 2.

2. The Director of the Department of Business and Industry shall establish guidelines for the provision of financing for a project pursuant to NRS 386.612 to 386.649, inclusive.

Sec. 2.6. NRS 386.637 is hereby amended to read as follows:

386.637 1. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, must be authorized by an order of the Director of the Department of Business and Industry and must:

(a) Be in denominations;

(b) Bear the date or dates;

(c) Mature at the time or times, not exceeding 40 years after their respective dates;

(d) Bear interest at a rate or rates;

(e) Be in the form;

(f) Carry the registration privileges;

(g) Be executed in the manner;

(h) Be payable at the place or places within or without the State; and

(i) Be subject to the terms of redemption,

→ as provided by the order authorizing their issuance.

2. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, may be sold in one or more series at par, or below or above par, in the manner and for the price or prices which the Director of the Department of Business and Industry determines in his or her discretion, and are not required to obtain a credit rating. As an incidental expense to any project to be financed by the bonds, the Director *of the Department of Business and Industry* may employ financial and legal consultants in regard to the financing of the project on an ongoing basis.

3. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, are fully negotiable under the terms of the Uniform Commercial Code—Investment Securities.

Sec. 2.8. NRS 386.639 is hereby amended to read as follows:

386.639 1. Any bonds issued pursuant to NRS 386.612 to 386.649, inclusive, may be refunded by the Director of the Department of Business and Industry by the issuance of refunding bonds in an amount which the Director *of the Department of Business and Industry* determines necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director of the Department of Business and Industry shall not issue refunding bonds unless, before the refinancing, the Director *of the Department of Business and Industry* finds that issuance of refunding bonds

will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings, determinations and approval required by NRS 386.632 are not required with respect to refunding bonds issued pursuant to this section.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 386.646 is hereby amended to read as follows:

386.646 ~~[The]~~

1. Except as otherwise provided in subsection 2, the faith of the State is hereby pledged that NRS 386.612 to 386.649, inclusive, will not be repealed, amended or modified to impair any outstanding bonds or any revenues pledged to their payment, or to impair, limit or alter the rights or powers vested in a charter school to acquire, finance, improve and equip a project in any way that would jeopardize the interest of any lessee, purchaser or other obligor, or to limit or alter the rights or powers vested in the Director of the Department of Business and Industry to perform any agreement made with any lessee, purchaser or other obligor, until all bonds have been discharged in full or provisions for their payment and redemption have been fully made.

2. The provisions of subsection 1 must not be construed so as to bind the State, the Legislature or any agency of the foregoing to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

Sec. 3.7. NRS 386.647 is hereby amended to read as follows:

386.647 1. NRS 386.612 to 386.649, inclusive, without reference to other statutes of this State, constitute full authority for the exercise of powers granted in those sections, including, without limitation, the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized by NRS 386.612 to 386.649, inclusive, to be done, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections or by necessary implication of those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 386.612 to 386.649, inclusive, apply to the doing of the things authorized in those sections to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this State or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property is not applicable to any

action taken pursuant to NRS 386.612 to 386.649, inclusive, ~~[except that the provisions of NRS 338.013 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after July 1, 2013, by the Director of the Department of Business and Industry for work to be done on a project.]~~

5. Any bank or trust company located within or without this State may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 386.612 to 386.649, inclusive, without the necessity of associating with any other person or entity as cofiduciary, but such an association is not prohibited.

6. The powers conferred by NRS 386.612 to 386.649, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect, the powers conferred by any other law.

7. No part of NRS 386.612 to 386.649, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.

8. The Director of the Department of Business and Industry or a person designated by the Director *of the Department of Business and Industry* may take any actions and execute and deliver any instruments, contracts, certificates and other documents, including the bonds, necessary or appropriate for the sale and issuance of the bonds or accomplishing the purposes of NRS 386.612 to 386.649, inclusive, without the assistance or intervention of any other officer.

Sec. 4. This act becomes effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 781 to Assembly Bill No. 351 clarifies that the Director of the Department of Business and Industry has the authority to administer the Charter School Financing Law; removes the requirement that charter school facility projects be subject to prevailing wage; and clarifies that the statutory pledge to not repeal, amend or modify the Charter School Financing Law must not be construed to bind the State or Legislature to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels.

Amendment adopted.

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

Assembly Bill No. 428.

Bill read third time.

The following amendment was proposed by Senator Goicoechea:

Amendment No. 908.

SUMMARY—~~[Exempts the Nevada Rural Housing Authority from the Local Government Purchasing Act.]~~ Makes various changes to provisions relating to local government purchasing. (BDR 27-1098)

AN ACT relating to public purchasing; exempting the Nevada Rural Housing Authority from the Local Government Purchasing Act; increasing

the authorized duration of a performance contract entered into by a local government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Rural Housing Authority is considered to be a local government for the purposes of the Local Government Purchasing Act. (NRS 332.015) ~~[This]~~ Section 1 of this bill exempts the Authority from the provisions of the Act.

Existing law authorizes a local government to enter into a performance contract with a qualified service company for the purchase and installation of one or more operating cost-savings measures to reduce costs related to energy, water and the disposal of waste, and related labor costs. (NRS 332.360) Existing law also provides that the term of a performance contract may not exceed 15 years. (NRS 332.380) Section 2 of this bill provides that the term of a performance contract may not exceed 25 years.

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

Section 1. NRS 332.015 is hereby amended to read as follows:

332.015 1. For the purpose of this chapter, unless the context otherwise requires, "local government" means:

~~{1-}~~ (a) Every political subdivision or other entity which has the right to levy or receive money from ad valorem taxes or other taxes or from any mandatory assessments, including counties, cities, towns, school districts and other districts organized pursuant to chapters 244, 309, 318, 379, 450, 473, 474, 539, 541, 543 and 555 of NRS.

~~{2-}~~ (b) The Las Vegas Valley Water District created pursuant to the provisions of chapter 167, Statutes of Nevada 1947, as amended.

~~{3-}~~ (c) County fair and recreation boards and convention authorities created pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive.

~~{4-}~~ (d) District boards of health created pursuant to the provisions of NRS 439.362 or 439.370.

~~{5-}~~ 2. The *term does not include the Nevada Rural Housing Authority.*

Sec. 2. NRS 332.380 is hereby amended to read as follows:

332.380 1. A performance contract must provide that all payments, other than any obligations that become due if the contract is terminated before the contract expires, must be made over time.

2. Except as otherwise provided in this subsection, a performance contract, and the payments provided thereunder, may extend beyond the fiscal year in which the performance contract becomes effective for costs incurred in future fiscal years. The performance contract may extend for a term not to exceed ~~{15-}~~ 25 years. The length of a performance contract may reflect the useful life of the operating cost-savings measure being installed or purchased under the performance contract.

3. The period over which payments are made on a performance contract must equal the period over which the operating cost savings are amortized.

Payments on a performance contract must not commence until the operating cost-savings measures have been installed by the qualified service company.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

Amendment No. 908 to Assembly Bill No. 428 increases the authorized duration of a performance contract entered into by a local government. It extends the time from 15 years to 25 years.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 468.

Bill read third time.

Remarks by Senator Kieckhefer.

Assembly Bill No. 468 appropriates \$2,395,367 from the General Fund to the Department of Corrections for an unanticipated shortfall projected in personnel costs allocated to the following budgets: 1) Office of the Director, \$1,265,718; 2) Correctional Programs, \$39,255; 3) Northern Nevada Correctional Center, \$540,338; 4) Ely State Prison, \$121,981; and 5) High Desert State Prison, \$428,075. This act becomes effective upon passage and approval.

Roll call on Assembly Bill No. 468:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 468 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which was referred Assembly Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Finance, to which were re-referred Senate Bill No. 227; Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BEN KIECKHEFER, *Chair*

Mr. President:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PATRICIA FARLEY, *Chair*

Mr. President:

Yours Senate Committee on Senate Parliamentary Rules and Procedures has approved the consideration of Amendment No. 877 to Assembly Bill No. 115.

JAMES A. SETTELMAYER, *Chair*

WAIVERS AND EXEMPTIONS
WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Senator Roberson.

For: Assembly Bill No. 177.

To Waive:

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Thursday, May 21, 2015.

MICHAEL ROBERSON
Senate Majority Leader

JOHN HAMBRICK
Speaker of the Assembly

SECOND READING AND AMENDMENT

Senate Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 864.

SUMMARY—Revises provisions governing ~~the registration of certain~~ medical marijuana establishments. (BDR ~~[S-996]~~ 40-996)

AN ACT relating to medical marijuana; revising provisions relating to the allocation of medical marijuana establishment registration certificates; authorizing the transfer of a medical marijuana establishment registration certificate in certain circumstances; authorizing a medical marijuana establishment to move to a new location under certain circumstances; revising provisions governing the registration of certain medical marijuana establishments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law limits, by the size of the population of each county, the number of certain medical marijuana establishments that may be certified in each county, and also limits the Division of Public and Behavioral Health of the Department of Health and Human Services to accepting applications for the certification of such establishments to not more than 10 days in any calendar year. (NRS 453A.324) ~~[This bill establishes a one time increase in the number of registration certificates that may be issued by the Division to medical marijuana dispensaries.]~~ Section 1 of this bill requires the Division to reallocate the certificates provided for a county which has no qualified applicants to the other counties of this State. Section 5 of this bill provides for the reallocation and issuance of such currently unused certificates.

Existing law prohibits the transfer of a medical marijuana establishment agent registration card or a medical marijuana establishment registration certificate. (NRS 453A.334) Section 2 of this bill allows the transfer of ownership in a medical marijuana establishment and the transfer of a medical marijuana establishment registration certificate if the new owner: (1) meets the requirements of existing law relating to liquid assets; (2) submits certain information to allow the Division to perform certain background checks; and (3) proves that its acquisition of the establishment will not violate certain restrictions on holding multiple establishments.

Existing law establishes certain requirements for the location of a medical marijuana establishment. (NRS 453A.350) Section 3 of this bill allows an

establishment to move to a new location under the jurisdiction of the same local government if, after a public hearing, the local government approves the new location. Section 4 of this bill requires the Division to revise its regulations to conform with the provisions of section 3.

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

Section 1. NRS 453A.324 is hereby amended to read as follows:

453A.324 1. Except as otherwise provided in this section and NRS 453A.326, the Division shall issue medical marijuana establishment registration certificates for medical marijuana dispensaries in the following quantities for applicants who qualify pursuant to NRS 453A.322:

- (a) In a county whose population is 700,000 or more, 40 certificates;
- (b) In a county whose population is 100,000 or more but less than 700,000, ten certificates;
- (c) In a county whose population is 55,000 or more but less than 100,000, two certificates; and
- (d) In each other county, one certificate.

2. Notwithstanding the provisions of subsection 1, the Division ~~shall~~ *not* :

(a) Shall not issue medical marijuana establishment registration certificates for medical marijuana dispensaries in such a quantity as to cause the existence within the applicable county of more than one medical marijuana dispensary for every ten pharmacies that have been licensed in the county pursuant to chapter 639 of NRS. The Division may issue medical marijuana establishment registration certificates for medical marijuana dispensaries in excess of the ratio otherwise allowed pursuant to this subsection if to do so is necessary to ensure that the Division issues at least one medical marijuana establishment registration certificate in each county of this State in which the Division has approved an application for such an establishment to operate.

(b) Shall, for any county for which no applicants qualify pursuant to NRS 453A.322, within 2 months after the end of the period during which the Division accepts applications pursuant to subsection 4, reallocate the certificates provided for that county pursuant to subsection 1 to the other counties specified in subsection 1 in the same proportion as provided in subsection 1.

3. With respect to medical marijuana establishments that are not medical marijuana dispensaries, the Division shall determine the appropriate number of such establishments as are necessary to serve and supply the medical marijuana dispensaries to which the Division has granted medical marijuana establishment registration certificates.

4. The Division shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate medical marijuana establishments.

Sec. 2. NRS 453A.334 is hereby amended to read as follows:

453A.334 ~~[The]~~

1. Except as otherwise provided in subsection 2, the following are nontransferable:

~~[1.]~~ (a) A medical marijuana establishment agent registration card.

~~[2.]~~ (b) A medical marijuana establishment registration certificate.

2. A medical marijuana establishment may transfer all or any portion of its ownership to another party, and the Division shall transfer the medical marijuana establishment registration certificate issued to the establishment to the party acquiring ownership, if the party who will acquire the ownership of the medical marijuana establishment submits:

(a) Evidence satisfactory to the Division that the party has complied with the provisions of sub-subparagraph (III) of subparagraph (2) of paragraph (a) of subsection 3 of NRS 453A.322 for the purpose of operating the medical marijuana establishment.

(b) For the party and each person who is proposed to be an owner, officer or board member of the proposed medical marijuana establishment, the name, address and date of birth of the person, a complete set of the person's fingerprints and written permission of the person authorizing the Division 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.

(c) Proof satisfactory to the Division that, as a result of the transfer of ownership, no person, group of persons or entity will, in a county whose population is 100,000 or more, hold more than one medical marijuana establishment registration certificate or more than 10 percent of the medical marijuana establishment registration certificates allocated to the county, whichever is greater.

Sec. 3. NRS 453A.350 is hereby amended to read as follows:

453A.350 1. Each medical marijuana establishment must:

~~[1.]~~ (a) Be located in a separate building or facility that is located in a commercial or industrial zone or overlay;

~~[2.]~~ (b) Comply with all local ordinances and rules pertaining to zoning, land use and signage;

~~[3.]~~ (c) Have an appearance, both as to the interior and exterior, that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medical offices; and

~~[4.]~~ (d) Have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

2. A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location and regardless of the distance from its original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing.

Sec. 4. 1. The provisions of any regulation adopted by the Division of Public and Behavioral Health of the Department of Health and Human Services which conflict with the provisions of NRS 453A.350, as amended by section 3 of this act, are void and must not be given effect to the extent of the conflict.

2. The Division of Public and Behavioral Health shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 453A.350, as amended by section 3 of this act, as soon as practicable after the effective date of this section.

~~[Section 1.]~~ Sec. 5. 1. Notwithstanding any other provision of law, the Division shall ~~issue~~ reallocate, on or before July 1, 2015, medical marijuana establishment registration certificates for medical marijuana dispensaries pursuant to NRS 453A.324, as amended by section 1 of this act, in the following quantities for applicants who qualify pursuant to NRS 453A.322:

(a) In a county whose population is 700,000 or more, ~~[20] eight~~ certificates;

(b) In a county whose population is 100,000 or more but less than 700,000, ~~[5 certificates]~~ one certificate; and

(c) In ~~each other~~ addition to the certificate described in paragraph (b), in a county ~~[one certificate]~~ whose population is 100,000 or more but less than 700,000:

(1) One certificate for each city whose population is 220,000 or more; and

(2) One certificate for each city whose population is 60,000 or more but less than 220,000.

2. Notwithstanding the provisions of NRS 453A.326, the Division shall ensure that ~~any~~ each medical marijuana establishment registration certificate issued pursuant to paragraph (a) of subsection 1 is allocated in proportion to the population of the local governmental jurisdiction.

3. Notwithstanding any other provision of law, the Division:

(a) Shall, on or before July 1, 2015, issue a medical marijuana establishment registration certificate pursuant to subsection 1 if:

(1) The medical marijuana establishment is in compliance with paragraph (a) of subsection 4; and

(2) The issuance of such certificate does not exceed the total number of certificates allocated.

(b) May, at any time, after receiving an application to operate a medical marijuana establishment:

(1) Register the medical marijuana establishment; and

(2) Issue a medical marijuana establishment registration certificate to the applicant.

(c) Shall, on or after the effective date of this act ~~[,]~~ and before September 1, 2015, regardless of the Division's ranking of the applications to operate a medical marijuana establishment, issue a medical marijuana

establishment registration certificate for the total number of certificates allocated unless the Division determines that the applicant is not qualified.

(d) Shall provide the rationale for determining that an applicant to operate a medical marijuana establishment is not qualified, within 30 days after such determination, to:

(1) An applicant who is denied a medical marijuana establishment registration certificate; and

(2) The local governmental jurisdiction where the proposed medical marijuana establishment is to be located.

4. A local governmental jurisdiction may:

(a) Issue a business license and deem a medical marijuana establishment in compliance with all local governmental ordinances or rules, regardless of any ranking of the establishment established by the Division.

(b) Consider diversity, location and community ties in determining whether the medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules.

(c) Provide by ordinance a limitation on the total number of medical marijuana establishments which is less than the number allocated pursuant to subsection 1, if the local governmental jurisdiction determines that the community is adequately served by the number of current establishments.

5. Any application period established by the Division pursuant to this section:

(a) Is a one-time extension of the application period opened by the Division in calendar year 2014;

(b) Must not require a new application if an application has previously been submitted;

(c) Must not require the payment of any additional application fees if such fees have previously been paid; and

(d) Is separate and apart from and must not be included within the 10-day period for the acceptance of applications pursuant to subsection 4 of NRS 453A.324 ~~1~~, as amended by section 1 of this act.

6. As used in this section:

(a) "Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) "Local governmental jurisdiction" means a city, town, township or unincorporated area within a county.

~~[Sec. 2.]~~ Sec. 6. 1. This section and sections 1 and 5 of this act
~~[becomes]~~ become effective upon passage and approval. ~~and~~

2. Section 5 of this act expires by limitation on December 31, 2015.

3. Sections 2, 3 and 4 of this act become effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on October 1, 2015, for all other purposes.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment adds provisions relating to transferability of licenses and provisions relating to relocation of medical marijuana establishments among other things.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 892.

SUMMARY—~~[Requires the Attorney General to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, violent or unlawful activity]~~ Revises provisions relating to safety in or at a public school. (BDR 34-870)

AN ACT relating to public schools; requiring the ~~[Attorney General]~~ Director of the Office for a Safe and Respectful Learning Environment within the Department of Education to establish the Safe-to-Tell Program to enable the anonymous reporting of dangerous, violent or unlawful activity, or threats thereof, in or at a public school; prohibiting the release of records or information of the Program except under certain circumstances; creating and providing for the expenditure of money from the Safe-to-Tell Program Account; creating and providing duties for the Safe-to-Tell Program Advisory Committee; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires the ~~[Attorney General]~~ Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of Senate Bill No. 504 of this Session to establish the Safe-to-Tell Program within the Office ~~[of the Attorney General]~~. The Safe-to-Tell Program must enable any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened to be conducted on the property of a public school, at an activity sponsored by a public school or on a school bus of a public school. Section 4 provides that any information received by the Program is confidential and further provides that the Program must include methods and procedures to ensure that: (1) information reported to the Program is promptly forwarded to appropriate public safety agencies and appropriate public school administrators; and (2) the identity of a person who reports information to the Program is not known by persons operating the Program and is not disclosed to any person. Additionally, section 4 authorizes the Director of the Office to enter into agreements with organizations to operate a hotline or call center to receive initial reports made to the Program and forward the information contained in the reports in the required manner. Section 4 provides that the identity of a person who reports information to the Program must remain unknown to

persons employed by, contracting with, volunteering with or otherwise assisting such organizations in operating any such hotline or call center.

Under section 5 of this bill, a person must not be compelled to produce or disclose any record or information provided to the Program except upon the motion of a defendant in a criminal action or as authorized pursuant to section 4. ~~[If a criminal defendant makes a motion to compel production or disclosure of a record or information provided to the Program, the motion must be supported by an affidavit stating that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness.]~~ Section 5 requires that the identity of any person who made a report to the Program be redacted from any record or information subsequently provided to the defendant, and provides that the court may subject the record or information to a protective order further redacting or otherwise limiting the use of the record or information.

Section 6 of this bill provides that ~~[any person who unlawfully discloses]~~ the willful disclosure of a record or information of the Safe-to-Tell Program ~~[is guilty of a misdemeanor]~~, or the willful neglect or refusal to obey a court order relating to the Program, is punishable as criminal contempt.

Section 6.5 of this bill creates the Safe-to-Tell Program Account in the State General Fund. The Account must be administered by the Director and money in the Account may be used only to implement and operate the Safe-to-Tell Program.

Section 7.5 of this bill establishes the Safe-to-Tell Program Advisory Committee within the Office. The Committee is required to submit a report to the Governor and the Legislature which includes information regarding the number of reports received by the Safe-to-Tell Program and any recommendations for the improvement of the Program. Section 8 of this bill provides for the dissolution of the Committee on December 31, 2016.

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

Section 1. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 to 6,]~~ 1.3 to 6.5, inclusive, of this act.

Sec. 1.3. As used in sections 1.3 to 6.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5 and 1.7 of this act have the meanings ascribed to them in those sections.

Sec. 1.5. "Director" means the Director of the Office for a Safe and Respectful Learning Environment appointed pursuant to section 4 of Senate Bill No. 504 of this Session.

Sec. 1.7. "Safe-to-Tell Program" or "Program" means the Safe-to-Tell Program established within the Office for a Safe and Respectful Learning Environment pursuant to section 4 of this act.

Sec. 2. The Legislature hereby declares that it is the intent of the Legislature in enacting sections ~~[2 to 6,]~~ 1.3 to 6.5, inclusive, of this act to enable the people of this State to easily and anonymously provide to

appropriate state or local public safety agencies and to school administrators information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school.

Sec. 3. The Legislature hereby finds and declares that:

1. The ability to anonymously report information about dangerous, violent or unlawful activities, or the threat of such activities, conducted on school property, at an activity sponsored by a public school or on a school bus of a public school is critical in preventing, responding to and recovering from such activities.

2. It is in the best interest of this State to ensure the anonymity of a person who reports such an activity, or the threat of such an activity, and who wishes to remain anonymous and to ensure the confidentiality of any record or information associated with such a report.

Sec. 4. 1. ~~The [Attorney General]~~ Director shall establish the Safe-to-Tell Program within the Office ~~[of the Attorney General]~~ for a Safe and Respectful Learning Environment. The Program must enable any person to report anonymously to the Program any dangerous, violent or unlawful activity which is being conducted, or is threatened to be conducted, on school property, at an activity sponsored by a public school or on a school bus of a public school. Any information relating to any such dangerous, violent or unlawful activity, or threat thereof, received by the Program is confidential and, except as otherwise authorized pursuant to paragraph (a) of subsection 2 and section 5 of this act, must not be disclosed to any person.

2. The Program must include, without limitation, methods and procedures to ensure that:

(a) Information reported to the Program is promptly forwarded to the appropriate public safety agencies and school administrators; and

(b) The identity of a person who reports information to the Program ~~is~~ :

(1) Is not known by any person designated by the ~~[Attorney General]~~ Director to operate the Program ;

(2) Is not known by any person employed by, contracting with, serving as a volunteer with or otherwise assisting an organization with whom the Director enters into an agreement pursuant to subsection 3; and ~~is~~

(3) Is not disclosed to any person.

3. On behalf of the Program, the Director may enter into agreements with any organization that the Director determines is appropriately qualified and experienced, pursuant to which the organization will operate a hotline or call center that will receive initial reports made to the Program and forward the information contained in the reports in the manner required by subsection 2.

4. ~~The [Attorney General]~~ Director shall provide training regarding the Program to employees and volunteers of each public safety agency, public safety answering point, board of trustees of a school district, governing body of a charter school and any other entity whose employees and volunteers the

~~[Attorney General]~~ Director determines should receive training regarding the Program.

~~[4.]~~ 5. The ~~[Attorney General]~~ Director shall:

(a) Post information concerning the Program on an Internet website maintained by the ~~[Attorney General]~~ Director; and

(b) Provide to each public school educational materials regarding the Program, including, without limitation, the telephone number and any other methods by which a report may be made.

~~[5.]~~ 6. As used in this section:

(a) "Public safety agency" has the meaning ascribed to it in NRS 239B.020.

(b) "Public safety answering point" has the meaning ascribed to it in NRS 707.500.

Sec. 5. 1. Except as otherwise provided in this section or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, a person must not be compelled to produce or disclose any record or information provided to the Safe-to-Tell Program ~~established pursuant to section 4 of this act.~~

2. A defendant in a criminal action may file a motion to compel a person to produce or disclose any record or information provided to the ~~[Safe-to-Tell]~~ Program. ~~[A motion filed pursuant to this subsection must be supported by an affidavit stating that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness.] A defendant in a criminal action who files such a motion shall serve a copy of the motion upon the prosecuting attorney and upon the Director, either or both of whom may file a response to the motion not later than a date determined by the court.~~

3. If the court grants a motion filed by a defendant in a criminal action pursuant to subsection 2, the court ~~[shall]~~ may conduct an ~~[ex parte]~~ in camera review of the record or information ~~[.]~~ or make any other order which justice requires. Counsel for all parties shall be permitted to be present at every stage at which any counsel is permitted to be present. If the court determines that the record or information includes evidence that could be offered by the defendant to exculpate the defendant or to impeach the testimony of a witness, the court shall order the record or information to be provided to the defendant. The identity of any person who reported information to the Safe-to-Tell Program must be redacted from any record or information provided pursuant to this subsection, and the record or information may be subject to a protective order further redacting the record or information or otherwise limiting the use of the record or information.

4. The record of any information redacted pursuant to subsection 3 must be sealed and preserved to be made available to the appellate court in the event of an appeal. If the time for appeal expires without an appeal, the court shall provide the record to the Safe-to-Tell Program.

Sec. 6. *Except as otherwise provided in section 5 of this act or as otherwise authorized pursuant to paragraph (a) of subsection 2 of section 4 of this act, ~~for a person who knowingly discloses~~ the willful disclosure of a record or information of the Safe-to-Tell Program, ~~established pursuant to section 4 of this act,~~ including, without limitation, the identity of a person who reported information to the Program, ~~is guilty of a misdemeanor,~~ or the willful neglect or refusal to obey any court order made pursuant to section 5 of this act, is punishable as criminal contempt.*

Sec. 6.5. 1. The Safe-to-Tell Program Account is hereby created in the State General Fund.

2. Except as otherwise provided in subsection 4, the money in the Account may be used only to implement and operate the Safe-to-Tell Program.

3. The Account must be administered by the Director, who may:

(a) Apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account; and

(b) Expend any money received pursuant to paragraph (a) in accordance with subsection 2.

4. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

5. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

Sec. 7. 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, 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 4 of this act*, 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. 7.5. 1. The Safe-to-Tell Program Advisory Committee is hereby created in the Office for a Safe and Respectful Learning Environment created by section 4 of Senate Bill No. 504 of this Session within the Department of Education.

2. The Committee consists of the following members, who must be appointed as soon as practicable after the effective date of this section but not later than July 31, 2015:

(a) The following members appointed by the Governor:

(1) One member who is a representative of a law enforcement agency in a county whose population is 700,000 or more;

(2) One member who is a representative of a law enforcement agency in a county whose population is 100,000 or more but less than 700,000;

(3) One member who is a representative of a law enforcement agency in a county whose population is less than 100,000;

(4) One member who is an employee or other representative of the Office of Suicide Prevention of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(5) One member who is an employee or other representative of the Department of Public Safety;

(6) One member who is a licensed teacher or school counselor of a public school, as defined in NRS 385.007;

(7) One member who is a psychologist employed by a school district;
and

(8) One member who is a victim's advocate, as defined in NRS 49.2545, or who the Governor determines is otherwise qualified to provide expertise in the field of providing assistance to victims;

(b) One member who is a Senator, appointed by the Majority Leader of the Senate;

(c) One member who is a Senator, appointed by the Minority Leader of the Senate;

(d) One member who is an Assemblyman or Assemblywoman, appointed by the Speaker of the Assembly;

(e) One member who is an Assemblyman or Assemblywoman, appointed by the Minority Leader of the Assembly;

(f) The Superintendent of Public Instruction, or his or her designee;

(g) The Director of the State Public Charter School Authority, appointed pursuant to NRS 386.511, or his or her designee;

(h) Two members appointed by the Nevada Association of School Administrators, or its successor organization, who are school administrators;

(i) One member appointed by the Nevada Association of School Superintendents, or its successor organization, who is the superintendent of a county school district; and

(j) Two members appointed by the Nevada Association of School Boards, or its successor organization.

3. To the extent practicable, the persons appointing members to the Committee shall coordinate the appointments to ensure that the members represent the geographic and ethnic diversity of this State.

4. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The members of the Committee serve without compensation. If sufficient money is available, members are entitled to the travel allowances provided for state officers and employees generally while attending meetings of the Committee.

6. The Committee shall hold its first meeting as soon as practicable on or after August 1, 2015. At the first meeting of the Committee, the members of the Committee shall elect a Chair.

7. The Chair of the Committee may appoint such subcommittees of the Committee as the Chair determines necessary to carry out the duties of the Committee.

8. The Committee, or any subcommittee of the Committee, may seek the input, advice and assistance of persons and organizations with knowledge, interest or expertise relevant to the duties of the Committee.

9. The Committee shall, not later than June 30, 2016, submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Nevada Legislature a written report that includes, without limitation:

(a) Subject to the provisions regarding confidentiality set forth in sections 1.3 to 6.5, inclusive, of this act, information regarding the number of reports received by the Safe-to-Tell Program established pursuant to section 4 of this act and the disposition of those reports; and

(b) Recommendations, including, without limitation, any proposed legislation for the improvement of the Safe-to-Tell Program.

Sec. 8. 1. This section ~~(act)~~ becomes effective ~~1-1~~ upon passage and approval.

2. Section 7.5 of this act:

(a) Becomes effective:

(1) Upon passage and approval for the purpose of appointing the members of the Safe-to-Tell Program Advisory Committee created pursuant to that section; and

(2) On July 1, 2015, for all other purposes.

(b) Expires by limitation on December 31, 2016.

3. Sections 1 to 7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

~~{2-}~~ (b) On January 1, 2016, for all other purposes.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 892 to Senate Bill No. 338 makes several important changes to the bill. Particularly, it moves the responsibilities within the bill from the Attorney General's Office to the Director of the Office for a Safe and Respectful Learning Environment in the Department of Education. It also creates the advisory committee for the Safe to Tell Program and outlines the duties and make up of that advisory committee. In addition, it makes other conforming changes over the expenditure of money.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Senate Joint Resolution No. 8 of the 77th Session be taken from the General File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 115.

Bill read third time.

The following amendment was proposed by Senator Hardy:

Amendment No. 877.

SUMMARY—Revises provisions governing audiologists, speech-language pathologists and hearing aid specialists. (BDR 54-165)

AN ACT relating to occupations; making certain provisions concerning providers of health care applicable to audiologists and speech-language pathologists; establishing the Speech-Language Pathology, Audiology and

Hearing Aid Dispensing Board by expanding the existing Board of Examiners for Audiology and Speech Pathology and abolishing the existing Board of Hearing Aid Specialists; prescribing the requirements for the licensure of audiologists, speech-language pathologists and hearing aid specialists; prescribing the requirements to engage in telepractice by an audiologist or a speech-language pathologist; prescribing the requirements for the licensure and practice of an apprentice hearing aid specialist; prescribing the requirements for the practice of a hearing aid specialist; making certain provisions applicable to hearing aid specialists; imposing certain fees; providing that certain acts are grounds for disciplinary action by the Board; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "provider of health care" as a person who practices any of certain health-related professions. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for the retention of patient records, requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.051, 629.071, 629.076, 629.078) Section 1 of this bill includes speech-language pathologists and audiologists in the definition of "provider of health care," which has the effect of making these requirements applicable to speech-language pathologists and audiologists. Existing law also includes the definition of "provider of health care" by reference in various other provisions. By expanding the definition, the bill expands the definition for those other provisions, thereby making those provisions include speech-language pathologists and audiologists as providers of health care. The term is referenced in provisions relating to various subjects including, without limitation, admissibility of the testimony of hypnotized witnesses, power of attorney, practice during declared emergencies, investigations conducted concerning facilities for long-term care, confidentiality of reports and referrals relating to maternal health, payments by insurance, release of the results of certain laboratory tests, drug donation programs, interpreters and realtime captioning providers and the Silver State Health Insurance Exchange. (NRS 41.141, 48.039, 162A.790, 415A.210, 427A.145, 442.395, 449.2475, chapter 453B of NRS, NRS 652.193, chapters 656A and 695I of NRS)

Existing law establishes the Board of Hearing Aid Specialists to license and oversee hearing aid specialists and the Board of Examiners for Audiology and Speech Pathology to license and oversee audiologists and speech pathologists. (Chapters 637A and 637B of NRS) Section 72 of this bill repeals provisions establishing the Board of Hearing Aid Specialists, and section 44 of this bill establishes the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to license and oversee audiologists, speech-language pathologists and hearing aid specialists. Under sections 44 and 44.5 of this bill, the Board consists of eight members until July 1, 2017,

on which date the membership of the Board will decrease to seven members. Section 45 of this bill requires the Board to elect a Chair and a Vice Chair and to comply with certain provisions of NRS governing meetings of state and local agencies. Section 46 of this bill authorizes the Board to employ certain persons and provides for compensation of the members and employees of the Board. Section 16 of this bill authorizes the Board to select certain persons as advisory members, and sections 17, 18, 25 and 28 of this bill prescribe the responsibilities of the Board.

Sections 19, 26, 47 and 48 of this bill prescribe certain requirements for applicants for licenses to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids. Section 20 of this bill requires a speech-language pathologist who does not have a provisional license to have a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or a successor organization approved by the Board. Sections 21, 22 and 50 of this bill authorize the Board to issue limited, provisional and temporary licenses to certain applicants. Section 23 of this bill prescribes requirements for an audiologist or an applicant for a license to engage in the practice of audiology to obtain an endorsement of his or her license to also engage in the practice of fitting and dispensing hearing aids.

Section 24 of this bill prescribes requirements concerning telepractice by an audiologist or a speech-language pathologist.

Sections 25-35 of this bill enact requirements for the licensing and practice of hearing aid specialists in chapter 637B of NRS, and section 72 repeals those requirements in chapter 637A of NRS. Section 27 authorizes the Board to issue an apprentice license to an applicant who has not yet completed the education or training requirements for a hearing aid specialist, and sections 29-31 prescribe requirements concerning the practice of an apprentice. Section 32 authorizes a hearing aid specialist or dispensing audiologist to make an audiogram upon request by a physician or member of a related profession specified by the Board. Section 33 requires a hearing aid specialist or apprentice to display his or her license conspicuously in each place where he or she conducts business as a hearing aid specialist or apprentice. Section 34 requires a hearing aid specialist or apprentice to update the address of his or her place of business on file with the Board within 10 days after the date on which the address changes.

Federal law prohibits a state from enacting requirements for the sale of a hearing aid that are different from or in addition to federal requirements, and federal regulations allow a person to waive a medical examination when purchasing a hearing aid. (21 U.S.C. § 360k; 21 C.F.R. § 801.421) Section 35 of this bill requires certain examinations to be performed on a person before the person purchases a hearing aid by catalog, mail or the Internet unless the person waives the examinations.

Section 43 of this bill revises exemptions from the provisions of chapter 637B of NRS for certain government employees and other persons

who do not engage in the private practice of audiology, speech-language pathology or fitting and dispensing hearing aids. Section 49 of this bill authorizes the Board to issue a license without an examination to persons who hold certain certifications. Sections 48, 50, 53, 54 and 56-59 of this bill make certain provisions governing audiologists and speech-language pathologists applicable to hearing aid specialists as well. Section 51 of this bill imposes fees for certain tasks relating to licensing. Section 53 provides that certain acts are grounds for disciplinary action.

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}~~ :

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS ~~{-}~~ ;

(b) A physician assistant ~~{-}~~ ;

(c) A dentist ~~{-}~~ ;

(d) A licensed nurse ~~{-}~~ ;

(e) A dispensing optician ~~{-}~~ ;

(f) A *speech-language pathologist*;

(g) An *audiologist*;

(h) An optometrist ~~{-}~~ ;

(i) A practitioner of respiratory care ~~{-}~~ ;

(j) A registered physical therapist ~~{-}~~ ;

(k) An occupational therapist ~~{-}~~ ;

(l) A podiatric physician ~~{-}~~ ;

(m) A licensed psychologist ~~{-}~~ ;

(n) A licensed marriage and family therapist ~~{-}~~ ;

(o) A licensed clinical professional counselor ~~{-}~~ ;

(p) A music therapist ~~{-}~~ ;

(q) A chiropractor ~~{-}~~ ;

(r) An athletic trainer ~~{-}~~ ;

(s) A perfusionist ~~{-}~~ ;

(t) A doctor of Oriental medicine in any form ~~{-}~~ ;

(u) A medical laboratory director or technician ~~{-}~~ ;

(v) A pharmacist ~~{-}~~ ;

(w) A licensed dietitian ; or ~~{a}~~

(x) A licensed hospital as the employer of any ~~{such}~~ person ~~{-}~~ *specified in this subsection.*

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. NRS 629.053 is hereby amended to read as follows:

629.053 1. The State Board of Health and each board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS shall post on its website on the Internet, if any, a statement which discloses that:

(a) Pursuant to the provisions of subsection 7 of NRS 629.051:

(1) The health care records of a person who is less than 23 years of age may not be destroyed; and

(2) The health care records of a person who has attained the age of 23 years may be destroyed for those records which have been retained for at least 5 years or for any longer period provided by federal law; and

(b) Except as otherwise provided in subsection 7 of NRS 629.051 and unless a longer period is provided by federal law, the health care records of a patient who is 23 years of age or older may be destroyed after 5 years pursuant to subsection 1 of NRS 629.051.

2. The State Board of Health shall adopt regulations prescribing the contents of the statements required pursuant to this section.

Sec. 3. NRS 629.079 is hereby amended to read as follows:

629.079 1. If a health care licensing board determines that a complaint received by the health care licensing board concerns a matter within the jurisdiction of another health care licensing board, the health care licensing board which received the complaint shall:

(a) Except as otherwise provided in paragraph (b), refer the complaint to the other health care licensing board within 5 days after making the determination; and

(b) If the health care licensing board also determines that the complaint concerns an emergency situation, immediately refer the complaint to the other health care licensing board.

2. If a health care licensing board determines that a complaint received by the health care licensing board concerns a public health emergency or other health event that is an immediate threat to the health and safety of the public in a health care facility or the office of a provider of health care, the health care licensing board shall immediately notify the appropriate health authority for the purposes of NRS 439.970.

3. A health care licensing board may refer a complaint pursuant to subsection 1 or provide notification pursuant to subsection 2 orally, electronically or in writing.

4. The provisions of subsections 1 and 2 apply to any complaint received by a health care licensing board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the health care licensing board that received the complaint and by another health care licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another health care licensing board.

5. The provisions of this section do not prevent a health care licensing board from acting upon a complaint which concerns a matter within the jurisdiction of the health care licensing board regardless of whether the health care licensing board refers the complaint pursuant to subsection 1 or provides notification based upon the complaint pursuant to subsection 2.

6. A health care licensing board or an officer or employee of the health care licensing board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

7. As used in this section:

(a) "Health care facility" means any facility licensed pursuant to chapter 449 of NRS.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

Sec. 4. NRS 629.097 is hereby amended to read as follows:

629.097 1. If the Governor must appoint to a board a person who is a member of a profession being regulated by that board, the Governor shall solicit nominees from one or more applicable professional associations in this State.

2. To the extent practicable, such an applicable professional association shall provide nominees who represent the geographic diversity of this State.

3. The Governor may appoint any qualified person to a board, without regard to whether the person is nominated pursuant to this section.

4. As used in this section, "board" refers to a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 641, 641A, 641B or 641C of NRS.

Sec. 5. NRS 630.279 is hereby amended to read as follows:

630.279 The Board shall adopt regulations regarding the licensure of practitioners of respiratory care, including, without limitation:

1. Educational and other qualifications of applicants;
2. Required academic programs which applicants must successfully complete;
3. Procedures for applying for and issuing licenses;
4. Tests or examinations of applicants by the Board;
5. The types of medical services that a practitioner of respiratory care may perform, except that a practitioner of respiratory care may not perform those specific functions and duties delegated or otherwise restricted by specific statute to persons licensed as dentists, chiropractors, podiatric physicians, optometrists, physicians, osteopathic physicians or hearing aid

specialists pursuant to this chapter or chapter 631, 633, 634, 635, 636 or ~~[637A]~~ 637B of NRS, as appropriate;

6. The duration, renewal and termination of licenses; and

7. The grounds and procedures for disciplinary actions against practitioners of respiratory care.

Sec. 6. NRS 630A.299 is hereby amended to read as follows:

630A.299 The Board shall adopt regulations regarding the certification of a homeopathic assistant, including, but not limited to:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of certificates.

4. The tests or examinations of applicants by the Board.

5. The medical services which a homeopathic assistant may perform, except that a homeopathic assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians, optometrists or hearing aid specialists under chapter 631, 634, 635, 636 or ~~[637A]~~ 637B, respectively, of NRS.

6. The duration, renewal and termination of certificates.

7. The grounds respecting disciplinary actions against homeopathic assistants.

8. The supervision of a homeopathic assistant by a supervising homeopathic physician.

9. The establishment of requirements for the continuing education of homeopathic assistants.

Sec. 7. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.

3. The procedures for applications for and the issuance of licenses.

4. The tests or examinations of applicants by the Board.

5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and ~~[637A]~~ 637B, respectively, of NRS.

6. The grounds and procedures respecting disciplinary actions against physician assistants.

7. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 8. Chapter 637B of NRS is hereby amended by adding thereto the provisions set forth as sections 9 to 35, inclusive, of this act.

Sec. 9. *"Apprentice" means a person who is completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids.*

Sec. 10. *"Dispensing audiologist" means a licensed audiologist who has obtained an endorsement from the Board to engage in the practice of fitting and dispensing hearing aids.*

Sec. 11. *"Hearing aid" means any:*

1. *Device worn by a person who suffers from impaired hearing for the purpose of amplifying sound to improve hearing or compensate for impaired hearing, including, without limitation, an earmold; and*

2. *Part, attachment or accessory for such a device.*

Sec. 12. *"Hearing aid specialist" means any person licensed to engage in the practice of fitting and dispensing hearing aids pursuant to the provisions of this chapter.*

Sec. 13. *"Manufacturer" means any person who assembles, manufactures or fabricates hearing aids or any parts or supplies used in connection therewith.*

Sec. 14. *"Practice of fitting and dispensing hearing aids" means measuring human hearing and selecting, adapting, distributing or selling hearing aids and includes, without limitation:*

1. *Making impressions for earmolds;*

2. *Administering and interpreting tests of human hearing and middle ear functions;*

3. *Determining whether a person who suffers from impaired hearing would benefit from a hearing aid;*

4. *Selecting and fitting hearing aids;*

5. *Providing assistance to a person after the fitting of a hearing aid;*

6. *Providing services relating to the care and repair of hearing aids;*

7. *Providing supervision and in-service training concerning measuring human hearing and selecting, adapting, distributing or selling hearing aids; and*

8. *Providing referral services for clinical evaluation, rehabilitation and medical treatment of hearing impairment.*

Sec. 15. *"Sponsor" means a hearing aid specialist or dispensing audiologist who is responsible for the direct supervision and in-service training of an apprentice in the practice of fitting and dispensing hearing aids.*

Sec. 16. 1. *Except as otherwise provided in subsection 2, the Board may, by majority vote, select one or more persons, including, without limitation, a physician licensed pursuant to chapter 630 of NRS, an osteopathic physician licensed pursuant to chapter 633 of NRS or a member of the public, to serve as an advisory member of the Board.*

2. *A person who is a stockholder in a manufacturer of hearing aids may not be selected or serve as an advisory member of the Board.*

3. *An advisory member may not vote on any matter before the Board.*

Sec. 17. *The Board shall:*

1. *Enforce the provisions of this chapter and any regulations adopted pursuant thereto;*
2. *Prepare and maintain a record of its proceedings, including, without limitation, any administrative proceedings;*
3. *Evaluate the qualifications and determine the eligibility of an applicant for any license or endorsement of a license issued pursuant to this chapter and, upon payment of the appropriate fee, issue the appropriate license or endorsement of a license to a qualified applicant;*
4. *Adopt regulations establishing standards of practice for persons licensed or endorsed pursuant to this chapter and any other regulations necessary to carry out the provisions of this chapter;*
5. *Require a person licensed or endorsed pursuant to this chapter to submit to the Board documentation required by the Board to determine whether the person has acquired the skills necessary to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids;*
6. *Investigate any complaint received by the Board against any person licensed or endorsed pursuant to this chapter;*
7. *Hold hearings to determine whether any provision of this chapter or any regulation adopted pursuant to this chapter has been violated; and*
8. *Unless the Board determines that extenuating circumstances exist, forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who engages in the practice of or offers to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids without the appropriate license or endorsement issued pursuant to the provisions of this chapter.*

Sec. 18. 1. *The Board shall adopt regulations prescribing:*

- (a) *The examinations required pursuant to NRS 637B.160 and concerning the practice of audiology and the practice of speech-language pathology;*
- (b) *The period for which a license issued pursuant to the provisions of this chapter is valid which, except as otherwise provided in NRS 637B.200, must be not less than 1 year; and*
- (c) *The manner in which a license or endorsement issued pursuant to this chapter must be renewed, which may include requirements for continuing education.*

2. *The Board may adopt regulations providing for the late renewal of a license and the reinstatement of an expired license, except that the Board must not renew or reinstate a license more than 3 years after the license expired.*

3. *The Board may, at the request of a person licensed pursuant to this chapter, place a license on inactive status if the holder of the license:*

- (a) *Does not engage in, or represent that the person is authorized to engage in, the practice of audiology, speech-language pathology or fitting and dispensing hearing aids in this State; and*

(b) Satisfies any requirements for continuing education prescribed by the Board pursuant to this section.

Sec. 19. 1. Except as otherwise provided in subsection 2:

(a) An applicant for a license to engage in the practice of speech-language pathology must satisfy the academic requirements of an educational program accredited by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

(b) An applicant for a license to engage in the practice of audiology must satisfy the academic requirements of an educational program accredited by the:

(1) American Speech-Language-Hearing Association or its successor organization approved by the Board; or

(2) Accreditation Commission for Audiology Education or its successor organization approved by the Board.

2. An applicant for a license to engage in the practice of audiology or speech-language pathology who receives an education in audiology or speech-language pathology from a foreign school must prove to the satisfaction of the Board that his or her educational program:

(a) Is substantially equivalent to the requirements set forth in subsection 1, as applicable; and

(b) Is accredited by an accrediting agency approved by the Board.

Sec. 20. Except for the holder of a provisional license issued pursuant to section 22 of this act and in addition to the requirements set forth in section 19 of this act, a speech-language pathologist must hold a current certificate of clinical competence issued by the American Speech-Language-Hearing Association or its successor organization approved by the Board.

Sec. 21. 1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a limited license to engage in the practice of audiology or speech-language pathology to a person who:

(a) Holds a current license to engage in the practice of audiology or speech-language pathology in another state; and

(b) Engages in the practice of audiology or speech-language pathology in this State for demonstration, instructional or educational purposes.

2. A limited license issued pursuant to this section is valid for not more than 15 days.

Sec. 22. 1. Upon application and payment of the application fee required pursuant to NRS 637B.230, the Board may issue a provisional license to engage in the practice of:

(a) Speech-language pathology to a person who is completing the clinical fellowship requirements for obtaining a certificate of clinical competence issued by the American Speech-Language-Hearing Association.

(b) Fitting and dispensing hearing aids to a person who:

(1) *Holds a license to engage in the practice of fitting and dispensing hearing aids in another state; and*

(2) *Is completing the training required for certification by the National Board for Certification in Hearing Instrument Sciences.*

2. *A provisional license issued pursuant to this section may be:*

(a) *Renewed not more than twice; and*

(b) *Converted to an active license upon payment of the fee required pursuant to NRS 637B.230 for converting the license and the award of:*

(1) *A certificate of clinical competence by the American Speech-Language-Hearing Association; or*

(2) *Certification by the National Board for Certification in Hearing Instrument Sciences.*

Sec. 23. *An audiologist or an applicant for a license to engage in the practice of audiology who wishes to engage in the practice of fitting and dispensing hearing aids must:*

1. *Request an endorsement of the license to engage in the practice of fitting and dispensing hearing aids; and*

2. *Pass an examination prescribed by the Board pursuant to section 25 of this act. The examination must be identical to the examination required for the licensure of hearing aid specialists.*

Sec. 24. 1. *A person who engages in the practice of audiology or speech-language pathology by telepractice within this State and is a resident of this State or provides services by telepractice to any person in this State must:*

(a) *Hold a license to engage in the practice of audiology or speech-language pathology, as applicable, in this State;*

(b) *Be knowledgeable and competent in the technology used to provide services by telepractice;*

(c) *Only use telepractice to provide services for which delivery by telepractice is appropriate;*

(d) *Provide services by telepractice that, as determined by the Board, are substantially equivalent in quality to services provided in person;*

(e) *Document any services provided by telepractice in the record of the person receiving the services; and*

(f) *Comply with the provisions of this chapter and any regulations adopted pursuant thereto.*

2. *As used in this section, "telepractice" means engaging in the practice of audiology or speech-language pathology using equipment that transfers information electronically, telephonically or by fiber optics.*

Sec. 25. *The Board shall adopt regulations regarding the practice of fitting and dispensing hearing aids, including, without limitation:*

1. *The licensing of hearing aid specialists and apprentices;*

2. *The educational and training requirements for hearing aid specialists and apprentices;*

3. *The examination required pursuant to NRS 637B.160 and sections 23, 26 and 31 of this act concerning the practice of fitting and dispensing hearing aids; and*

4. *A program of in-service training for apprentices.*

Sec. 26. *An applicant for a license to engage in the practice of fitting and dispensing hearing aids must:*

1. *Successfully complete a program of education or training approved by the Board which requires, without limitation, that the applicant:*

(a) *Hold an associate's degree or bachelor's degree in hearing instrument sciences; or*

(b) *Hold:*

(1) *A high school diploma or its equivalent or an associate's degree or bachelor's degree in any field other than hearing instrument sciences; and*

(2) *Successfully complete a training program in hearing instrument sciences as prescribed by regulation of the Board.*

2. *Except as otherwise provided in section 22 of this act, be certified by the National Board for Certification in Hearing Instrument Sciences.*

3. *Pass the examination prescribed pursuant to section 25 of this act.*

4. *Comply with the regulations adopted pursuant to section 25 of this act.*

5. *Include in his or her application the complete street address of each location from which the applicant intends to engage in the practice of fitting and dispensing hearing aids.*

Sec. 27. 1. *The Board may issue an apprentice license to an applicant who has not yet completed a program of education or training approved by the Board pursuant to section 26 of this act or passed the examination prescribed pursuant to section 25 of this act.*

2. *An applicant for an apprentice license must provide proof satisfactory to the Board that a sponsor has agreed to assume responsibility for the direct supervision and in-service training of the applicant.*

Sec. 28. *The Board shall adopt regulations setting forth requirements for the supervision of a licensed apprentice and the responsibilities of the sponsor and the apprentice.*

Sec. 29. 1. *All work performed by a licensed apprentice must be directly supervised by a hearing aid specialist or dispensing audiologist, and the hearing aid specialist or dispensing audiologist is responsible and civilly liable for the negligence or incompetence of the licensed apprentice under his or her supervision.*

2. *Any selection of a hearing aid for a customer made by a licensed apprentice must be approved by a hearing aid specialist or dispensing audiologist.*

3. *Any audiogram or sales document prepared by a licensed apprentice must be signed by the apprentice and the supervising hearing aid specialist or dispensing audiologist.*

4. *As used in this section:*

(a) *"Incompetence" means a lack of ability to practice safely and skillfully as a licensed apprentice arising from:*

(1) A lack of knowledge or training; or

(2) An impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any controlled substance.

(b) "Negligence" means a deviation from the normal standard of professional care exercised generally by apprentices.

Sec. 30. 1. *A licensed apprentice shall, while engaged in the practice of fitting and dispensing hearing aids, identify himself or herself as an apprentice.*

2. *Any advertisement or promotional materials that refer to an apprentice must identify the apprentice as an apprentice.*

Sec. 31. *A person may not serve as a licensed apprentice for more than 3 years without passing the examination prescribed pursuant to section 25 of this act.*

Sec. 32. *A hearing aid specialist or dispensing audiologist, upon request by a physician or a member of a related profession specified by the Board, may make audiograms for the physician's or member's use in consultation with a person who suffers from impaired hearing.*

Sec. 33. *Every hearing aid specialist and licensed apprentice shall display his or her license conspicuously in each place where the licensee conducts business as a hearing aid specialist or a licensed apprentice.*

Sec. 34. *Every hearing aid specialist and licensed apprentice shall, within 10 days after changing the address of his or her place of business, notify the Board of the new address of his or her place of business.*

Sec. 35. 1. *A hearing aid specialist or dispensing audiologist licensed pursuant to this chapter may sell hearing aids by catalog, mail or the Internet if:*

(a) The hearing aid specialist or dispensing audiologist has received:

(1) A written statement signed by:

(I) A physician licensed pursuant to chapter 630 or 633 of NRS, an advanced practice registered nurse licensed pursuant to NRS 632.237, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid;

(II) A physician licensed pursuant to chapter 630 or 633 of NRS, an audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of the person to whom the hearing aid will be sold and the results of the examination indicate that the person may benefit from the use of a hearing aid; and

(III) A dispensing audiologist or a hearing aid specialist which verifies that an ear impression has been taken of the person to whom the hearing aid will be sold; or

(2) *A waiver of the medical evaluation signed by the person to whom the hearing aid will be sold as authorized pursuant to 21 C.F.R. § 801.421(a)(2); and*

(b) *The person to whom the hearing aid will be sold has signed a statement acknowledging that the hearing aid specialist or dispensing audiologist is selling him or her the hearing aid by catalog, mail or the Internet based upon the information submitted by the person in accordance with this section.*

2. *A hearing aid specialist or dispensing audiologist who sells hearing aids by catalog, mail or the Internet pursuant to this section shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.*

3. *The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information that must be included in each record required to be maintained pursuant to subsection 2.*

Sec. 36. NRS 637B.010 is hereby amended to read as follows:

637B.010 The practice of audiology , ~~and~~ the practice of ~~speech~~ *speech-language pathology and the practice of fitting and dispensing hearing aids* are hereby declared to be learned professions, affecting public safety and welfare and charged with the public interest, and are therefore subject to protection and regulation by the State.

Sec. 37. NRS 637B.020 is hereby amended to read as follows:

637B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637B.030 to 637B.070, inclusive, *and sections 9 to 15, inclusive, of this act* have the meanings ascribed to them in those sections.

Sec. 38. NRS 637B.030 is hereby amended to read as follows:

637B.030 "Audiologist" means any person who ~~engages~~ *is licensed to engage* in the practice of audiology ~~[-] pursuant to the provisions of this chapter.~~

Sec. 39. NRS 637B.040 is hereby amended to read as follows:

637B.040 "Board" means the ~~Board of Examiners for Audiology and Speech~~ *Speech-Language Pathology [-] , Audiology and Hearing Aid Dispensing Board.*

Sec. 40. NRS 637B.050 is hereby amended to read as follows:

637B.050 "Practice of audiology" ~~{consists of holding out to the public, or rendering, services for the measurement, testing, appraisal, prediction, consultation, counseling, research or treatment of}~~ *means the application of principles, methods and procedures relating to hearing and balance, hearing [impairment,] disorders and related speech and language disorders and includes, without limitation:*

1. *The conservation of auditory system functions;*
2. *Screening, identifying, assessing and interpreting, preventing and rehabilitating auditory and balance system disorders;*

3. *The selection, fitting, programming and dispensing of hearing aids, the programming of cochlear implants and other technology which assists persons with hearing loss and training persons to use such technology;*

4. *Providing vestibular and auditory rehabilitation, cerumen management and associated counseling services;*

5. *Conducting research on hearing and hearing disorders for the purpose of modifying disorders in communication involving speech, language and hearing* ~~[-]; ~~and~~~~

6. *Providing referral services for medical diagnosis and treatment* ~~[-];~~
and

7. *At the request of a physician, participating in the diagnosis of a person.*

Sec. 41. NRS 637B.060 is hereby amended to read as follows:

637B.060 "Practice of ~~[speech]~~ speech-language pathology" ~~[consists of holding out to the public, or rendering, services for the measurement, testing, identification, prediction, treatment or modification of, or counseling or research concerning:~~

~~—1. Normal and abnormal development of a person's ability to communicate;~~

~~—2. Disorders and problems concerning a person's ability to communicate;~~

~~—3. Deficiencies in a person's sensory, perceptual, motor, cognitive and social skills necessary to enable the person to communicate; and~~

~~—4. Sensorimotor functions of a person's mouth, pharynx and larynx.]~~
means the application of principles, methods and procedures relating to the development and effectiveness of human communication and disorders of human communication, and includes, without limitation:

1. *The prevention, screening, consultation, assessment, treatment, counseling, collaboration and referral services for disorders of speech, fluency, resonance voice language, feeding, swallowing and cognitive aspects of communication;*

2. *Argumentative and alternative communication techniques and strategies;*

3. *Auditory training, speech reading and speech and language intervention for persons who suffer from hearing loss;*

4. *The screening of persons for hearing loss and middle ear pathology;*

5. ~~*[Vocal tract imaging and visualization by the]*~~ *The use of [nonmedical] oral and nasal endoscopy [-]; for the purpose of vocal tract imaging and visualization;*

6. *Selecting, fitting and establishing effective use of prosthetic or adaptive devices for communication, swallowing or other upper respiratory and digestive functions, not including sensory devices used by persons with hearing loss;*

7. *Providing services to modify or enhance communication;* ~~and~~

8. *Providing referral services for medical diagnosis and treatment* ~~[-];~~
and

9. At the request of a physician, participating in the diagnosis of a person.

Sec. 42. NRS 637B.070 is hereby amended to read as follows:

637B.070 ~~["Speech"]~~ "Speech-language pathologist" means any person who ~~[engages]~~ is licensed to engage in the practice of ~~[speech]~~ speech-language pathology ~~[] pursuant to the provisions of this chapter.~~

Sec. 43. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to ~~[]~~:

~~—1. Any physician or any person who is working with patients or clients under the direct, immediate supervision of a physician and for whom the physician is directly responsible.~~

~~—2. Any hearing aid specialist who is licensed pursuant to chapter 637A of NRS and who is acting within the scope of the license.~~

~~—3. Any~~ any person who:

~~[(a)]~~ 1. Holds a current credential ~~[as an audiologist or a speech pathologist]~~ issued by the Department of Education ~~[]~~

~~—(b)] pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;~~

2. Is employed ~~[as an audiologist or a speech pathologist by a federal agency or the Department of Health and Human Services;~~

~~—(e)] by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;~~

3. Is a ~~[graduate]~~ student ~~[intern]~~ enrolled in a program or school approved by the Board, ~~[and]~~ is pursuing a ~~[graduate]~~ degree in audiology or ~~[speech]~~ speech-language pathology ~~[]~~

~~—(d) Is a registered nurse employed as a school nurse; or~~

~~—(e)] and is clearly designated to the public as a student; or~~

4. Holds a current ~~[certificate from the Council on the Education of the Deaf as a teacher,]~~ license issued pursuant to chapters 630 to 637, inclusive, or 640 to 641C, inclusive, of NRS,

➡ and who does not engage in the private practice of audiology or ~~[of speech]~~ speech-language pathology in this State.

Sec. 44. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The ~~[Board of Examiners for Audiology and Speech]~~ Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~[five]~~ eight members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) ~~[Two]~~ Three members who ~~[have been engaged in the practice of speech pathology for 2 years or more,]~~ are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) ~~{One member who has been engaged in the practice of audiology for 2 years or more;}~~ *Two members who are audiologists, at least one of whom must be a dispensing audiologist;*

(c) ~~{One member}~~ *Two members who* ~~{is a physician and who is certified by the Board of Medical Examiners as a specialist in otolaryngology, pediatrics or neurology;}~~ *are hearing aid specialists; and*

(d) One member who is a representative of the general public. This member must not be:

(1) A ~~{speech}~~ *speech-language* pathologist , *hearing aid specialist* or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a ~~{speech}~~ *speech-language* pathologist , *hearing aid specialist* or an audiologist.

3. ~~{Members of the Board who are speech pathologists and audiologists must be representative of the university, public school, hospital or private aspects of the practice of audiology and of speech pathology.}~~

~~—4.}~~ Each member of the Board who is ~~{a speech pathologist or}~~ *an audiologist , a speech-language pathologist or a hearing aid specialist* must ~~{hold}~~ :

(a) *Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and*

(b) *Hold a current license issued pursuant to this chapter .* ~~{or a current certificate of clinical competence from the American Speech-Language-Hearing Association.}~~

~~—5. The member who is a representative of the general public may not participate in preparing, conducting or grading any examination required by the Board.}~~

4. *A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.*

5. *After the initial terms, each member of the Board serves a term of 3 years.*

6. *A member of the Board shall not serve for more than two terms.*

7. *If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.*

Sec. 44.5. NRS 637B.100 is hereby amended to read as follows:

637B.100 1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, consisting of ~~{eight}~~ *seven* members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Three members who are speech-language pathologists, each of whom must practice in a different setting, including, without limitation, a university, public school, hospital or private practice;

(b) Two members who are audiologists, at least one of whom must be a dispensing audiologist;

(c) ~~[Two members]~~ One member who ~~[are]~~ is a hearing aid ~~[specialists;]~~ specialist; and

(d) One member who is a representative of the general public. This member must not be:

(1) A speech-language pathologist, hearing aid specialist or an audiologist; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a speech-language pathologist, hearing aid specialist or an audiologist.

3. Each member of the Board who is an audiologist, a speech-language pathologist or a hearing aid specialist must:

(a) Have practiced, taught or conducted research in his or her profession for the 3 years immediately preceding the appointment; and

(b) Hold a current license issued pursuant to this chapter.

4. A person who is a stockholder in a manufacturer of hearing aids may not be selected to or serve as a member of the Board.

5. After the initial terms, each member of the Board serves a term of 3 years.

6. A member of the Board shall not serve for more than two terms.

7. If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

Sec. 45. NRS 637B.120 is hereby amended to read as follows:

637B.120 1. *The Board shall elect from its members a Chair and Vice Chair. The officers of the Board hold their respective offices at the pleasure of the Board.*

2. The Board shall meet at least *twice* annually and may meet at other times on the call of the ~~[President]~~ Chair or a majority of its members.

~~[2.]~~ 3. A majority of the Board constitutes a quorum to transact all business.

4. *The Board shall comply with the provisions of chapter 241 of NRS, and all meetings of the Board must be conducted in accordance with that chapter.*

Sec. 46. NRS 637B.130 is hereby amended to read as follows:

637B.130 1. A member of the Board is entitled to receive:

(a) A salary of not more than \$150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. *The Board may employ and fix the compensation of an Executive Director and any other employee necessary to the discharge of its duties.*

4. *The expenses of the Board and members of the Board, and the salaries of its employees, must be paid from the fees received by the Board pursuant to this chapter, and no part of those expenses and salaries may be paid out of the State General Fund.*

Sec. 47. NRS 637B.160 is hereby amended to read as follows:

637B.160 ~~{1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license}~~ *Except as otherwise provided in NRS 637B.200 and sections 22 and 27 of this act, to be eligible for licensing by the Board* ~~{if the}~~, an applicant ~~{:~~

~~—(a) Is over the age of 21 years;~~
~~—(b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;~~
~~—(c) Is}~~ *for a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids must:*

1. *Be a natural person of good moral character;*

~~{(d) Meets the requirements for education or training and experience provided by subsection 2;~~

~~—(e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;~~

~~—(f) Applies for the license in the manner provided by the Board;~~

~~—(g) Passes any}~~

2. *Pass an examination* ~~{required by this chapter;~~

~~—(h) Pays}~~ *prescribed by the Board pursuant to section 18 or 25 of this act, as applicable;*

3. *Pay the fees provided for in this chapter; and*

~~{(i) Submits}~~

4. *Submit all information required to complete an application for a license.*

~~{2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.}~~

Sec. 48. NRS 637B.166 is hereby amended to read as follows:

637B.166 1. In addition to any other requirements set forth in this chapter:

(a) An applicant for the issuance of a license to engage in the practice of audiology ~~{or speech}~~, *speech-language pathology or fitting and dispensing*

hearing aids 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 engage in the practice of audiology ~~{or speech}~~, *speech-language pathology or fitting and dispensing hearing aids* 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 engage in the practice of audiology ~~{or speech}~~, *speech-language pathology or fitting and dispensing hearing aids* 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. 49. NRS 637B.190 is hereby amended to read as follows:

637B.190 The Board may issue a license without examination to a person who holds:

1. ~~{A current license to practice audiology or speech pathology in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to those provided by this chapter; or~~

~~—2.} A current certificate of clinical competence issued by the American {Speech and Hearing} Speech-Language-Hearing Association in the field of practice for which the person is applying for a license [-] ; or~~

2. *Current certification from the American Board of Audiology.*

Sec. 50. NRS 637B.200 is hereby amended to read as follows:

637B.200 1. The Board ~~{shall}~~ may issue a temporary license to *engage in the practice {audiology or speech} of:*

(a) *Audiology, speech-language pathology* ~~[]~~ *or fitting and dispensing hearing aids* upon application and the payment of the fee required ~~[fee]~~ pursuant to NRS 637B.230 to any person who is so licensed in another state and who meets all the qualifications for licensing in this State ~~[other than passing the examination.]~~; and

(b) *Fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any person who meets all of the qualifications for licensing as a hearing aid specialist or an endorsement of a license to engage in the practice of fitting and dispensing hearing aids other than passing the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to section 25 of this act.*

2. The Board may issue a temporary license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids upon application and payment of the fee required pursuant to NRS 637B.230 to any spouse of a member of the Armed Forces of the United States who:

(a) *Is so licensed in another state; and*

(b) *Attests that he or she meets all of the qualifications for licensure in this State.*

3. A temporary license issued pursuant to this section ~~[is valid until the Board publishes the results of the examination next administered after the license is issued.]~~:

(a) *Is valid for not more than 6 months;*

(b) *May be renewed not more than once; and*

(c) *May be converted to an active license upon the completion of all requirements for a license and payment of the fee required by NRS 637B.230.*

Sec. 51. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee ~~[for a license to practice speech pathology]~~	\$100
Application fee for a license to practice audiology	100
~~Annual fee]~~	\$150
License fee	100
Fee for the renewal of a license	~~[50]~~ 100
Reinstatement fee	~~[75]~~ 100
Examination fee	300
Fee for converting to a different type of license	50
Fee for each additional license or endorsement	50
Fee for obtaining license information	50

2. All fees are payable in advance and may not be refunded.

Sec. 52. NRS 637B.240 is hereby amended to read as follows:

637B.240 1. All fees collected under the provisions of this chapter must be paid to the ~~[Secretary-Treasurer of the]~~ Board to be used to defray the necessary expenses of the Board. The ~~[Secretary-Treasurer]~~ Board shall deposit the fees in qualified banks, credit unions or savings and loan associations in this State.

2. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect civil penalties therefor and deposit the money therefrom in banks, credit unions or savings and loan associations in this State.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the Board deposits the money collected from the imposition of civil penalties with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 53. NRS 637B.250 is hereby amended to read as follows:

637B.250 1. The grounds for initiating disciplinary action pursuant to this chapter are:

~~{1-}~~ (a) Unprofessional conduct.

~~{2-}~~ (b) Conviction of:

~~{(a)}~~ (1) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

~~{(b)}~~ (2) A felony or gross misdemeanor relating to the practice of audiology ~~{or speech}~~, speech-language pathology ~~{-}~~ or fitting and dispensing hearing aids;

~~{(c)}~~ (3) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~{(d)}~~ (4) Any offense involving moral turpitude.

~~{3-}~~ (c) ~~{Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.~~

~~—4-}~~ Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

~~{5-}~~ (d) Professional incompetence.

~~{6-}~~ (e) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

~~{(a)}~~ (1) The license of the facility is suspended or revoked; or

~~{(b)}~~ (2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➤ This ~~{subsection}~~ paragraph applies to an owner or other principal responsible for the operation of the facility.

2. As used in this section, "unprofessional conduct" includes, without limitation:

(a) Conduct that is harmful to the public health or safety;

(b) Obtaining a license through fraud or misrepresentation of a material fact;

(c) Suspension or revocation of a license to engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids; and

(d) *A violation of any provision of:*

(1) *Federal law concerning the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or any regulations adopted pursuant thereto, including, without limitation, 21 C.F.R. §§ 801.420 and 801.421;*

(2) *NRS 597.264 to 597.2667, inclusive, or any regulations adopted pursuant thereto; or*

(3) *This chapter or any regulations adopted pursuant thereto.*

Sec. 54. NRS 637B.255 is hereby amended to read as follows:

637B.255 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 engage in the practice of audiology ~~for speech~~, *speech-language pathology* ~~or fitting and dispensing hearing aids~~, 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 engage in the practice of audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* that has been suspended by a district court pursuant to NRS 425.540 if:

(a) 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; and

(b) The person whose license was suspended pays any fees imposed by the Board pursuant to NRS 637B.230 for the reinstatement of a license.

Sec. 55. NRS 637B.280 is hereby amended to read as follows:

637B.280 1. If, after notice and a hearing as required by law, the Board determines that the applicant or licensee has committed any act which constitutes grounds for disciplinary action, the Board may, in the case of the applicant, refuse to issue a license, and in all other cases:

(a) Refuse to renew a license;

(b) Revoke a license;

(c) Suspend a license ; ~~for a definite time, not to exceed 1 year;~~

(d) Administer to the licensee a public reprimand; ~~or~~

(e) *Impose conditions on the practice of the licensee;*

(f) Impose a civil penalty not to exceed ~~\$1,000~~ \$5,000 *for each act constituting grounds for disciplinary action; or*

(g) *Impose any combination of the disciplinary actions described in paragraphs (a) to (f), inclusive.*

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. 56. NRS 637B.290 is hereby amended to read as follows:

637B.290 1. A person shall not engage in the practice of audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* in this State without holding a valid license issued pursuant to the provisions of this chapter.

2. In addition to any other penalty prescribed by law, if the Board determines that a person has engaged in the practice of audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* in this State without holding a valid license issued pursuant to the provisions of this chapter, the Board may:

(a) Issue and serve on the person an order to cease and desist until the person obtains from the Board the proper license or otherwise demonstrates that he or she is no longer in violation of subsection 1. An order to cease and desist must 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. 57. NRS 637B.291 is hereby amended to read as follows:

637B.291 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~~ *engages in the practice of* or offers to *engage in the practice of* audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 58. NRS 637B.295 is hereby amended to read as follows:

637B.295 A member or any 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~~ *engages in the practice of* audiology ~~for speech~~, *speech-language pathology or fitting and dispensing hearing aids* 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~~ *engaging in the*

practice of audiology ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* without the appropriate license issued pursuant to the provisions of this chapter.

Sec. 59. NRS 637B.310 is hereby amended to read as follows:

637B.310 1. The Board through its ~~[President]~~ Chair or ~~[Secretary-Treasurer]~~ Vice Chair may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ *engaging in the practice of audiology* ~~[or speech]~~, *speech-language pathology or fitting and dispensing hearing aids* without a license valid under this chapter.

2. Such an injunction:

(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) Shall not relieve such person from criminal prosecution for practicing without a license.

Sec. 60. NRS 644.449 is hereby amended to read as follows:

644.449 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions of this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~[637A,]~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 61. NRS 654.185 is hereby amended to read as follows:

654.185 1. If the Board determines that a complaint filed with the Board concerns a matter within the jurisdiction of another licensing board, the Board shall refer the complaint to the other licensing board within 5 days after making the determination.

2. The Board may refer a complaint pursuant to subsection 1 orally, electronically or in writing.

3. The provisions of subsection 1 apply to any complaint filed with the Board, including, without limitation:

(a) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated by the Board or by another licensing board; and

(b) A complaint which concerns a person who or entity which is licensed, certified or otherwise regulated solely by another licensing board.

4. The provisions of this section do not prevent the Board from acting upon a complaint which concerns a matter within the jurisdiction of the Board regardless of whether the Board refers the complaint pursuant to subsection 1.

5. The Board or an officer or employee of the Board is immune from any civil liability for any decision or action taken in good faith and without malicious intent in carrying out the provisions in this section.

6. As used in this section, "licensing board" means a board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 643, 644 or 654 of NRS.

Sec. 62. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including, without limitation, any tool, substance, weapon, machine, computer, money or security, which is used as an instrumentality in any of the following crimes is subject to forfeiture:

(a) The commission of or attempted commission of the crime of murder, robbery, kidnapping, burglary, invasion of the home, grand larceny or theft if it is punishable as a felony;

(b) The commission of or attempted commission of any felony with the intent to commit, cause, aid, further or conceal an act of terrorism;

(c) A violation of NRS 202.445 or 202.446;

(d) The commission of any crime by a criminal gang, as defined in NRS 213.1263; or

(e) A violation of NRS 200.463 to 200.468, inclusive, 201.300, 201.320, 202.265, 202.287, 205.473 to 205.513, inclusive, 205.610 to 205.810, inclusive, 370.380, 370.382, 370.395, 370.405, 465.070 to 465.085, inclusive, 630.400, 630A.600, 631.400, 632.285, 632.291, 632.315, 633.741, 634.227, 634A.230, 635.167, 636.145, 637.090, ~~637A.352,~~ 637B.290, 639.100, 639.2813, 640.169, 640A.230, 644.190 or 654.200.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or 501.3857, all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287, 202.300 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge, consent or willful blindness;

(c) A conveyance is not subject to forfeiture for a violation of NRS 202.300 if the firearm used in the violation of that section was not loaded at the time of the violation; and

(d) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the felony. If a conveyance is forfeited, the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

3. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

4. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 202.4415.

Sec. 63. 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, 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, 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. 64. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance

with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a ~~{speech}~~ *speech-language* pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a ~~{speech}~~ *speech-language* pathologist by the ~~{Board of Examiners for Audiology and Speech}~~ *Speech-Language Pathology* ~~{,}~~ , *Audiology and Hearing Aid Dispensing Board*;

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the ~~{Board of Examiners for Audiology and Speech}~~ *Speech-Language Pathology* ~~{,}~~ , *Audiology and Hearing Aid Dispensing Board*; and

(b) The employee is assigned by the school district to serve as a ~~{speech}~~ *speech-language* pathologist during the school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

➡ No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall

retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

5. In determining the salary of a licensed teacher who is employed by a school district after the teacher has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the teacher the same credit for previous teaching service as the teacher was receiving from the teacher's former employer at the end of his or her former employment;

(b) Give the teacher credit for the teacher's final year of service with his or her former employer, if credit for that service is not included in credit given pursuant to paragraph (a); and

(c) Place the teacher on the schedule of salaries of the school district in a classification that is commensurate with the level of education acquired by the teacher, as set forth in the applicable negotiated agreement with the present employer.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

(b) Give the administrator credit for the administrator's final year of service with his or her former employer, if credit for that service is not otherwise included in the credit given pursuant to paragraph (a); and

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

(a) Require a school district to allow a teacher or administrator more credit for previous teaching or administrative service than the maximum credit for teaching or administrative experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher or administrator credit for his or her previous teaching or administrative service on the ground that the service differs in kind from the teaching or administrative experience for which credit is otherwise given by the school district.

9. As used in this section:

(a) "Previous administrative service" means the total of:

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

(b) "Previous teaching service" means the total of:

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

Sec. 65. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or 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 child has been abused or neglected.

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 or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare 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, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours

after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B or 641C of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person working in a school who is licensed or endorsed pursuant to chapter 391 or 641B of NRS.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children.

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 a child has died as a result of

abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

Sec. 66. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 652 or 654 of NRS.

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

- (a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;
- (b) The effect of the regulation on the cost of health care in this State;
- (c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and
- (d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 67. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

- (I) Cities and towns;
- (II) School districts; and
- (III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, ~~637A,~~ 637B, 639 or 640 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity.

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;
 (3) Liability insurance; and
 (4) Insurance for property damage;
 (d) Workers' compensation insurance; and
 (e) In addition to any information provided pursuant to subparagraph (2) of paragraph (b) or NRS 690B.260, a policy of insurance for medical malpractice. As used in this paragraph, "policy of insurance for medical malpractice" has the meaning ascribed to it in NRS 679B.144.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

- (a) Premiums directly written;
- (b) Premiums directly earned;
- (c) Number of policies issued;
- (d) Net investment income, using appropriate estimates when necessary;
- (e) Losses paid;
- (f) Losses incurred;
- (g) Loss reserves, including:
 - (1) Losses unpaid on reported claims; and
 - (2) Losses unpaid on incurred but not reported claims;
- (h) Number of claims, including:
 - (1) Claims paid; and
 - (2) Claims that have arisen but are unpaid;
- (i) Expenses for adjustment of losses, including allocated and unallocated losses;
- (j) Net underwriting gain or loss;
- (k) Net operation gain or loss, including net investment income; and
- (l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

- (a) Recoverable federal income tax;
- (b) Net unrealized capital gain or loss; and
- (c) All other expenses not included in subsection 2.

Sec. 67.5. 1. Notwithstanding any other provision of law to the contrary, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall be deemed to be the successor entity of the Board of Hearing Aid Specialists created by section 4 of chapter 583, Statutes of Nevada 1973, at page 990.

2. Any contract or other agreement entered into by an officer or entity whose name has been changed pursuant to the provisions of this act is binding upon the officer or entity to which the responsibility for the administration of the contract or other agreement has been transferred. Such a contract or other agreement may be enforced by the officer or entity to which

the responsibility for the enforcement of the contract or other agreement has been transferred.

3. Any disciplinary or other administrative action taken by the Board of Hearing Aid Specialists remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such action has been transferred.

4. The Secretary of the Board of Hearing Aid Specialists shall close each account maintained with a financial institution by the Board of Hearing Aid Specialists pursuant to NRS 637A.080 and pay the closing balance of the account to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act. The assets and liabilities of each such account are unaffected by the closure and payment. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board shall deposit the money so received in qualified banks, credit unions or savings and loan associations in this State in accordance with NRS 637B.240, as amended by section 52 of this act.

Sec. 68. Notwithstanding the amendatory provisions of this act:

1. The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, shall issue an endorsement to engage in the practice of fitting and dispensing hearing aids to any audiologist who, on October 1, 2015, holds a current license as a hearing aid specialist issued by the Board of Hearing Aid Specialists pursuant to chapter 637A of NRS.

2. A license that is valid on October 1, 2015, and that was issued by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100:

(a) Shall be deemed to be issued by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act; and

(b) Remains valid until its date of expiration, if the holder of the license otherwise remains qualified for the issuance or renewal of the license on or after October 1, 2015.

Sec. 69. 1. The terms of the members of the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 who are incumbent on September 30, 2015, expire on that date.

2. On or before October 1, 2015, the Governor shall appoint the members of the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, to terms commencing on October 1, 2015, as follows:

(a) Two members to terms that expire on July 1, 2016;

(b) Four members to terms that expire on July 1, 2017; and

(c) Two members to terms that expire on July 1, 2018.

Sec. 70. 1. Notwithstanding the amendatory provisions of sections 17, 18, 25, 28, 35 and 72 of this act transferring authority to adopt regulations

from the Board of Hearing Aid Specialists created by NRS 637A.030 and the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100, as amended by section 44 of this act, any regulations adopted by the Board of Hearing Aid Specialists and the Board of Examiners for Audiology and Speech Pathology that do not conflict with the provisions of this act remain in effect and may be enforced by the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board until the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board adopts regulations to repeal or replace those regulations.

2. Any regulations adopted by the Board of Hearing Aid Specialists created by NRS 637A.030 or the Board of Examiners for Audiology and Speech Pathology created by NRS 637B.100 that conflict with the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after October 1, 2015.

Sec. 71. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used; and

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the name of any agency, officer or instrumentality of the State whose name is changed by this act for the name which the agency, officer or instrumentality previously used.

Sec. 72. 1. NRS 637A.010, 637A.020, 637A.021, 637A.0213, 637A.0217, 637A.022, 637A.0221, 637A.0223, 637A.0227, 637A.023, 637A.0233, 637A.0235, 637A.024, 637A.025, 637A.030, 637A.035, 637A.040, 637A.060, 637A.080, 637A.090, 637A.100, 637A.110, 637A.120, 637A.130, 637A.140, 637A.150, 637A.160, 637A.163, 637A.170, 637A.190, 637A.200, 637A.205, 637A.210, 637A.220, 637A.225, 637A.230, 637A.235, 637A.240, 637A.243, 637A.245, 637A.250, 637A.253, 637A.260, 637A.270, 637A.290, 637A.300, 637A.305, 637A.310, 637A.315, 637A.340, 637A.345, 637A.350, 637A.352, 637A.353, 637A.355, 637A.360, 637B.090, 637B.110, 637B.150, 637B.170, 637B.210, 637B.220, 637B.270 and 637B.300 are hereby repealed.

2. Section 322 of chapter 483, Statutes of Nevada 1997, is hereby repealed.

Sec. 73. 1. This section and sections 1 to 44, inclusive, and 45 to 72, inclusive, of this act become effective:

(a) Upon passage and approval for the purposes of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On October 1, 2015, for all other purposes.

2. Section 44.5 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

- 637A.010 Short title.
- 637A.020 Definitions.
- 637A.021 "Board" defined.
- 637A.0213 "Chair" defined.
- 637A.0217 "Hearing aid" defined.
- 637A.022 "Hearing aid specialist" defined.
- 637A.0221 "Incompetence" defined.
- 637A.0223 "License" defined.
- 637A.0227 "Manufacturer" defined.
- 637A.023 "Member" defined.
- 637A.0233 "Negligence" defined.
- 637A.0235 "Practice of fitting and dispensing hearing aids" defined.
- 637A.024 "Secretary" defined.
- 637A.025 Applicability.
- 637A.030 Creation; number and appointment of members.
- 637A.035 Qualifications of members; terms; members serve at pleasure of Governor.
- 637A.040 Chair and Secretary; meetings; quorum.
- 637A.060 Officers; rules and regulations.
- 637A.080 Deposit and use of money received by Board; delegation of authority to take disciplinary action; deposit of fines imposed by Board; claims for attorney's fees and costs of investigation.
- 637A.090 Compensation of members and employees.
- 637A.100 Duties.
- 637A.110 Powers.
- 637A.120 Seal.
- 637A.130 Application for examination; fee.
- 637A.140 Contents of application.
- 637A.150 Actions by Board on applications.
- 637A.160 Requirements for licensing.
- 637A.163 Payment of child support: Submission of certain information by applicant; grounds for denial of examination or license; duty of Board.
- 637A.170 Examination waived for certain specialists applying before October 1, 1973.
- 637A.190 Display of license.
- 637A.200 Expiration and renewal of licenses.
- 637A.205 Transfer of license to inactive list.
- 637A.210 Fees.
- 637A.220 Apprentices: Employment; application for licensure.
- 637A.225 Apprentices: Regulations concerning approval of Board for hearing aid specialist to supervise; procedure for appeal.
- 637A.230 Apprentices: Supervision and responsibility for work; selection of hearing aid; signing of audiogram or sales document.

- 637A.235 Apprentices: Identification; title.
 - 637A.240 Limitation on period of apprenticeship.
 - 637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.
 - 637A.245 Audiograms for use of physician or member of related profession.
 - 637A.250 Grounds.
 - 637A.253 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.
 - 637A.260 Complaint against licensee; investigation; retention of complaints.
 - 637A.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.
 - 637A.290 Authorized disciplinary action; procedure for suspension; private reprimands prohibited; orders imposing discipline deemed public records.
 - 637A.300 Surrender and reinstatement of revoked license.
 - 637A.305 Active participation in fitting or dispensing hearing aid prohibited with revoked license.
 - 637A.310 Records required.
 - 637A.315 Confidentiality of certain records of Board; exceptions.
 - 637A.340 Transfer or alteration of license.
 - 637A.345 Inspection of premises by Board.
 - 637A.350 Fraudulent use of assumed name or practice without license.
 - 637A.352 Engaging in business of hearing aid specialist without license; penalties.
 - 637A.353 Engaging in business of hearing aid specialist or apprentice to hearing aid specialist without license: Reporting requirements of the Board.
 - 637A.355 Injunctive relief against violators.
 - 637A.360 Penalty.
 - 637B.090 Use of title "certified hearing aid audiologist."
 - 637B.110 Officers.
 - 637B.150 Regulations.
 - 637B.170 Examinations.
 - 637B.210 Expiration, renewal and reinstatement of licenses; fees; required statement.
 - 637B.220 Standards for ethical conduct; continuing education as prerequisite to license renewal.
 - 637B.270 Commencement of disciplinary proceedings required for certain violations of Industrial Insurance Act.
 - 637B.300 Prescribing or administering drugs or piercing or severing body tissue.
- Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 877 to Assembly Bill No. 115 addresses some small things that recognize the reality of audiologists and what they do. When they use a scope to look in the nose or the mouth, they are actually participating in something that is imaging and visualization and helping in the diagnosis in a participatory way.

Amendment adopted.

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

Assembly Bill No. 198.

Bill read third time.

Remarks by Senator Farley.

Assembly Bill No. 198 requires the Legislative Committee on Public Lands to conduct a study of water conservation and alternative sources of water for Nevada communities. The measure sets out the scope of the study. In addition to its other duties, the Committee must submit its findings and recommendations to the next Session of the Legislature. This bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 198:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 198 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 293.

Bill read third time.

Remarks by Senator Goicoechea.

This bill pertains to public administrators. It is a good bill that makes changes to a number of the requirements for public administrators. It requires that the public administrator act on behalf of the estate of a deceased person to identify and secure all assets of the estate. It is a bill that cleans up the practices of the rural counties and their public administrators.

Roll call on Assembly Bill No. 293:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 293 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 321.

Bill read third time.

Remarks by Senator Lipparelli.

Assembly Bill No. 321 requires the board of trustees of a school district to enter into a contract to provide school police officers to a charter school if the governing body of a charter school makes such a request. The contract must be entered into on or before March 15 for services to be provided for the next school year and must be for at least three years. The contract requires a chief of school police to supervise any school police officer providing services to a charter school. The board of trustees of a school district may also contract with the metropolitan

police department or the sheriff of the county, as applicable, for the provision and supervision of police services in a charter school.

This bill requires all charter and private schools to notify local law enforcement of certain key information about the school. A law enforcement agency, contacted for assistance by a public or private school without school police, must respond as it would to a call for assistance from the general public. If the occurrence of a crisis or an emergency prompts a local law enforcement agency to notify a public or private school, the law enforcement agency must consider whether it is necessary and appropriate to notify any other public or private school of the crisis or emergency. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 321:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 321 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 351.

Bill read third time.

Remarks by Senator Gustavson.

Assembly Bill No. 351 revises the criteria to be met before the Department of Business and Industry may issue a bond or other obligation to finance the acquisition, construction, improvement, restoration or rehabilitation of property, buildings or facilities of a charter school. The bill requires the charter school to have received, within the immediately preceding two consecutive school years, one of the three highest performance ratings pursuant to the statewide system of accountability for public schools.

This bill also: provides the Director of the Department of Business and Industry with the authority to administer the Charter School Financing Law; removes the requirement that charter school facility projects be subject to prevailing wages; and clarifies that the statutory pledge to not repeal, amend or modify the Charter School Financing Law must not be construed to bind the State or the Legislature to continue to apportion funds to charter schools or to maintain such apportionments at any existing levels. This bill is effective on July 1, 2015.

Roll call on Assembly Bill No. 351:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 351 having received a constitutional majority,
Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 386.

Bill read third time.

Remarks by Senator Brower.

Assembly Bill No. 386 creates and defines the crimes and associated penalties for "housebreaking," "unlawful occupancy" and "unlawful reentry." The measure addresses summary procedures to obtain possession of real property when the fore mentioned crimes have been committed. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 386:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 386 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 428.

Bill read third time.

Remarks by Senator Goicoechea.

Assembly Bill No. 428 makes various changes to the Local Government Purchasing Act. It exempts the Nevada Rural Housing from the Local Government Purchasing Act. The measure further provides that the term of a performance contract with a qualified service company entered into by a local government for the purchase and installation of one or more operating cost-savings measures may not exceed 25 years.

Roll call on Assembly Bill No. 428:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 428 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Senator Farley.

Assembly Joint Resolution No. 10 proposes to amend the *Nevada Constitution* to require the Legislature to provide by law for the Citizens' Commission on Compensation for Certain Elected Officers, which is empowered to set salaries and benefits for State Legislators, Constitutional Officers, Justices and Judges, and the salaries of certain elected county officers.

The seven-member Commission shall study the duties of these elected officials, compare their compensation to public and private employees who have similar qualifications, and fix the salaries and, as applicable, the benefits of these elected officers. Provisions limit the increases and decreases of salaries that may be set by the Commission.

Roll call on Assembly Joint Resolution No. 10:

YEAS—19.

NAYS—Woodhouse.

EXCUSED—Smith.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

SECOND READING AND AMENDMENT

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 863.

SUMMARY—Provides for the administration and enforcement of ~~exercise taxes on~~ various provisions relating to medical marijuana. (BDR 32-322)

AN ACT relating to ~~taxation~~ medical marijuana; providing for the administration and enforcement of taxes on the sale of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments; eliminating certain duties of the Department of Taxation relating to the rates of such taxes; providing for the collection of a fee by an agency of a local government from a medical marijuana establishment for certain costs of the agency; authorizing an independent contractor to provide labor to a medical marijuana establishment in certain circumstances; providing penalties; and providing other matters properly relating thereto. Legislative Counsel's Digest:

Existing law imposes taxes on: (1) the sale of controlled substances, which are defined to exclude marijuana, edible marijuana products and marijuana-infused products; and (2) the wholesale and retail sales of marijuana, edible marijuana products and marijuana-infused products by medical marijuana establishments. (NRS 372A.070, 372A.075) Sections 4-21 of this bill generally provide for the administration and enforcement of the taxes imposed on sales by medical marijuana establishments. Section 10 adopts by reference provisions of general applicability relating to the payment, collection, administration and enforcement of taxes. Sections 11 and 12 require that a taxpayer maintain certain records and provide for the inspection of those records by the Department of Taxation or its authorized representative. Sections 1 and 2 of this bill and sections 13-15 adopt provisions governing penalties for failure to pay, claims for refunds and credits, and the payment of interest on any overpayment of the tax on medical marijuana. Section 16 sets forth the procedure by which the denial of a claim for a refund or credit may be appealed to the Nevada Tax Commission and provides that the Commission's final decision on an appeal is a final decision for the purposes of judicial review pursuant to the Nevada Administrative Procedure Act. Section 17 denies standing to commence or maintain a proceeding for judicial review to anyone other than the person who made the disputed payment. If judgment is rendered for the claimant in such a proceeding, section 18 provides for the allowance and computation of interest on the amount found to have been erroneously or illegally collected. Section 19 prohibits proceedings to prevent or enjoin the collection of the tax and requires that a timely claim for a refund or credit be made as a prerequisite to any proceeding for the recovery of a refund. Section 20 makes it a gross misdemeanor for any person to file a false or fraudulent return or engage in other conduct with intent to defraud the State or evade payment of the tax. Section 21 provides that the remedies of the State relating to the administration of the tax are cumulative, meaning that the pursuit of one remedy by the Department or the Attorney General does not preclude the pursuit of any other authorized remedy.

Under existing law, the Department is required regularly to review the rates of the taxes imposed on sales by medical marijuana establishments and make recommendations to the Legislature regarding adjustments of those rates. (NRS 372A.075) Section 23 of this bill eliminates that requirement. With that exception, sections 22-28 of this bill reflect a reorganization of the provisions of chapter 372A of NRS, but make no substantive changes.

Under existing law, an applicant for the issuance or renewal of a medical marijuana establishment registration certificate must submit proof that it has complied with the zoning restrictions and applicable building requirements of the local governmental authority for the place it will be located. (NRS 453A.322) Additionally, in a local governmental jurisdiction that issues business licenses, the issuance of a medical marijuana establishment registration certificate is provisional until the establishment complies with all applicable local governmental ordinances or rules and receives a business license. (NRS 453A.326) Section 29 of this bill requires an agency of a local government that performs inspections, reviews or other tasks related to ensuring that a medical marijuana establishment complies with all applicable local governmental ordinances or rules to maintain records of: (1) the hours its employees spend on these inspections, reviews and tasks; (2) the rate of pay of such employees; and (3) the share of any costs for equipment for the agency attributable to the establishment. Section 29 requires the agency to provide these records to the establishment within 30 days after performing such inspections, reviews or tasks and requires the establishment to pay a fee to the agency equal to the actual costs of the agency to perform the inspections, reviews and tasks. Section 29 requires that the proceeds of such a fee be expended only to pay the costs to perform such inspections, reviews and tasks and prohibits the proceeds from supplanting other support for the agency.

Under existing law, a person must register with the Division of Public and Behavioral Health of the Department of Health and Human Services as a medical marijuana establishment agent before volunteering or working at a medical marijuana establishment. (NRS 453A.332) Sections 30, 31 and 33 of this bill allow an independent contractor and its employees to register as medical marijuana establishment agents and provide labor to a medical marijuana establishment.

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

Section 1. NRS 360.2937 is hereby amended to read as follows:

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A or 377C of NRS, *any of the taxes provided for in NRS 372A.075*, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in

NRS 585.497, at the rate of 0.25 percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 2. NRS 360.417 is hereby amended to read as follows:

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 377C, 444A or 585 of NRS, *any of the taxes provided for in NRS 372A.075*, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of 0.75 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 3. Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 21, inclusive, of this act.

Sec. 4. *As used in NRS 372A.075 and sections 4 to 21, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 5. *"Cultivation facility" has the meaning ascribed to it in NRS 453A.056.*

Sec. 6. *"Excise tax on medical marijuana" means any of the excise taxes imposed by NRS 372A.075.*

Sec. 7. *"Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.*

Sec. 8. *"Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.*

Sec. 9. *"Taxpayer" means a:*

- 1. Cultivation facility;*
- 2. Facility for the production of edible marijuana products or marijuana-infused products; or*
- 3. Medical marijuana dispensary.*

Sec. 10. *The provisions of chapter 360 of NRS relating to the payment, collection, administration and enforcement of taxes, including, without limitation, any provisions relating to the imposition of penalties and interest, shall be deemed to apply to the payment, collection, administration and enforcement of the excise tax on medical marijuana to the extent that those provisions do not conflict with the provisions of NRS 372A.075 and sections 4 to 21, inclusive, of this act.*

Sec. 11. *1. Each person responsible for maintaining the records of a taxpayer shall:*

(a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of NRS 372A.075 and sections 4 to 21, inclusive, of this act;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to NRS 372A.075 and sections 4 to 21, inclusive, of this act is finally determined, whichever is longer; and

(c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 12. *1. To verify the accuracy of any return filed by a taxpayer or, if no return is filed, to determine the amount required to be paid, the Department, or any person authorized in writing by the Department, may examine the books, papers and records of any person who may be liable for the excise tax on medical marijuana.*

2. Any person who may be liable for the excise tax on medical marijuana and who keeps outside of this State any books, papers and records relating thereto shall pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to examine those documents.

Sec. 13. *If the Department determines that the excise tax on medical marijuana or any penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the Department shall set forth that fact in the records of the Department and certify to the State Board of Examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Examiners, the excess amount collected or paid must, after being credited against any amount then due from the person in*

accordance with NRS 360.236, be refunded to the person or his or her successors in interest.

Sec. 14. 1. Except as otherwise provided in NRS 360.235 and 360.395:

(a) No refund of the excise tax on medical marijuana may be allowed unless a claim for refund is filed with the Department within 3 years after the last day of the month following the month for which the overpayment was made.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the Department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. The failure to file a claim within the time prescribed in subsection 1 constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 15. 1. Except as otherwise provided in subsection 2, NRS 360.320 or any other specific statute, interest must be paid upon any overpayment of the excise tax on medical marijuana at the rate set forth in, and in accordance with the provisions of, NRS 360.2937.

2. If the Department determines that any overpayment has been made intentionally or by reason of carelessness, the Department shall not allow any interest on the overpayment.

Sec. 16. 1. Within 30 days after rejecting a claim for refund or credit in whole or in part, the Department shall serve written notice of its action on the claimant in the manner prescribed for service of a notice of deficiency determination. Within 30 days after the date of service of the notice, a claimant who is aggrieved by the action of the Department may file an appeal with the Nevada Tax Commission.

2. If the Department fails to serve notice of its action on a claim for refund or credit within 6 months after the claim is filed, the claimant may consider the claim to be disallowed and file an appeal with the Nevada Tax Commission within 30 days after the last day of the 6-month period.

3. The final decision of the Nevada Tax Commission on an appeal is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

Sec. 17. 1. A proceeding for judicial review of a decision of the Nevada Tax Commission may not be commenced or maintained by an assignee of the claimant or by any other person other than the person who paid the amount at issue in the claim.

2. The failure of a claimant to file a timely petition for judicial review constitutes a waiver of any demand against the State on account of any overpayment.

Sec. 18. 1. If judgment is rendered for the claimant in a proceeding for judicial review, any amount found by the court to have been erroneously or

illegally collected must first be credited to any tax due from the claimant. The balance of the amount must be refunded to the claimant.

2. *In any such judgment, interest must be allowed at the rate of 3 percent per annum upon any amount found to have been erroneously or illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.*

Sec. 19. 1. *No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection of the excise tax on medical marijuana or any amount of tax, penalty or interest required to be collected.*

2. *No suit or proceeding, including, without limitation, a proceeding for judicial review, may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed within the time prescribed in section 14 of this act.*

Sec. 20. 1. *A person shall not, with intent to defraud the State or evade payment of the excise tax on medical marijuana or any part of the tax:*

(a) *Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration.*

(b) *Make, cause to be made or permit to be made any false entry in books, records or accounts.*

(c) *Keep, cause to be kept or permit to be kept more than one set of books, records or accounts.*

2. *Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.*

Sec. 21. *The remedies of the State provided for in NRS 372A.075 and sections 4 to 21, inclusive, of this act are cumulative, and no action taken by the Department or the Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.*

Sec. 22. NRS 372A.060 is hereby amended to read as follows:

372A.060 1. ~~[This chapter does]~~ *The provisions of this section, NRS 372A.070 and 372A.080 to 372A.130, inclusive, do not apply to:*

(a) *Any person who is registered or exempt from registration pursuant to NRS 453.226 or any other person who is lawfully in possession of a controlled substance; or*

(b) ~~[Except as otherwise provided in NRS 372A.075, any]~~ *Any person who acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana for the medical use of marijuana as authorized pursuant to chapter 453A of NRS.*

2. *Compliance with the provisions of this ~~[chapter]~~ section, NRS 372A.070 and 372A.080 to 372A.130, inclusive, does not immunize a*

person from criminal prosecution for the violation of any other provision of law.

Sec. 23. NRS 372A.075 is hereby amended to read as follows:

372A.075 1. An excise tax is hereby imposed on each wholesale sale in this State of marijuana by a cultivation facility to another medical marijuana establishment at the rate of 2 percent of the sales price of the marijuana. The excise tax imposed pursuant to this subsection is the obligation of the cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of edible marijuana products or marijuana-infused products by a facility for the production of edible marijuana products or marijuana-infused products to another medical marijuana establishment at the rate of 2 percent of the sales price of those products. The excise tax imposed pursuant to this subsection is the obligation of the facility for the production of edible marijuana products or marijuana-infused products which sells the edible marijuana products or marijuana-infused products to the other medical marijuana establishment.

3. An excise tax is hereby imposed on each retail sale in this State of marijuana, edible marijuana products or marijuana-infused products by a medical marijuana dispensary at the rate of 2 percent of the sales price of the marijuana, edible marijuana products or marijuana-infused products. The excise tax imposed pursuant to this subsection:

- (a) Is the obligation of the medical marijuana dispensary.
- (b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.
- (c) Must be considered part of the total retail price to which general state and local sales and use taxes apply.

4. The revenues collected from the excise taxes imposed pursuant to subsections 1, 2 and 3 must be distributed as follows:

(a) Seventy-five percent must be paid over as collected to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

(b) Twenty-five percent must be expended to pay the costs of the Division of Public and Behavioral Health of the Department of Health and Human Services in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive.

5. ~~{The Department shall review regularly the rates of the excise taxes imposed pursuant to subsections 1, 2 and 3 and make recommendations to the Legislature, as appropriate, regarding adjustments that the Department determines would benefit the residents of this State.~~

~~—6—~~ As used in this section:

(a) ~~["Cultivation facility" has the meaning ascribed to it in NRS 453A.056.~~

~~—(b)—~~ "Edible marijuana products" has the meaning ascribed to it in NRS 453A.101.

~~[(c) "Facility for the production of edible marijuana products or marijuana-infused products" has the meaning ascribed to it in NRS 453A.105.~~

~~—(d)]~~ (b) "Marijuana-infused products" has the meaning ascribed to it in NRS 453A.112.

~~[(e) "Medical marijuana dispensary" has the meaning ascribed to it in NRS 453A.115.~~

~~—(f)]~~ (c) "Medical marijuana establishment" has the meaning ascribed to it in NRS 453A.116.

Sec. 24. NRS 372A.080 is hereby amended to read as follows:

372A.080 1. Except as otherwise provided in NRS 239.0115, all information which is submitted to the Department by or on behalf of a dealer in controlled substances pursuant to ~~[this chapter]~~ *NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive*, and all records of the Department which contain the name, address or any other identifying information concerning a dealer are confidential.

2. No criminal prosecution may be initiated on the basis of:

(a) Information which was submitted to the Department; or

(b) Evidence derived from information submitted to the Department, pursuant to ~~[this chapter]~~ *NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive*, or any regulation adopted pursuant thereto.

3. No information described in paragraph (a) or (b) of subsection 2 is admissible in a criminal prosecution, unless the prosecution shows that the information:

(a) Was independently discovered; or

(b) Inevitably would have been discovered based on independent information.

4. This section does not prohibit the Department from publishing statistics that do not disclose the identity of a dealer or the contents of a particular return or report submitted to the Department by a dealer.

5. Any person who releases or reveals confidential information in violation of this section is guilty of a gross misdemeanor.

Sec. 25. NRS 372A.090 is hereby amended to read as follows:

372A.090 1. The Department shall:

(a) Design suitable stamps for the purpose of ~~[this chapter]~~ *NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive*.

(b) Have as many stamps printed as may be required.

(c) Sell the stamps to dealers in controlled substances who are registered.

2. The stamps must be serially numbered and the Department shall maintain a record of the number of each stamp with the name of the dealer to whom it was sold.

Sec. 26. NRS 372A.110 is hereby amended to read as follows:

372A.110 1. All taxes and fees collected by the Department pursuant to ~~[this chapter]~~ *NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive*, after deducting the actual cost of producing the stamps and

administering ~~[this chapter,]~~ *the provisions of those sections*, must be deposited with the State Treasurer for credit to the State General Fund and accounted for separately.

2. The Governor or his or her designee shall administer the money credited to the State General Fund pursuant to subsection 1. The money may be expended only for grants to county and city law enforcement agencies for the enforcement of chapter 453 of NRS.

3. Any civil penalty collected by a district attorney pursuant to NRS 372A.070 must be deposited in the county treasury for the purposes of law enforcement and conducting criminal prosecutions.

Sec. 27. NRS 372A.120 is hereby amended to read as follows:

372A.120 1. The Department shall immediately deliver any controlled substances which come into its possession in the course of administering ~~[this chapter,]~~ *NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive*, with a full accounting to the Investigation Division of the Department of Public Safety.

2. The Investigation Division of the Department of Public Safety and every other law enforcement agency shall notify the Department of each person it discovers having possession of a controlled substance and the serial number of any stamps affixed.

Sec. 28. NRS 372A.130 is hereby amended to read as follows:

372A.130 No person may bring suit to enjoin the assessment or collection of any taxes, interest or civil penalties imposed by ~~[this chapter,]~~ *NRS 372A.060, 372A.070 and 372A.080 to 372A.130, inclusive*.

Sec. 29. Chapter 453A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each agency of a local government which performs inspections, reviews or other tasks related to ensuring that a medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules pursuant to NRS 453A.326 shall maintain records of the hours its employees spend performing these inspections, reviews and tasks, the rate of pay of each such employee and the share of any costs for equipment for the agency which is attributable to the establishment.

2. Each agency of a local government shall provide records maintained pursuant to subsection 1 to the medical marijuana establishment not less than 30 days after the agency performs an inspection, review or other related task.

3. Except as otherwise provided in subsection 5:

(a) A medical marijuana establishment shall pay a fee to an agency of a local government which provides records of its costs to the establishment pursuant to subsection 2 in an amount equal to the actual costs of the agency to perform the inspection, review or other related task.

(b) If a medical marijuana establishment fails to pay the fee imposed by this subsection within 30 days after receipt of the records provided pursuant to subsection 2, the agency may charge a penalty of \$500 and assess interest

on the fee at a rate of 7 percent per year commencing 30 days after receipt of the records.

4. Any revenue generated from a fee imposed pursuant to subsection 3:

(a) Must be expended only to pay the costs of the agency of a local government to perform an inspection, review or other task related to ensuring the medical marijuana establishment is in compliance with all applicable local governmental ordinances or rules; and

(b) Must not supplant any other support provided to the agency of a local government by the local government.

5. A medical marijuana establishment may appeal a fee imposed pursuant to subsection 3 to the appropriate local government by submitting a written request to the local government not more than 30 days after the imposition of the fee which includes documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous. The obligation of the medical marijuana establishment to pay the fee is suspended until such an appeal is dismissed or the amount of the fee is redetermined pursuant to subsection 7.

6. A local government which receives a written request pursuant to subsection 5 shall administratively dismiss the request if it is not accompanied by documentation sufficient to show that the amount of the fee is unsubstantiated or erroneous.

7. A local government shall hold a hearing to determine the appropriate amount of a fee imposed pursuant to subsection 3 if the documentation which accompanies a written request submitted pursuant to subsection 5 shows that the amount of the fee was unsubstantiated or erroneous. The local government may revise the amount of the fee only if it determines that the records maintained by the agency of the local government do not support the amount of the fee imposed.

Sec. 30. NRS 453A.117 is hereby amended to read as follows:

453A.117 "Medical marijuana establishment agent" means an owner, officer, board member, employee or volunteer of a medical marijuana establishment ~~[-],~~ an independent contractor who provides labor relating to the cultivation or processing of marijuana or the production of usable marijuana, edible marijuana products or marijuana-infused products for a medical marijuana establishment or an employee of such an independent contractor.

Sec. 31. NRS 453A.332 is hereby amended to read as follows:

453A.332 1. Except as otherwise provided in this section, a person shall not volunteer or work at, ~~contract to provide labor to or be employed by an independent contractor to provide labor to~~ a medical marijuana establishment as a medical marijuana establishment agent unless the person is registered with the Division pursuant to this section.

2. A medical marijuana establishment that wishes to retain as a volunteer or employ a medical marijuana establishment agent shall submit to the

Division an application on a form prescribed by the Division. The application must be accompanied by:

(a) The name, address and date of birth of the prospective medical marijuana establishment agent;

(b) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(c) A statement signed by the prospective medical marijuana establishment agent asserting that he or she has not previously had a medical marijuana establishment agent registration card revoked;

(d) A complete set of the fingerprints and written permission of the prospective medical marijuana establishment agent authorizing the Division 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;

(e) The application fee, as set forth in NRS 453A.344; and

(f) Such other information as the Division may require by regulation.

3. A medical marijuana establishment that wishes to contract with an independent contractor to provide labor as a medical marijuana establishment agent shall submit to the Division an application on a form prescribed by the Division for the registration of the independent contractor and each employee of the independent contractor who will provide labor as a medical marijuana establishment agent. The application must be accompanied by:

(a) The name, address and, if the prospective medical marijuana establishment agent has a state business license, the state business license number assigned by the Secretary of State upon compliance with the provisions of chapter 76 of NRS;

(b) The name, address and date of birth of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical marijuana establishment agent;

(c) A statement signed by the prospective medical marijuana establishment agent pledging not to dispense or otherwise divert marijuana to, or allow any of its employees to dispense or otherwise divert marijuana to, any person who is not authorized to possess marijuana in accordance with the provisions of this chapter;

(d) A statement signed by the prospective medical marijuana establishment agent asserting that it has not previously had a medical marijuana establishment agent registration card revoked and that none of its employees who will provide labor as a medical marijuana establishment agent have previously had a medical marijuana establishment agent registration card revoked;

(e) A complete set of the fingerprints of each employee of the prospective medical marijuana establishment agent who will provide labor as a medical

marijuana establishment agent and written permission of the prospective medical marijuana establishment agent and each employee of the prospective medical marijuana establishment agent authorizing the Division 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;

(f) The application fee, as set forth in NRS 453A.344; and

(g) Such other information as the Division may require by regulation.

4. A medical marijuana establishment shall notify the Division within 10 days after a medical marijuana establishment agent ceases to be employed by ~~or~~ volunteer at or provide labor as a medical marijuana establishment agent to the medical marijuana establishment.

~~4.~~ 5. A person who:

(a) Has been convicted of an excluded felony offense; or

(b) Is less than 21 years of age,

↪ shall not serve as a medical marijuana establishment agent.

~~5.~~ 6. The Division shall submit the fingerprints of an applicant for registration as a medical marijuana establishment agent to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.

~~6.~~ 7. The provisions of this section do not require a person who is an owner, officer or board member of a medical marijuana establishment to resubmit information already furnished to the Division at the time the establishment was registered with the Division.

~~7.~~ 8. If an applicant for registration as a medical marijuana establishment agent satisfies the requirements of this section and is not disqualified from serving as such an agent pursuant to this section or any other applicable law, the Division shall issue to the person and, for an independent contractor, to each person identified in the independent contractor's application for registration as an employee who will provide labor as a medical marijuana establishment agent, a medical marijuana establishment agent registration card. If the Division does not act upon an application for a medical marijuana establishment agent registration card within 30 days after the date on which the application is received, the application shall be deemed conditionally approved until such time as the Division acts upon the application. A medical marijuana establishment agent registration card expires 1 year after the date of issuance and may be renewed upon:

(a) Resubmission of the information set forth in this section; and

(b) Payment of the renewal fee set forth in NRS 453A.344.

Sec. 32. NRS 453A.340 is hereby amended to read as follows:

453A.340 The following acts constitute grounds for immediate revocation of a medical marijuana establishment registration certificate:

1. Dispensing, delivering or otherwise transferring marijuana to a person other than a medical marijuana establishment agent, another medical

marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

2. Acquiring usable marijuana or mature marijuana plants from any person other than a medical marijuana establishment agent, another medical marijuana establishment, a patient who holds a valid registry identification card or the designated primary caregiver of such a patient.

3. Violating a regulation of the Division, the violation of which is stated to be grounds for immediate revocation of a medical marijuana establishment registration certificate.

4. Failure to pay a fee imposed pursuant to section 29 of this act.

Sec. 33. NRS 453A.344 is hereby amended to read as follows:

453A.344 1. Except as otherwise provided in subsection 2, the Division shall collect not more than the following maximum fees:

For the initial issuance of a medical marijuana establishment registration certificate for a medical marijuana dispensary	\$30,000
For the renewal of a medical marijuana establishment registration certificate for a medical marijuana dispensary	5,000
For the initial issuance of a medical marijuana establishment registration certificate for a cultivation facility	3,000
For the renewal of a medical marijuana establishment registration certificate for a cultivation facility	1,000
For the initial issuance of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	3,000
For the renewal of a medical marijuana establishment registration certificate for a facility for the production of edible marijuana products or marijuana-infused products	1,000
For <u>each person identified in an application for</u> the initial issuance of a medical marijuana establishment agent registration card	75
For <u>each person identified in an application for</u> the renewal of a medical marijuana establishment agent registration card	75
For the initial issuance of a medical marijuana establishment registration certificate for an independent testing laboratory	5,000
For the renewal of a medical marijuana establishment registration certificate for an independent testing laboratory	3,000

2. In addition to the fees described in subsection 1, each applicant for a medical marijuana establishment registration certificate must pay to the Division:

- (a) A one-time, nonrefundable application fee of \$5,000; and
- (b) The actual costs incurred by the Division in processing the application, including, without limitation, conducting background checks.

3. Any revenue generated from the fees imposed pursuant to this section:

- (a) Must be expended first to pay the costs of the Division in carrying out the provisions of NRS 453A.320 to 453A.370, inclusive; and
- (b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Distributive School Account in the State General Fund.

Sec. 34. NRS 453A.370 is hereby amended to read as follows:

453A.370 The Division shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 453A.320 to 453A.370, inclusive. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of registration and renewal applications submitted pursuant to NRS 453A.322 and 453A.332.

2. Set forth rules pertaining to the safe and healthful operation of medical marijuana establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on medical marijuana establishments or compromising the confidentiality of the holders of registry identification cards.

(b) Minimum requirements for the oversight of medical marijuana establishments.

(c) Minimum requirements for the keeping of records by medical marijuana establishments.

(d) Provisions for the security of medical marijuana establishments, including, without limitation, requirements for the protection by a fully operational security alarm system of each medical marijuana establishment.

(e) Procedures pursuant to which medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to end users are tested for content, quality and potency in accordance with standards established by the Division.

(f) Procedures pursuant to which a medical marijuana dispensary will be notified by the Division if a patient who holds a valid registry identification card has chosen the dispensary as his or her designated medical marijuana dispensary, as described in NRS 453A.366.

3. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 453A.344 may be reduced over time:

(a) To ensure that the fees imposed pursuant to NRS 453A.344 are, insofar as may be practicable, revenue neutral; and

(b) To reflect gifts and grants received by the Division pursuant to NRS 453A.720.

4. Set forth the amount of usable marijuana that a medical marijuana dispensary may dispense to a person who holds a valid registry identification card, or the designated primary caregiver of such a person, in any one 14-day period. Such an amount must not exceed the limits set forth in NRS 453A.200.

5. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter.

6. In cooperation with the Board of Medical Examiners and the State Board of Osteopathic Medicine, establish a system to:

(a) Register and track attending physicians who advise their patients that the medical use of marijuana may mitigate the symptoms or effects of the patient's medical condition;

(b) Insofar as is possible, track and quantify the number of times an attending physician described in paragraph (a) makes such an advisement; and

(c) Provide for the progressive discipline of attending physicians who advise the medical use of marijuana at a rate at which the Division and Board determine and agree to be unreasonably high.

7. Establish different categories of medical marijuana establishment agent registration cards, including, without limitation, criteria for training and certification, for each of the different types of medical marijuana establishments at which such an agent may be employed or volunteer ~~or~~ provide labor as a medical marijuana establishment agent.

8. Provide for the maintenance of a log by the Division of each person who is authorized to cultivate, grow or produce marijuana pursuant to subsection 6 of NRS 453A.200. The Division shall ensure that the contents of the log are available for verification by law enforcement personnel 24 hours a day.

9. Address such other matters as may assist in implementing the program of dispensation contemplated by NRS 453A.320 to 453A.370, inclusive.

~~{Sec. 29.}~~ *Sec. 35.* This act becomes effective on July 1, 2015.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment relates to the licensing of independent contractors who will be working in medical marijuana establishments and allows for local governments to impose cost based impact fees on the inspection and regulation of medical marijuana establishments within their jurisdiction.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 89.

Bill read second time.

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

Amendment No. 828.

SUMMARY—Makes various changes to provisions relating to certain professions. (BDR 53-295)

AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; authorizing the Nevada Equal Rights Commission to review such an employment policy under certain circumstances; revising provisions governing the dissemination of certain records of criminal history; authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; requiring a regulatory body to develop opportunities for reciprocity of licensure for certain qualified professionals; requiring a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report relating to veterans; authorizing certain regulatory bodies to enter into certain reciprocal agreements relating to the practice of licensed professionals; revising provisions relating to the licensure of an allopathic and osteopathic physician; revising provisions relating to the practice of dentistry and dental hygiene, including, without limitation, the licensing requirements for and the issuance of a license to dentists and dental hygienists; establishing a fee for the inspection of a facility required by the Board of Dental Examiners of Nevada to ensure compliance with infection control guidelines; authorizing certain qualified physicians and podiatrists to obtain a license by endorsement under certain circumstances; ~~authorizing the Board of Examiners for Social Workers to grant a provisional license to certain persons;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill set forth new provisions relating to the employment of veterans. Section 1 requires the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather aggregate unemployment data concerning veterans and report such data to the Interagency Council on Veterans Affairs on a quarterly basis. Section 2 authorizes a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Section 2 also authorizes the Nevada Equal Rights Commission to review the uniform application of such an employment policy upon receiving a written complaint from a prospective employee of the employer and requires the employer, upon a finding by the Commission that the policy

has not been applied uniformly, to revise his or her employment policy in accordance with the recommendations of the Commission. Existing law generally provides for preferential employment in public employment and the construction of public works for certain veterans. (NRS 281.060, 284.260, 338.130)

Under existing law, before a person can be issued a commercial driver's license by this State, the person is required, among other things, to pass a driving skills test for driving a commercial motor vehicle. (NRS 483.928) Section 5 of this bill provides an exemption to this requirement for certain persons who have experience driving a commercial motor vehicle because of their service in the Armed Forces of the United States.

Existing law also generally provides for the regulation of professions in this State. (Title 54 of NRS) ~~[Section 9 of this bill authorizes certain qualified professionals who are licensed in another state or territory of the United States and who are active members of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran to apply for and receive a license by endorsement to practice their respective profession in this State. Section 9 also provides that a person who meets such requirements and receives a license by endorsement in certain professions is entitled to at least a 50 percent reduction in the fee for an examination required as a prerequisite to licensure or for initial issuance of a license.]~~ Sections 13.6, 27.2, 27.3, 28.3, 36.5, 41, 45, 46, 52, 55, 59, 63, 64, 69, 74 and 78-82 of this bill authorize certain qualified physicians, podiatrists and other providers of health care and professionals to obtain an expedited license by endorsement to practice their respective professions in this State if the physician, podiatrist or other provider of health care or professional: (1) holds a valid and unrestricted license to practice in the District of Columbia or another state or territory of the United States; (2) is an active member or veteran of, the spouse of an active member or veteran of, or the surviving spouse of a veteran of, the Armed Forces of the United States; and (3) meets certain other requirements. Specifically, an expedited license by endorsement may be obtained from the Board of Medical Examiners, the State Board of Nursing, the State Board of Osteopathic Medicine, the State Board of Podiatry, the State Board of Optometry, the Board of Examiners for Audiology and Speech Pathology, the State Board of Pharmacy, the State Board of Physical Therapy Examiners, the Board of Occupational Therapy, the Board of Massage Therapists, the Board of Psychological Examiners, the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, the Board of Examiners for Social Workers and the Board of Examiners for Alcohol, Drug and Gambling Counselors.

Section 10 of this bill requires a regulatory body to develop opportunities for reciprocity of licensure for such persons who hold a professional license that is not recognized by this State. Section 11 of this bill requires a regulatory body in certain circumstances to prepare and submit to the Interagency Council on Veterans Affairs an annual report providing

information on the number of veterans who have applied for a license, have been issued a license or have renewed a license.

Section 12 of this bill authorizes certain regulatory bodies of this State to enter into a reciprocal agreement with the corresponding regulatory authority of another state or territory of the United States for the purposes of authorizing and regulating the practice of certain professions concurrently in this State and another jurisdiction. Section 12 provides that such a reciprocal agreement must not authorize a person to practice his or her profession concurrently in this State unless the person meets certain credentialing requirements. Sections ~~12,~~ 13.3, 30.5 and 33 of this bill authorize certain qualified physicians and certain qualified podiatrists to obtain an expedited license by endorsement to practice in this State if the physician or podiatrist meets certain requirements. Section 14 of this bill authorizes the Board of Medical Examiners to issue a license to practice medicine to certain persons who receive postgraduate education in certain approved residency programs in Canada.

Sections 20-27 of this bill revise various provisions relating to dentists and dental hygienists. Section 22.5 authorizes the Executive Director of the Board of Dental Examiners of Nevada to issue a license to a qualified applicant without further review of the Board under certain circumstances. Sections 23 and 25 revise provisions relating to the licensing requirements for dentists and dental hygienists, and section 27 establishes a fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines.

~~[Additionally, existing law authorizes the Board of Examiners for Social Workers to grant a license without examination to a person who holds a current license to engage in the practice of social work in a state whose licensing requirements at the time the license was issued are deemed by the Board to be substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State. (NRS 641B.270) Section 36 of this bill authorizes the Board to grant a provisional license to engage in social work as an independent social worker or a clinical social worker to an active member of or the spouse of an active member of the Armed Forces of the United States who applied for such a license if the Board deems that the other state's licensing requirements are not substantially equivalent to the requirements set forth in the statutory provisions governing social workers in this State.]~~ Section 3 of this bill adds the Board of Examiners for Social Workers to the list of persons and governmental entities to whom records of criminal history must be disseminated by an agency of criminal justice upon request.

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

Section 1. Chapter 612 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Administrator of the Division shall, for each calendar quarter, gather aggregate unemployment data concerning veterans, including, without limitation, benefits paid to veterans, and report such data to the Interagency Council on Veterans Affairs.*

2. *As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 2. Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A private employer may adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran. Such a policy must be applied uniformly to employment decisions regarding the hiring or promotion of a veteran or the spouse of a veteran or the retention of a veteran or the spouse of a veteran during a reduction in the workforce.*

2. *A private employer who gives preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1 does not violate any local or state equal employment law.*

3. *The Nevada Equal Rights Commission may, upon receipt of a written complaint from a prospective employee of a private employer who has adopted an employment policy giving preference in hiring to a veteran or the spouse of a veteran pursuant to subsection 1, review the employment policy to determine whether the policy is being applied uniformly in accordance with subsection 1. If the Commission determines that an employment policy is not being applied uniformly, the Commission shall cause written notice of its findings, including the recommendations of the Commission, to be provided to the employer and prospective employee. Upon receipt of a notice from the Commission that an employment policy is not being applied uniformly, the employer shall revise his or her employment policy consistent with the recommendations of the Commission.*

4. *As used in this section:*

(a) *"Private employer" has the meaning ascribed to it in NRS 616A.295.*

(b) *"Veteran" has the meaning ascribed to it in NRS 417.005.*

Sec. 3. NRS 179A.100 is hereby amended to read as follows:

179A.100 1. The following records of criminal history may be disseminated by an agency of criminal justice without any restriction pursuant to this chapter:

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

2. Without any restriction pursuant to this chapter, a record of criminal history or the absence of such a record may be:

(a) Disclosed among agencies which maintain a system for the mutual exchange of criminal records.

(b) Furnished by one agency to another to administer the system of criminal justice, including the furnishing of information by a police department to a district attorney.

(c) Reported to the Central Repository.

3. An agency of criminal justice shall disseminate to a prospective employer, upon request, records of criminal history concerning a prospective employee or volunteer which are the result of a name-based inquiry and which:

(a) Reflect convictions only; or

(b) Pertain to an incident for which the prospective employee or volunteer is currently within the system of criminal justice, including parole or probation.

4. In addition to any other information to which an employer is entitled or authorized to receive from a name-based inquiry, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information contained in a record of registration concerning an employee, prospective employee, volunteer or prospective volunteer who is a sex offender or an offender convicted of a crime against a child, regardless of whether the employee, prospective employee, volunteer or prospective volunteer gives written consent to the release of that information. The Central Repository shall disseminate such information in a manner that does not reveal the name of an individual victim of an offense or the information described in subsection 7 of NRS 179B.250. A request for information pursuant to this subsection must conform to the requirements of the Central Repository and must include:

(a) The name and address of the employer, and the name and signature of the person or entity requesting the information on behalf of the employer;

(b) The name and address of the employer's facility in which the employee, prospective employee, volunteer or prospective volunteer is employed or volunteers or is seeking to become employed or volunteer; and

(c) The name and other identifying information of the employee, prospective employee, volunteer or prospective volunteer.

5. In addition to any other information to which an employer is entitled or authorized to receive, the Central Repository shall disseminate to a prospective or current employer, or a person or entity designated to receive the information on behalf of such an employer, the information described in subsection 4 of NRS 179A.190 concerning an employee, prospective employee, volunteer or prospective volunteer who gives written consent to the release of that information if the employer submits a request in the manner set forth in NRS 179A.200 for obtaining a notice of information. The Central Repository shall search for and disseminate such information in the manner set forth in NRS 179A.210 for the dissemination of a notice of information.

6. Except as otherwise provided in subsection 5, the provisions of NRS 179A.180 to 179A.240, inclusive, do not apply to an employer who requests information and to whom such information is disseminated pursuant to subsections 4 and 5.

7. Records of criminal history must be disseminated by an agency of criminal justice, upon request, to the following persons or governmental entities:

(a) The person who is the subject of the record of criminal history for the purposes of NRS 179A.150.

(b) The person who is the subject of the record of criminal history when the subject is a party in a judicial, administrative, licensing, disciplinary or other proceeding to which the information is relevant.

(c) The State Gaming Control Board.

(d) The State Board of Nursing.

(e) The Private Investigator's Licensing Board to investigate an applicant for a license.

(f) A public administrator to carry out the duties as prescribed in chapter 253 of NRS.

(g) A public guardian to investigate a ward or proposed ward or persons who may have knowledge of assets belonging to a ward or proposed ward.

(h) Any agency of criminal justice of the United States or of another state or the District of Columbia.

(i) Any public utility subject to the jurisdiction of the Public Utilities Commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee or to protect the public health, safety or welfare.

(j) Persons and agencies authorized by statute, ordinance, executive order, court rule, court decision or court order as construed by appropriate state or local officers or agencies.

(k) Any person or governmental entity which has entered into a contract to provide services to an agency of criminal justice relating to the administration of criminal justice, if authorized by the contract, and if the contract also specifies that the information will be used only for stated purposes and that it will be otherwise confidential in accordance with state and federal law and regulation.

(l) Any reporter for the electronic or printed media in a professional capacity for communication to the public.

(m) Prospective employers if the person who is the subject of the information has given written consent to the release of that information by the agency which maintains it.

(n) For the express purpose of research, evaluative or statistical programs pursuant to an agreement with an agency of criminal justice.

(o) An agency which provides child welfare services, as defined in NRS 432B.030.

(p) The Division of Welfare and Supportive Services of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(q) The Aging and Disability Services Division of the Department of Health and Human Services or its designated representative, as needed to ensure the safety of investigators and caseworkers.

(r) An agency of this or any other state or the Federal Government that is conducting activities pursuant to Part D of Subchapter IV of Chapter 7 of Title 42 of the Social Security Act, 42 U.S.C. §§ 651 et seq.

(s) The State Disaster Identification Team of the Division of Emergency Management of the Department.

(t) The Commissioner of Insurance.

(u) The Board of Medical Examiners.

(v) The State Board of Osteopathic Medicine.

(w) The Board of Massage Therapists and its Executive Director.

(x) *The Board of Examiners for Social Workers.*

(y) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored by the Attorney General pursuant to NRS 228.495.

8. Agencies of criminal justice in this State which receive information from sources outside this State concerning transactions involving criminal justice which occur outside Nevada shall treat the information as confidentially as is required by the provisions of this chapter.

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *In accordance with 49 C.F.R. § 383.77, the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 for the issuance of a commercial driver's license by this State must be waived for an applicant who:*

(a) Has experience driving a commercial motor vehicle because of his or her service in the Armed Forces of the United States;

(b) Is licensed at the time of his or her application for a commercial driver's license; and

(c) Meets the requirements set forth in subsection 2.

2. *An applicant for a commercial driver's license who seeks a waiver pursuant to subsection 1 of the requirement set forth in paragraph (b) of subsection 2 of NRS 483.928 shall:*

(a) Certify that, during the 2 years immediately preceding his or her application for a commercial driver's license, the applicant has not had:

(1) More than one license in more than one jurisdiction at the same time, except for a military license;

(2) A license suspended, revoked, cancelled or denied;

(3) A conviction for an offense listed in 49 C.F.R. § 383.51(b);

(4) More than one conviction for a serious traffic violation listed in 49 C.F.R. § 383.51(c); and

(5) A conviction for a violation of any military, state or local law relating to motor vehicle traffic control, other than a parking violation,

arising in connection with any traffic accident, and has no record of an accident in which he or she was at fault.

(b) Certify and provide evidence that he or she:

(1) Has been regularly employed in a military position that requires the operation of a commercial motor vehicle within the 90 days immediately preceding his or her application;

(2) Is exempt from the requirements for a commercial driver's license pursuant to 49 C.F.R. § 383.3(c); and

(3) Has operated a vehicle which is representative of the commercial motor vehicle that he or she intends to operate for at least 2 years immediately preceding the date of his or her application.

Sec. 6. NRS 483.928 is hereby amended to read as follows:

483.928 A person who wishes to be issued a commercial driver's license by this State must:

1. Apply to the Department for a commercial driver's license;

2. In accordance with standards contained in regulations adopted by the Department:

(a) Pass a knowledge test for the type of motor vehicle the person operates or expects to operate; and

(b) ~~[Pass]~~ Except as otherwise provided in section 5 of this act, pass a driving skills test for driving a commercial motor vehicle taken in a motor vehicle which is representative of the type of motor vehicle the person operates or expects to operate;

3. Comply with all other requirements contained in the regulations adopted by the Department pursuant to NRS 483.908;

4. Not be ineligible to be issued a commercial driver's license pursuant to NRS 483.929; and

5. For the issuance of a commercial driver's license with an endorsement for hazardous materials, submit a complete set of fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History and all applicable federal agencies to process the fingerprints for a background check of the applicant in accordance with Section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, 49 U.S.C. § 5103a.

Sec. 7. Chapter 622 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 12, inclusive, of this act.

Sec. 8. As used in sections 8 to 11, inclusive, of this act, unless the context otherwise requires, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 9. ~~[1. Notwithstanding the applicable provisions for obtaining a license pursuant to this title, a regulatory body may issue such a license by endorsement to an applicant if:~~

~~— (a) The applicant holds a corresponding valid and unrestricted license to practice his or her respective profession in the District of Columbia or any state or territory of the United States;~~

~~— (b) The applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and~~

~~— (c) The regulatory body determines that the provisions of law in the District of Columbia or the state or territory in which the applicant holds a license as described in paragraph (a) are substantially equivalent to the applicable provisions of law in this State.~~

~~— 2. An applicant for a license by endorsement pursuant to this section shall submit to the applicable regulatory body with his or her application:~~

~~— (a) Proof satisfactory to the regulatory body that the applicant:~~

~~— (1) Satisfies the requirements of paragraphs (a) and (b) of subsection 1;~~

~~— (2) Is a citizen of the United States or otherwise has the legal right to work in the United States;~~

~~— (3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice his or her respective profession;~~

~~— (4) If applicable to the profession, has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and~~

~~— (5) If applicable to the profession, is certified by a specialty board of the American Board of Medical Specialties or the American Osteopathic Association;~~

~~— (b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and~~

~~— (c) Any other information required by the regulatory body in this State under whose jurisdiction the license may be issued.~~

~~— 3. Not later than 15 business days after receiving an application for a license by endorsement pursuant to this section, a regulatory body shall provide written notice to the applicant of any additional information required by the regulatory body to consider the application. The regulatory body shall approve or deny the application not later than:~~

~~— (a) Forty-five days after receiving all the additional information required by the regulatory body to complete the application; or~~

~~— (b) If the regulatory body requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10 days after receiving the report from the appropriate authority,~~

~~— whichever occurs later.~~

~~— 4. A license by endorsement may be issued at a meeting of the regulatory body or between its meetings by the chief executive officer of the regulatory body. Such an action shall be deemed to be an action of the regulatory body.~~

~~5. Notwithstanding any applicable provision of chapters 630 to 641C, inclusive, or 644 of NRS establishing a fee for any examination required as a prerequisite to licensure or for the issuance of a license, a regulatory body subject to one of those chapters shall not collect from any person to whom a license by endorsement is issued pursuant to this section more than one half of the specified fee for the examination or initial issuance of the license.~~

~~6. At any time before making a final decision on an application for a license by endorsement, a regulatory body may grant a provisional license authorizing the applicant to practice his or her respective profession in accordance with regulations adopted by the regulatory body.~~ (Deleted by amendment.)

Sec. 10. A regulatory body shall develop opportunities for reciprocity of licensure for any person who:

1. Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran; and

2. Holds a valid and unrestricted license to practice his or her profession that is not recognized by this State.

Sec. 11. If a regulatory body collects information regarding whether an applicant for a license is a veteran, the regulatory body shall prepare and submit to the Interagency Council on Veterans Affairs created by NRS 417.0191 an annual report which provides information on the number of veterans who have:

1. Applied for a license from the regulatory body.

2. Been issued a license by the regulatory body.

3. Renewed a license with the regulatory body.

Sec. 12. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. *A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:*

(a) *Has an active license to practice his or her profession in another state or territory of the United States.*

(b) *Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.*

(c) *Has not had his or her license suspended or revoked in any state or territory of the United States.*

(d) *Has not been refused a license to practice in any state or territory of the United States for any reason.*

(e) *Is not involved in ~~for~~ and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.*

(f) *Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.*

(g) *Submits to the applicable regulatory body the statement required by NRS 425.520.*

4. *If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.*

Sec. 13. Chapter 630 of NRS is hereby amended by adding thereto ~~the new section to read~~ the provisions set forth as follows: sections 13.3 and 13.6 of this act.

Sec. 13.3. 1. *Except as otherwise provided in NRS 630.1605 and 630.161, the Board may issue a license by endorsement to practice medicine to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:*

(a) *Holds a corresponding valid and unrestricted license to practice medicine in the District of Columbia or any state or territory of the United States; and*

(b) *Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association.*

2. *An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*

(a) *Proof satisfactory to the Board that the applicant:*

(1) *Satisfies the requirements of subsection 1;*

(2) *Is a citizen of the United States or otherwise has the legal right to work in the United States;*

(3) ~~Has not been disciplined for been the subject of multiple investigations]~~ and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice medicine; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

~~[(c)]~~ (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice medicine to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) ~~[(b) If the Board requires the applicant to submit fingerprints for the purpose of obtaining a report on the applicant's background, 10]~~ Ten days after receiving [the] a report [from the appropriate authority,] on the applicant's background based on the submission of the applicant's fingerprints.

↪ whichever occurs later.

4. A license by endorsement to practice medicine may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice medicine in accordance with regulations adopted by the Board.

Sec. 13.6. 1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 630.167;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↳ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 14. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the Board a license authorizing the person to practice.

2. Except as otherwise provided in NRS 630.1605, 630.161 and 630.258 to 630.266, inclusive, ~~and [sections 9 and 13]~~ section 13.3 of this act, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has received the degree of doctor of medicine from a medical school:

(1) Approved by the Liaison Committee on Medical Education of the American Medical Association and Association of American Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee on Medical Education;

(c) Is currently certified by a specialty board of the American Board of Medical Specialties and who agrees to maintain the certification for the duration of the licensure, or has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination;

(3) All parts of the United States Medical Licensing Examination;

(4) All parts of a licensing examination given by any state or territory of the United States, if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(5) All parts of the examination to become a licentiate of the Medical Council of Canada; or

(6) Any combination of the examinations specified in subparagraphs (1), (2) and (3) that the Board determines to be sufficient;

(d) Is currently certified by a specialty board of the American Board of Medical Specialties in the specialty of emergency medicine, preventive medicine or family ~~[practice]~~ *medicine* and who agrees to maintain certification in at least one of these specialties for the duration of the licensure, or:

(1) Has completed 36 months of progressive postgraduate:

(I) Education as a resident in the United States or Canada in a program approved by the Board, the Accreditation Council for Graduate Medical Education, ~~[or] the [Coordinating Council of Medical Education of the Canadian Medical Association]~~ *Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec or the College of Family Physicians of Canada, or their successor organizations*; or

(II) Fellowship training in the United States or Canada approved by the Board or the Accreditation Council for Graduate Medical Education;

(2) Has completed at least 36 months of postgraduate education, not less than 24 months of which must have been completed as a resident after receiving a medical degree from a combined dental and medical degree program approved by the Board; or

(3) Is a resident who is enrolled in a progressive postgraduate training program in the United States or Canada approved by the Board, the Accreditation Council for Graduate Medical Education, ~~for the [Coordinating Council of Medical Education of the Canadian Medical Association,]~~ Royal College of Physicians and Surgeons of Canada, the Collège des médecins du Québec, the College of Family Physicians of Canada or, as applicable, their successor organizations, has completed at least 24 months of the program and has committed, in writing, to the Board that he or she will complete the program; and

(e) Passes a written or oral examination, or both, as to his or her qualifications to practice medicine and provides the Board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b).

3. The Board may issue a license to practice medicine after the Board verifies, through any readily available source, that the applicant has complied with the provisions of subsection 2. The verification may include, but is not limited to, using the Federation Credentials Verification Service. If any information is verified by a source other than the primary source of the information, the Board may require subsequent verification of the information by the primary source of the information.

4. Notwithstanding any provision of this chapter to the contrary, if, after issuing a license to practice medicine, the Board obtains information from a primary or other source of information and that information differs from the information provided by the applicant or otherwise received by the Board, the Board may:

(a) Temporarily suspend the license;

(b) Promptly review the differing information with the Board as a whole or in a committee appointed by the Board;

(c) Declare the license void if the Board or a committee appointed by the Board determines that the information submitted by the applicant was false, fraudulent or intended to deceive the Board;

(d) Refer the applicant to the Attorney General for possible criminal prosecution pursuant to NRS 630.400; or

(e) If the Board temporarily suspends the license, allow the license to return to active status subject to any terms and conditions specified by the Board, including:

(1) Placing the licensee on probation for a specified period with specified conditions;

(2) Administering a public reprimand;

(3) Limiting the practice of the licensee;

(4) Suspending the license for a specified period or until further order of the Board;

(5) Requiring the licensee to participate in a program to correct alcohol or drug dependence or any other impairment;

(6) Requiring supervision of the practice of the licensee;

- (7) Imposing an administrative fine not to exceed \$5,000;
- (8) Requiring the licensee to perform community service without compensation;
- (9) Requiring the licensee to take a physical or mental examination or an examination testing his or her competence to practice medicine;
- (10) Requiring the licensee to complete any training or educational requirements specified by the Board; and
- (11) Requiring the licensee to submit a corrected application, including the payment of all appropriate fees and costs incident to submitting an application.

5. If the Board determines after reviewing the differing information to allow the license to remain in active status, the action of the Board is not a disciplinary action and must not be reported to any national database. If the Board determines after reviewing the differing information to declare the license void, its action shall be deemed a disciplinary action and shall be reportable to national databases.

Sec. 15. NRS 630.165 is hereby amended to read as follows:

630.165 1. Except as otherwise provided in subsection 2, an applicant for a license to practice medicine must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the proof of graduation and that it was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

2. An applicant for a license by endorsement to practice medicine pursuant to NRS 630.1605 *or section ~~10 or 13~~ 13.3 of this act* must submit to the Board, on a form provided by the Board, an application in writing, accompanied by an affidavit stating that:

(a) The applicant is the person named in the license to practice medicine issued by the District of Columbia or any state or territory of the United States and that the license was obtained without fraud or misrepresentation or any mistake of which the applicant is aware; and

(b) The information contained in the application and any accompanying material is complete and correct.

3. An application submitted pursuant to subsection 1 or 2 must include all information required to complete the application.

4. In addition to the other requirements for licensure, the Board may require such further evidence of the mental, physical, medical or other qualifications of the applicant as it considers necessary.

5. The applicant bears the burden of proving and documenting his or her qualifications for licensure.

Sec. 16. NRS 630.171 is hereby amended to read as follows:

630.171 Except as otherwise provided in NRS 630.263, in addition to the other requirements for licensure, an applicant for a license to practice medicine shall cause to be submitted to the Board, if applicable:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant ~~received~~ *completed* training; and
2. Proof of satisfactory completion of a progressive postgraduate training program specified in subparagraph (3) of paragraph (d) of subsection 2 of NRS 630.160 within 60 days after the scheduled completion of the program.

Sec. 16.5. NRS 630.195 is hereby amended to read as follows:

630.195 1. ~~1. In~~ *Except as otherwise provided in section 13.3 of this act,* addition to the other requirements for licensure, an applicant for a license to practice medicine who is a graduate of a foreign medical school shall submit to the Board proof that the applicant has received:

- (a) The degree of doctor of medicine or its equivalent, as determined by the Board; and
- (b) The standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by the Commission.

2. The proof of the degree of doctor of medicine or its equivalent must be submitted directly to the Board by the medical school that granted the degree. If proof of the degree is unavailable from the medical school that granted the degree, the Board may accept proof from any other source specified by the Board.

Sec. 17. NRS 630.258 is hereby amended to read as follows:

630.258 1. A physician who is retired from active practice and who:

- (a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or
- (b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization,
 ➔ may obtain a special volunteer medical license by submitting an application to the Board pursuant to this section.

2. An application for a special volunteer medical license must be on a form provided by the Board and must include:

- (a) Documentation of the history of medical practice of the physician;
- (b) Proof that the physician previously has been issued an unrestricted license to practice medicine in any state of the United States and that the physician has never been the subject of disciplinary action by a medical board in any jurisdiction;

(c) Proof that the physician satisfies the requirements for licensure set forth in NRS 630.160 or the requirements for licensure by endorsement set forth in NRS 630.1605 ~~[-] or section 13.3 of this act;~~

(d) Acknowledgment that the practice of the physician under the special volunteer medical license will be exclusively devoted to providing medical care:

(1) To persons in this State who are indigent, uninsured or unable to afford health care; or

(2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and

(e) Acknowledgment that the physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer medical license, except for payment by a medical facility at which the physician provides volunteer medical services of the expenses of the physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy.

3. If the Board finds that the application of a physician satisfies the requirements of subsection 2 and that the retired physician is competent to practice medicine, the Board ~~[shall]~~ *must* issue a special volunteer medical license to the physician.

4. The initial special volunteer medical license issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.

5. The Board shall not charge a fee for:

(a) The review of an application for a special volunteer medical license; or

(b) The issuance or renewal of a special volunteer medical license pursuant to this section.

6. A physician who is issued a special volunteer medical license pursuant to this section and who accepts the privilege of practicing medicine in this State pursuant to the provisions of the special volunteer medical license is subject to all the provisions governing disciplinary action set forth in this chapter.

7. A physician who is issued a special volunteer medical license pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 18. NRS 630.265 is hereby amended to read as follows:

630.265 1. ~~[Except as otherwise provided in]~~ *Unless the Board denies such licensure pursuant to NRS 630.161 [;] or for other good cause, the Board ~~[may]~~ shall* issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if the applicant is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that Commission that the applicant passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the Board with written confirmation that the applicant has been

appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. A limited license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The Board may issue a limited license for not more than 1 year but may renew the license if the applicant for the limited license meets the requirements set forth by the Board by regulation.

4. The holder of a limited license may practice medicine only in connection with his or her duties as a resident physician or under such conditions as are approved by the director of the program.

5. The holder of a limited license granted pursuant to this section may be disciplined by the Board at any time for any of the grounds provided in NRS 630.161 or 630.301 to 630.3065, inclusive.

Sec. 19. 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 <i>issued pursuant to NRS 630.1605</i> or, <u>except as otherwise provided in subsection 4, section ~~13.3~~ 13.3 of this act</u>	\$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 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. ~~For~~ Except as otherwise provided in subsection 4, 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.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) Section 13.3 of this act and the applicant is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) Section 13.6 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 19.5. NRS 630.275 is hereby amended to read as follows:

630.275 The Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.

4. The procedures deemed necessary by the Board for applications for and the initial issuance of licenses by endorsement pursuant to section 13.6 of this act.

5. The tests or examinations of applicants by the Board.

~~{5.}~~ 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, podiatric physicians and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.

~~{6.}~~ 7. The duration, renewal and termination of licenses ~~for~~ , including licenses by endorsement.

~~7.~~ 8. The grounds and procedures respecting disciplinary actions against physician assistants.

~~{8.}~~ 9. The supervision of medical services of a physician assistant by a supervising physician, including, without limitation, supervision that is performed electronically, telephonically or by fiber optics from within or outside this State or the United States.

~~{9.}~~ 10. A physician assistant's use of equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

Sec. 20. Chapter 631 of NRS is hereby amended by adding thereto a new section to read as follows:

"Minimal sedation" means a minimally depressed level of consciousness, produced by a ~~pharmacological~~ pharmacologic or nonpharmacologic method, that retains the patient's ability to independently and continuously maintain an airway and respond normally to tactile stimulation and verbal command, and during which cognitive function and coordination may be modestly impaired, but ventilatory and cardiovascular functions are unaffected.

Sec. 21. NRS 631.005 is hereby amended to read as follows:

631.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 631.015 to 631.105, inclusive, and section 20 of this act have the meanings ascribed to them in those sections.

Sec. 22. NRS 631.025 is hereby amended to read as follows:

631.025 ~~["Conscious"]~~ *"Moderate sedation" means a ~~minimally~~ drug-induced depressed level of consciousness, produced by a pharmacologic or nonpharmacologic method or a combination thereof, ~~in~~ during which ~~the~~ :*

1. *The patient retains the ability ~~independently and continuously to maintain an airway and~~ to respond ~~appropriately~~ purposefully to ~~physical stimulation and~~ verbal commands ~~[-]~~, either alone or accompanied by light tactile stimulation;*

2. *Spontaneous ventilation is adequate and no interventions are required to maintain a patent airway; and*

3. *Cardiovascular function is usually maintained.*

Sec. 22.5. NRS 631.220 is hereby amended to read as follows:

631.220 1. Every applicant for a license to practice dental hygiene or dentistry, or any of its special branches, must:

(a) File an application with the Board . ~~at least 45 days before:~~

~~— (1) The date on which the examination will be given; or~~
~~— (2) If an examination is not required for the issuance of a license, the date on which the Board is scheduled to take action on the application.]~~

(b) Accompany the application with a recent photograph of the applicant together with the required fee and such other documentation as the Board may require by regulation.

(c) Submit with the application 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.

(d) *If the applicant is required to take an examination pursuant to NRS 631.240 or 631.300, submit with the application proof satisfactory that the applicant passed the examination.*

2. An application must include all information required to complete the application.

3. *The Secretary-Treasurer may, in accordance with regulations adopted by the Board and if the Secretary-Treasurer determines that an application is:*

(a) Sufficient, advise the Executive Director of the sufficiency of the application. Upon the advice of the Secretary-Treasurer, the Executive Director may issue a license to the applicant without further review by the Board.

(b) Insufficient, reject the application by sending written notice of the rejection to the applicant.

Sec. 23. NRS 631.240 is hereby amended to read as follows:

631.240 1. Any person desiring to obtain a license to practice dentistry in this State, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must present to the Board a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Examination with an average score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners; or

(2) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~[- within the 5 years immediately preceding the date of the application,]~~ a clinical examination administered by the Western Regional Examining Board.

2. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

3. All persons who have satisfied the requirements for licensure as a dentist must be registered as licensed dentists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 23.5. NRS 631.260 is hereby amended to read as follows:

631.260 ~~[-As]~~ *Except as otherwise provided in subsection 3 of NRS 631.220, as soon as possible after the examination has been given, the Board, under rules and regulations adopted by it, shall determine the qualifications of the applicant and shall issue to each person found by the Board to have the qualifications therefor a license which will entitle the person to practice dental hygiene or dentistry, or any special branch of dentistry, as in such license defined, subject to the provisions of this chapter.*

Sec. 24. NRS 631.265 is hereby amended to read as follows:

631.265 1. No licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 may administer or supervise directly the administration of general anesthesia, ~~[-conscious]~~ *minimal sedation, moderate sedation or deep sedation to dental patients unless the dentist or person has been issued a permit authorizing him or her to do so by the Board.*

2. The Board may issue a permit authorizing a licensed dentist or person who holds a restricted license issued pursuant to NRS 631.275 to administer or supervise directly the administration of general anesthesia, ~~{conscious}~~ *minimal sedation, moderate sedation or deep sedation* to dental patients under such standards, conditions and other requirements as the Board shall by regulation prescribe.

Sec. 25. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~{or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;}~~ ; or

(2) ~~{Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or~~

~~—(3)} Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed ~~{within the 5 years immediately preceding the date of the application,}~~ a clinical examination administered by the Western Regional Examining Board.~~

2. ~~{The clinical examination given by the Board must include components that are:~~

~~—(a) Written or oral, or a combination of both; and~~

~~—(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.~~

~~—3.}~~ The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

~~{4.}~~ 3. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 26. NRS 631.313 is hereby amended to read as follows:

631.313 1. A licensed dentist may assign to a person in his or her employ who is a dental hygienist, dental assistant or other person directly or

indirectly involved in the provision of dental care only such intraoral tasks as may be permitted by a regulation of the Board or by the provisions of this chapter.

2. The performance of these tasks must be:

(a) If performed by a dental assistant or a person, other than a dental hygienist, who is directly or indirectly involved in the provision of dental care, under the supervision of the licensed dentist who made the assignment.

(b) If performed by a dental hygienist, authorized by the licensed dentist of the patient for whom the tasks will be performed, except as otherwise provided in NRS 631.287.

3. No such assignment is permitted that requires:

(a) The diagnosis, treatment planning, prescribing of drugs or medicaments, or authorizing the use of restorative, prosthodontic or orthodontic appliances.

(b) Surgery on hard or soft tissues within the oral cavity or any other intraoral procedure that may contribute to or result in an irremediable alteration of the oral anatomy.

(c) The administration of general anesthesia, ~~conscious~~ *minimal sedation, moderate* sedation or deep sedation except as otherwise authorized by regulations adopted by the Board.

(d) The performance of a task outside the authorized scope of practice of the employee who is being assigned the task.

4. A dental hygienist may, pursuant to regulations adopted by the Board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 162A.740, if:

(a) The dental hygienist is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.

Sec. 27. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry.....\$1,500

Application fee for an initial license to practice dental hygiene 750

Application fee for a specialist's license to practice dentistry.....300

Application fee for a limited license or restricted license

to practice dentistry or dental hygiene 300

Fee for administering a clinical examination in dentistry 2,500

Fee for administering a clinical examination in dental

hygiene.....1,500

Application and examination fee for a permit to administer

general anesthesia, ~~conscious~~ *minimal sedation, moderate*
sedation or deep sedation 750

Fee for any reinspection required by the Board to maintain a permit to administer general anesthesia, ~~[conscious]~~ <i>minimal sedation, moderate sedation or deep sedation</i>	500
Biennial renewal fee for a permit to administer general anesthesia, ~~[conscious]~~ <i>minimal sedation, moderate sedation or deep sedation</i>	600
Fee for the inspection of a facility required by the Board to renew a permit to administer general anesthesia, ~~[conscious]~~ <i>minimal sedation, moderate sedation or deep Sedation</i>	350
<i>Fee for the inspection of a facility required by the Board to ensure compliance with infection control guidelines</i>	500
Biennial license renewal fee for a general license, specialist's license, temporary license or restricted geographical license to practice dentistry.....	1,000
Annual license renewal fee for a limited license or restricted license to practice dentistry.....	300
Biennial license renewal fee for a general license, temporary license or restricted geographical license to practice dental hygiene	600
Annual license renewal fee for a limited license to practice dental hygiene.....	300
Biennial license renewal fee for an inactive dentist.....	400
Biennial license renewal fee for a dentist who is retired or has a disability	100
Biennial license renewal fee for an inactive dental hygienist	200
Biennial license renewal fee for a dental hygienist who is retired or has a disability	100
Reinstatement fee for a suspended license to practice dentistry or dental hygiene.....	500
Reinstatement fee for a revoked license to practice dentistry or dental hygiene.....	500
Reinstatement fee to return a dentist or dental hygienist who is inactive, retired or has a disability to active status	500
Fee for the certification of a license.....	50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed \$150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

Sec. 27.1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 27.2 and 27.3 of this act.

Sec. 27.2. 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a professional nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a professional nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a professional nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a professional nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a professional nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement to practice as a professional nurse may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a

provisional license authorizing an applicant to practice as a professional nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 27.3. 1. Except as otherwise provided in NRS 632.3405, the Board may issue a license by endorsement to practice as a practical nurse to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a practical nurse in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a practical nurse; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 632.344;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a practical nurse pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a practical nurse to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↳ whichever occurs later.

4. A license by endorsement to practice as a practical nurse may be issued at a meeting of the Board or between its meetings by the President

and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a practical nurse in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 27.4. NRS 632.140 is hereby amended to read as follows:

632.140 Except as otherwise provided in section 27.2 of this act:

1. Every applicant for a license to practice as a professional nurse in the State of Nevada must submit to the Board written evidence under oath that the applicant:

- (a) Is of good moral character.
- (b) Is in good physical and mental health.
- (c) Has completed a course of study in:

(1) An accredited school of professional nursing and holds a diploma therefrom; or

(2) An approved school of professional nursing in the process of obtaining accreditation and holds a diploma therefrom.

(d) Meets such other reasonable preliminary qualification requirements as the Board may from time to time prescribe.

2. Each applicant must remit the fee required by this chapter with the application for a license to practice as a professional nurse in this State.

Sec. 27.5. NRS 632.150 is hereby amended to read as follows:

632.150 1. ~~Each~~ Except as otherwise provided in NRS 632.160, 632.237 and section 27.2 of this act, each applicant who is otherwise qualified for a license to practice nursing as a professional nurse shall be required to write and pass an examination on such subjects and in such form as the Board may from time to time determine. Such written examination may be supplemented by an oral or practical examination in the discretion of the Board.

2. The Board shall issue a license to practice nursing as a professional nurse in the State of Nevada to each applicant who successfully passes such examination or examinations.

Sec. 27.6. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may issue a license to practice as an advanced practice registered nurse to a registered nurse ~~who~~:

(a) Who is licensed by endorsement pursuant to section 27.2 of this act and holds a corresponding valid and unrestricted license to practice as an advanced practice registered nurse in the District of Columbia or any other state or territory of the United States; or

(b) Who

(1) Has completed an educational program designed to prepare a registered nurse to:

~~[(1)]~~ (I) Perform designated acts of medical diagnosis;
~~[(2)]~~ (II) Prescribe therapeutic or corrective measures; and
~~[(3)]~~ (III) Prescribe controlled substances, poisons, dangerous drugs and devices;

~~[(b)]~~ (2) Except as otherwise provided in subsection 5, submits proof that he or she is certified as an advanced practice registered nurse by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board; and

~~[(c)]~~ (3) Meets any other requirements established by the Board for such licensure.

2. An advanced practice registered nurse may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351 and subject to the limitations set forth in subsection 3, prescribe controlled substances, poisons, dangerous drugs and devices.

➡ An advanced practice registered nurse shall not engage in any diagnosis, treatment or other conduct which the advanced practice registered nurse is not qualified to perform.

3. An advanced practice registered nurse who is authorized to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to NRS 639.2351 shall not prescribe a controlled substance listed in schedule II unless:

(a) The advanced practice registered nurse has at least 2 years or 2,000 hours of clinical experience; or

(b) The controlled substance is prescribed pursuant to a protocol approved by a collaborating physician.

4. An advanced practice registered nurse may perform the acts described in subsection 2 by using equipment that transfers information concerning the medical condition of a patient in this State electronically, telephonically or by fiber optics from within or outside this State or the United States.

5. The Board shall adopt regulations:

(a) Specifying any additional training, education and experience necessary for licensure as an advanced practice registered nurse.

(b) Delineating the authorized scope of practice of an advanced practice registered nurse.

(c) Establishing the procedure for application for licensure as an advanced practice registered nurse.

6. The provisions of subparagraph (2) of paragraph (b) of subsection 1 do not apply to an advanced practice registered nurse who obtains a license before July 1, 2014.

Sec. 27.7. NRS 632.270 is hereby amended to read as follows:

632.270 ~~[Each]~~ Except as otherwise provided in section 27.3 of this act,
each applicant for a license to practice as a practical nurse must submit to the
 Board written evidence, under oath, that the applicant:

1. Is of good moral character.
2. Has a high school diploma or its equivalent as determined by the State
Board of Education.
3. Is at least 18 years of age.
4. Has:
 - (a) Successfully completed the prescribed course of study in an accredited
school of practical nursing or an accredited school of professional nursing,
and been awarded a diploma by the school;
 - (b) Successfully completed the prescribed course of study in an approved
school of practical nursing in the process of obtaining accreditation or an
approved school of professional nursing in the process of obtaining
accreditation, and been awarded a diploma by the school; or
 - (c) Been registered or licensed as a registered nurse under the laws of
another jurisdiction.

5. Meets any other qualifications prescribed in regulations of the Board.

Sec. 27.8. NRS 632.345 is hereby amended to read as follows:

632.345 1. The Board shall establish and may amend a schedule of fees
and charges for the following items and within the following ranges:

	Not less than	Not more than
Application for license to practice professional nursing (registered nurse)	\$45	\$100
Application for license to practice practical nursing.....	30	90
Application for temporary license to practice professional nursing or practical nursing pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular license, if the applicant applies for a license.....	15	50
Application for a certificate to practice as a nursing assistant or medication aide - certified.....	15	50
Application for a temporary certificate to practice as a nursing assistant pursuant to NRS 632.300, which fee must be credited toward the fee required for a regular certificate, if the applicant applies for a certificate.....	5	40
Biennial fee for renewal of a license.....	40	100
Biennial fee for renewal of a certificate	20	50
Fee for reinstatement of a license	10	100
Application for a license to practice as an advanced practice registered nurse	50	200
Application for recognition as a certified registered nurse anesthetist.....	50	200

Biennial fee for renewal of a license to practice as an advanced practice registered nurse or certified registered nurse anesthetist	50	200
Examination fee for license to practice professional nursing	20	100
Examination fee for license to practice practical nursing	10	90
Rewriting examination for license to practice professional nursing.....	20	100
Rewriting examination for license to practice practical nursing.....	10	90
Duplicate license.....	5	30
Duplicate certificate.....	5	30
Proctoring examination for candidate from another state.....	25	150
Fee for approving one course of continuing education.....	10	50
Fee for reviewing one course of continuing education which has been changed since approval	5	30
Annual fee for approval of all courses of continuing education offered	100	500
Annual fee for review of training program	60	100
Certification examination.....	10	90
Approval of instructors of training programs.....	50	100
Approval of proctors for certification examinations	20	50
Approval of training programs.....	150	250
Validation of licensure or certification	5	25

2. If an applicant submits an application for a license by endorsement pursuant to section 27.2 or 27.3 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

3. The Board may collect the fees and charges established pursuant to this section, and those fees or charges must not be refunded.

Sec. 28. (Deleted by amendment.)

Sec. 28.3. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a physician assistant to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice as a physician assistant in the District of Columbia or any state or territory of the United States;

(b) Is certified in a specialty recognized by the American Board of Medical Specialties or the American Osteopathic Association; and

(c) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice as a physician assistant; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The application and initial license fee specified in this chapter; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a physician assistant pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a physician assistant to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↪ whichever occurs later.

4. A license by endorsement to practice as a physician assistant may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physician assistant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 28.6. NRS 633.305 is hereby amended to read as follows:

633.305 Except as otherwise provided in NRS 633.400 and section 28.3 of this act:

1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in NRS 633.501.

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if the Board has cause to believe that any credential or information submitted by the applicant is false, misleading, deceptive or fraudulent.

Sec. 29. NRS 633.311 is hereby amended to read as follows:

633.311 1. Except as otherwise provided in NRS 633.315 ~~1-1~~ and 633.381 to 633.419, inclusive, ~~and section 9 of this act,~~ an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

~~1-1~~ (a) The applicant is 21 years of age or older;

~~2-1~~ (b) The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

~~3-1~~ (c) The applicant is a graduate of a school of osteopathic medicine;

~~4-1~~ (d) The applicant:

~~(a)~~ (1) Has graduated from a school of osteopathic medicine before 1995 and has completed:

~~(1)~~ (I) A hospital internship; or

~~(2)~~ (II) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

~~(b)~~ (2) Has completed 3 years, or such other length of time as required by a specific program, of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

~~(c)~~ (3) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

~~5-1~~ (e) The applicant applies for the license as provided by law;

~~6-1~~ (f) The applicant passes:

~~{(a)}~~ (1) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

~~{(b)}~~ (2) All parts of the licensing examination of the Federation of State Medical Boards ~~of the United States, Inc.;~~

~~—(e)}~~ ;

(3) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

~~{(d)}~~ (4) A combination of the parts of the licensing examinations specified in ~~paragraphs (a), (b) and (c)}~~ *subparagraphs (1), (2) and (3)* that is approved by the Board;

~~{7-}~~ (g) The applicant pays the fees provided for in this chapter; and

~~{8-}~~ (h) The applicant submits all information required to complete an application for a license.

2. *An applicant for a license to practice osteopathic medicine may satisfy the requirements for postgraduate education or training prescribed by paragraph (d) of subsection 1:*

(a) In one or more approved postgraduate programs, which may be conducted at one or more facilities in this State or, except for a resident who is enrolled in a postgraduate training program in this State pursuant to subparagraph (3) of paragraph (d) of subsection 1, in the District of Columbia or another state or territory of the United States;

(b) In one or more approved specialties or disciplines;

(c) In nonconsecutive months; and

(d) At any time before receiving his or her license.

Sec. 30. NRS 633.322 is hereby amended to read as follows:

633.322 In addition to the other requirements for licensure to practice osteopathic medicine, an applicant shall cause to be submitted to the Board:

1. A certificate of completion of progressive postgraduate training from the residency program where the applicant received training; and

2. If applicable, proof of satisfactory completion of a postgraduate training program specified in *subparagraph (3) of paragraph ~~{(e)}~~ (d)* of subsection ~~{4}~~ 1 of NRS 633.311 within 120 days after the scheduled completion of the program.

Sec. 30.5. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American

Osteopathic Association, or was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license by endorsement pursuant to this section ~~[shall pay in]~~ must submit:

(a) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 633.309;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) In advance to the Board the application and initial license fee specified in this chapter ~~[]~~ ; and

(d) Any other information required by the Board.

3. *Not later than 15 business days after receiving an application for a license by endorsement to practice osteopathic medicine pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice osteopathic medicine to the applicant not later than:*

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➤ whichever occurs later.

4. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice osteopathic medicine in accordance with regulations adopted by the Board.

Sec. 31. NRS 633.401 is hereby amended to read as follows:

633.401 1. ~~[Except as otherwise provided in]~~ *Unless the Board denies such licensure pursuant to NRS 633.315 [5] or for other good cause, the Board [may] shall* issue a special license to practice osteopathic medicine:

(a) To authorize a person who is licensed to practice osteopathic medicine in an adjoining state to come into Nevada to care for or assist in the treatment of his or her patients in association with an osteopathic physician in this State who has primary care of the patients.

(b) To a resident while the resident is enrolled in a postgraduate training program required pursuant to the provisions of *subparagraph (3) of paragraph [(e)] (d)* of subsection [4] 1 of NRS 633.311.

(c) Other than a license issued pursuant to NRS 633.419, for a specified period and for specified purposes to a person who is licensed to practice osteopathic medicine in another jurisdiction.

2. For the purpose of paragraph (c) of subsection 1, the osteopathic physician must:

(a) Hold a full and unrestricted license to practice osteopathic medicine in another state;

(b) Not have had any disciplinary or other action taken against him or her by any state or other jurisdiction; and

(c) Be certified by a specialty board of the American Board of Medical Specialties, the American Osteopathic Association or their successors.

3. A special license issued under this section may be renewed by the Board upon application of the licensee.

4. Every person who applies for or renews a special license under this section shall pay respectively the special license fee or special license renewal fee specified in this chapter.

Sec. 32. ~~[NRS 633.416 is hereby amended to read as follows:]~~

~~633.416 1. An osteopathic physician who is retired from active practice and who:~~

~~— (a) Wishes to donate his or her expertise for the medical care and treatment of persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~— (b) Wishes to provide services for any disaster relief operations conducted by a governmental entity or nonprofit organization;~~

~~— may obtain a special volunteer license to practice osteopathic medicine by submitting an application to the Board pursuant to this section.~~

~~2. An application for a special volunteer license to practice osteopathic medicine must be on a form provided by the Board and must include:~~

~~— (a) Documentation of the history of medical practice of the osteopathic physician;~~

~~— (b) Proof that the osteopathic physician previously has been issued an unrestricted license to practice osteopathic medicine in any state of the United States and that the osteopathic physician has never been the subject of disciplinary action by a medical board in any jurisdiction;~~

~~— (e) Proof that the osteopathic physician satisfies the requirements for licensure set forth in NRS 633.311 or the requirements for licensure by endorsement set forth in NRS 633.400 [.] or section 9 of this act;~~

~~— (d) Acknowledgment that the practice of the osteopathic physician under the special volunteer license to practice osteopathic medicine will be exclusively devoted to providing medical care;~~

~~— (1) To persons in this State who are indigent, uninsured or unable to afford health care; or~~

~~— (2) As part of any disaster relief operations conducted by a governmental entity or nonprofit organization; and~~

~~— (e) Acknowledgment that the osteopathic physician will not receive any payment or compensation, either direct or indirect, or have the expectation of any payment or compensation, for providing medical care under the special volunteer license to practice osteopathic medicine, except for payment by a medical facility at which the osteopathic physician provides volunteer medical services of the expenses of the osteopathic physician for necessary travel, continuing education, malpractice insurance or fees of the State Board of Pharmacy;~~

~~— 3. If the Board finds that the application of an osteopathic physician satisfies the requirements of subsection 2 and that the retired osteopathic physician is competent to practice osteopathic medicine, the Board [shall] must issue a special volunteer license to practice osteopathic medicine to the osteopathic physician.~~

~~— 4. The initial special volunteer license to practice osteopathic medicine issued pursuant to this section expires 1 year after the date of issuance. The license may be renewed pursuant to this section, and any license that is renewed expires 2 years after the date of issuance.~~

~~— 5. The Board shall not charge a fee for:~~

~~— (a) The review of an application for a special volunteer license to practice osteopathic medicine; or~~

~~— (b) The issuance or renewal of a special volunteer license to practice osteopathic medicine pursuant to this section.~~

~~— 6. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section and who accepts the privilege of practicing osteopathic medicine in this State pursuant to the provisions of the special volunteer license to practice osteopathic medicine is subject to all the provisions governing disciplinary action set forth in this chapter.] (Deleted by amendment.)~~

7. An osteopathic physician who is issued a special volunteer license to practice osteopathic medicine pursuant to this section shall comply with the requirements for continuing education adopted by the Board.

Sec. 32.3. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.

2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The procedures deemed necessary by the Board for applications for and the issuance of initial licenses by endorsement pursuant to section 28.3 of this act.

~~5.~~ 6. The tests or examinations of applicants by the Board.

~~5.~~ 6. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine, podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

~~6.~~ 7. The grounds and procedures respecting disciplinary actions against physician assistants.

~~7.~~ 8. The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 32.6. 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) Inactive license fee.....200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) 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.

4. If an applicant submits an application for a license by endorsement pursuant to:

(a) NRS 633.400 and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving

spouse of a veteran, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license. As used in this paragraph, "veteran" has the meaning ascribed to it in NRS 417.005.

(b) Section 28.3 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 33. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice podiatry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid and unrestricted license to practice podiatry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice podiatry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 635.067;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

~~[(c)]~~ (d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice podiatry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice podiatry to the applicant not later than ~~45~~ 45 days;

(a) Forty-five days after receiving all the additional information required by the Board to complete the application ~~45~~ ; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

whichever occurs later.

4. A license by endorsement to practice podiatry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice podiatry in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a license by endorsement pursuant to this section and is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran, the Board shall collect not more than one-half of the fee established pursuant to NRS 635.050 for the initial issuance of the license. As used in this subsection, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 34. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person wishing to practice podiatry in this State must, before beginning to practice, procure from the Board a license to practice podiatry.

2. ~~[A]~~ Except as otherwise provided in section ~~30 or~~ 33 of this act, a license to practice podiatry may be issued by the Board to any person who:

- (a) Is of good moral character.
- (b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.
- (c) Has received the degree of D.P.M., Doctor of Podiatric Medicine, from an accredited school of podiatry.
- (d) Has completed a residency approved by the Board.
- (e) Has passed the examination given by the National Board of Podiatric Medical Examiners.

(f) Has not committed any act described in subsection 2 of NRS 635.130. For the purposes of this paragraph, an affidavit signed by the applicant stating that the applicant has not committed any act described in subsection 2 of NRS 635.130 constitutes satisfactory proof.

3. An applicant for a license to practice podiatry must submit to the Board or a committee thereof pursuant to such regulations as the Board may adopt:

- (a) The fee for an application for a license of not more than \$600;
- (b) Proof satisfactory to the Board that the requirements of subsection 2 have been met; and
- (c) All other information required by the Board to complete an application for a license.

➡ The Board shall, by regulation, establish the fee required to be paid pursuant to this subsection.

4. The Board may reject an application if it appears that the applicant's credentials are fraudulent or the applicant has practiced podiatry without a license or committed any act described in subsection 2 of NRS 635.130.

5. The Board may require such further documentation or proof of qualification as it may deem proper.

6. The provisions of this section do not apply to a person who applies for:

- (a) A limited license to practice podiatry pursuant to NRS 635.075; or
- (b) A provisional license to practice podiatry pursuant to NRS 635.082.

Sec. 35. NRS 635.065 is hereby amended to read as follows:

635.065 1. In addition to the other requirements for licensure set forth in this chapter, an applicant for a license to practice podiatry in this State who has been licensed to practice podiatry in another state or the District of Columbia must submit:

- (a) An affidavit signed by the applicant that:

- (1) Identifies each jurisdiction in which the applicant has been licensed to practice; and

- (2) States whether a disciplinary proceeding has ever been instituted against the applicant by the licensing board of that jurisdiction and, if so, the status of the proceeding; and

- (b) If the applicant is currently licensed to practice podiatry in another state or the District of Columbia, a certificate from the licensing board of that jurisdiction stating that the applicant is in good standing and no disciplinary proceedings are pending against the applicant.

2. ~~[The]~~ *Except as otherwise provided in section ~~40 or~~ 33 of this act, the* Board may require an applicant who has been licensed to practice podiatry in another state or the District of Columbia to:

- (a) Pass an examination prescribed by the Board concerning the provisions of this chapter and any regulations adopted pursuant thereto; or

- (b) Submit satisfactory proof that:

- (1) The applicant maintained an active practice in another state or the District of Columbia within the 5 years immediately preceding the application;

- (2) No disciplinary proceeding has ever been instituted against the applicant by a licensing board in any jurisdiction in which he or she is licensed to practice podiatry; and

- (3) The applicant has participated in a program of continuing education that is equivalent to the program of continuing education that is required pursuant to NRS 635.115 for podiatric physicians licensed in this State.

Sec. 36. ~~[NRS 641B.275 is hereby amended to read as follows:~~

~~641B.275 1. The Board shall grant a provisional license to engage in social work as a social worker to a person:~~

~~(a) Who applies to take the next available examination and who is otherwise eligible to be a social worker pursuant to subsection 1 of NRS 641B.220; or~~

~~(b) Who:~~

~~(1) Possesses a baccalaureate degree or a master's degree in a related field of study from an accredited college or university recognized by the Board; and~~

~~— (2) Presents evidence of enrollment in a program of study leading to a degree in social work at a college or university accredited by the Council on Social Work Education or which is a candidate for such accreditation and which is approved by the Board.~~

~~— 2. The Board shall grant a provisional license to engage in social work as an independent social worker to a person who applies to take the next available examination and who is otherwise eligible to be an independent social worker pursuant to subsection 1 of NRS 641B.230.~~

~~— 3. The Board shall grant a provisional license to engage in social work as a clinical social worker to a person who applies to take the next available examination and who is otherwise eligible to be a clinical social worker pursuant to subsection 1 of NRS 641B.240.~~

~~— 4. The Board may grant a provisional license to engage in social work as an independent social worker or as a clinical social worker pursuant to a plan of supervision established by the Board by regulation to a person who is an active member of, or the spouse of an active member of, the Armed Forces of the United States if:~~

~~— (a) The person applied for a license to engage in social work as an independent social worker or a clinical social worker without examination pursuant to NRS 641B.270; and~~

~~— (b) The Board deemed that the state in which the person holds a license to engage in the practice of social work did not have licensing requirements at the time the license was issued that are substantially equivalent to the requirements set forth in this chapter.~~

~~— 5. The Board shall establish by regulation the period during which a provisional license issued pursuant to this section will be valid. The period must be:~~

~~— (a) [No] Not longer than 9 months for a person who is granted a provisional license to engage in social work pursuant to paragraph (a) of subsection 1 or subsection 2 or 3; and~~

~~— (b) [No] Not longer than 3 years for a person who is granted a provisional license to engage in social work pursuant to paragraph (b) of subsection 1.]~~
(Deleted by amendment.)

Sec. 36.5. Chapter 636 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice optometry in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to practice optometry; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice optometry to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice optometry may be issued at a meeting of the Board or between its meetings by the President and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice optometry in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 37. (Deleted by amendment.)

Sec. 37.3. NRS 636.143 is hereby amended to read as follows:

636.143 1. The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination.....	\$100	\$500
Reexamination	100	500
Issuance of each license or duplicate license	35	75
Renewal of each license or duplicate license	100	500
Issuance of a license for an extended clinical facility.....	100	500
Issuance of a replacement renewal card for a license.....	10	50

2. If an applicant submits an application for a license by endorsement pursuant to section 36.5 of this act, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

Sec. 38. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[Any]~~ Except as otherwise provided in section 36.5 of this act, any person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and
5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 39. NRS 636.155 is hereby amended to read as follows:

636.155 ~~[Any]~~ Except as otherwise provided in section 36.5 of this act, an applicant must file with the Executive Director satisfactory proof that the applicant:

1. Is at least 21 years of age;
2. Is a citizen of the United States or is lawfully entitled to reside and work in this country;
3. Is of good moral character;
4. Has been certified or recertified as completing a course of cardiopulmonary resuscitation within the 12-month period immediately preceding the examination for licensure; and
5. Has graduated from a school of optometry accredited by the established professional agency and the Board, maintaining a standard of 6 college years, and including, as a prerequisite to admission to the courses in optometry, at least 2 academic years of study in a college of arts and sciences accredited by the Association of American Universities or a similar regional accrediting agency.

Sec. 40. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license for each person who has satisfied the requirements of NRS 636.150 or section 36.5 of this act and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and
2. Be signed by each member of the Board.

Sec. 41. Chapter 637B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in the practice of audiology or speech pathology to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in the practice of audiology or speech pathology, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant holds a license to engage in the practice of audiology or speech pathology, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of audiology or speech pathology pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of audiology or speech pathology, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to engage in the practice of audiology or speech pathology may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in the practice of audiology or speech pathology, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 42. NRS 637B.160 is hereby amended to read as follows:

637B.160 1. ~~[An]~~ Except as otherwise provided in section 41 of this act, an applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the Board if the applicant:

- (a) Is over the age of 21 years;
- (b) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
- (c) Is of good moral character;
- (d) Meets the requirements for education or training and experience provided by subsection 2;
- (e) Has completed at least 300 clock hours of supervised clinical experience in audiology or speech pathology, or both;
- (f) Applies for the license in the manner provided by the Board;
- (g) Passes any examination required by this chapter;
- (h) Pays the fees provided for in this chapter; and
- (i) Submits all information required to complete an application for a license.

2. An applicant must possess a master's degree in audiology or in speech pathology from an accredited educational institution or possess equivalent training and experience. If an applicant seeks to qualify on the basis of equivalent training and experience, the applicant must submit to the Board satisfactory evidence that he or she has obtained at least 60 semester credits, or equivalent quarter credits, in courses related to the normal development, function and use of speech and language or hearing, including, but not limited to, the management of disorders of speech or hearing and the legal, professional and ethical practices of audiology or speech pathology. At least 24 of the 60 credits, excluding any credits obtained for a thesis or dissertation, must have been obtained for courses directly relating to audiology or speech pathology.

Sec. 43. NRS 637B.230 is hereby amended to read as follows:

637B.230 1. The Board shall charge and collect only the following fees whose amounts must be determined by the Board, but may not exceed:

Application fee for a license to practice speech pathology	\$100
Application fee for a license to practice audiology	100
Annual fee for the renewal of a license	50
Reinstatement fee	75

2. *If an applicant submits an application for a license by endorsement pursuant to section 41 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.*

3. All fees are payable in advance and may not be refunded.

Sec. 44. Chapter 639 of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

Sec. 45. 1. The Board may issue a certificate by endorsement as a registered pharmacist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a registered pharmacist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a registered pharmacist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a registered pharmacist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a registered pharmacist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A certificate by endorsement as a registered pharmacist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate as a registered pharmacist to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 46. 1. The Board may issue a license by endorsement to conduct a pharmacy to an applicant who is a natural person and who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to conduct a pharmacy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to conduct a pharmacy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to conduct a pharmacy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to conduct a pharmacy to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to conduct a pharmacy may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license to conduct a pharmacy to an applicant in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 47. NRS 639.015 is hereby amended to read as follows:

639.015 "Registered pharmacist" means:

1. A person registered in this State as such on July 1, 1947;

2. A person registered in this State as such in compliance with the provisions of paragraph (c) of section 3 of chapter 195, Statutes of Nevada 1951; or

3. A person who has complied with the provisions of NRS 639.120 , 639.134 or section 45 of this act and whose name has been entered in the registry of pharmacists of this State by the Executive Secretary of the Board and to whom a valid certificate or certificate by endorsement as a registered pharmacist or valid renewal thereof has been issued by the Board.

Sec. 48. NRS 639.120 is hereby amended to read as follows:

639.120 1. ~~1. Except as otherwise provided in NRS 639.134 and~~
~~section 45 of this act, an~~ applicant to become a registered pharmacist in this State must:

(a) Be of good moral character.

(b) Be a graduate of a college of pharmacy or department of pharmacy of a university accredited by the Accreditation Council for Pharmacy Education or Canadian Council for Accreditation of Pharmacy Programs and approved by the Board or a graduate of a foreign school who has passed an examination for foreign graduates approved by the Board to demonstrate that his or her education is equivalent.

(c) Except as otherwise provided in NRS 622.090:

(1) Pass an examination approved and given by the Board with a grade of at least 75 on the examination as a whole and a grade of at least 75 on the examination on law.

(2) If he or she is an applicant for registration by reciprocity, pass the examination on law with at least a grade of 75.

(d) Complete not less than 1,500 hours of practical pharmaceutical experience as an intern pharmacist under the direct and immediate supervision of a registered pharmacist.

2. The practical pharmaceutical experience required pursuant to paragraph (d) of subsection 1 must relate primarily to the selling of drugs, poisons and devices, the compounding and dispensing of prescriptions, preparing prescriptions and keeping records and preparing reports required by state and federal statutes.

3. The Board may accept evidence of compliance with the requirements set forth in paragraph (d) of subsection 1 from boards of pharmacy of other states in which the experience requirement is equivalent to the requirements in this State.

Sec. 49. NRS 639.127 is hereby amended to read as follows:

639.127 1. An applicant for registration as a pharmacist in this State must submit an application to the Executive Secretary of the Board on a form furnished by the Board and must pay the fee fixed by the Board. The fee must be paid at the time the application is submitted and is compensation to the Board for the investigation and the examination of the applicant. Under no circumstances may the fee be refunded.

2. Proof of the qualifications of any applicant must be made to the satisfaction of the Board and must be substantiated by affidavits, records or such other evidence as the Board may require.

3. An application is only valid for 1 year after the date it is received by the Board unless the Board extends its period of validity.

4. A certificate of registration as a pharmacist must be issued to each person who the Board determines is qualified pursuant to the provisions of NRS 639.120 and 639.134 ~~and~~ and section 45 of this act. The certificate entitles the person to whom it is issued to practice pharmacy in this State.

Sec. 50. NRS 639.170 is hereby amended to read as follows:

639.170 1. The Board shall charge and collect not more than the following fees for the following services:

For the examination of an applicant for registration as a pharmacist.....	Actual cost of the examination
For the investigation or registration of an applicant as a registered pharmacist	\$200
For the investigation, examination or registration of an applicant as a registered pharmacist by reciprocity	300
For the investigation or issuance of an original license to conduct a retail pharmacy	600
For the biennial renewal of a license to conduct a retail pharmacy.....	500
For the investigation or issuance of an original license to conduct an institutional pharmacy	600
For the biennial renewal of a license to conduct an institutional pharmacy.....	500
For the issuance of an original or duplicate certificate of registration as a registered pharmacist	50
For the biennial renewal of registration as a registered pharmacist.....	200
For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse)	100
For the initial registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training	50
For the investigation or registration of an intern pharmacist.....	50
For the biennial renewal of registration as an intern pharmacist.....	40
For investigation or issuance of an original license to a manufacturer or wholesaler.....	500
For the biennial renewal of a license for a manufacturer or wholesaler.....	500
For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon	100
For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both.....	300

For the biennial renewal of authorization of a practitioner
to dispense controlled substances or dangerous drugs,
or both 300

2. If an applicant submits an application for a certificate of registration or a license by endorsement pursuant to section 45 or 46 of this act, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1, respectively, for:

(a) The initial registration and issuance of an original certificate of registration as a registered pharmacist.

(b) The issuance of an original license to conduct a retail or an institutional pharmacy.

3. If a person requests a special service from the Board or requests the Board to convene a special meeting, the person must pay the actual costs to the Board as a condition precedent to the rendition of the special service or the convening of the special meeting.

~~3.~~ 4. All fees are payable in advance and are not refundable.

~~4.~~ 5. The Board may, by regulation, set the penalty for failure to pay the fee for renewal for any license, permit, authorization or certificate within the statutory period, at an amount not to exceed 100 percent of the fee for renewal for each year of delinquency in addition to the fees for renewal for each year of delinquency.

Sec. 51. NRS 639.231 is hereby amended to read as follows:

639.231 1. An application to conduct a pharmacy must be made on a form furnished by the Board and must state the name, address, usual occupation and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application must state such information as to each person beneficially interested therein.

2. As used in subsection 1, and subject to the provisions of subsection 3, the term "person beneficially interested" means:

(a) If the applicant is a partnership or other unincorporated association, each partner or member.

(b) If the applicant is a corporation, each of its officers, directors and stockholders, provided that no natural person shall be deemed to be beneficially interested in a nonprofit corporation.

3. If the applicant is a partnership, unincorporated association or corporation and the number of partners, members or stockholders, as the case may be, exceeds four, the application must so state, and must list each of the four partners, members or stockholders who own the four largest interests in the applicant entity and state their percentages of interest. Upon request of the Executive Secretary of the Board, the applicant shall furnish the Board with information as to partners, members or stockholders not named in the application or shall refer the Board to an appropriate source of such information.

4. The completed application form must be returned to the Board with the fee prescribed by the Board, which may not be refunded. ~~[Any]~~ Except as

otherwise provided in section 46 of this act, any application which is not complete as required by the provisions of this section may not be presented to the Board for consideration.

5. ~~Upon~~ *Except as otherwise provided in section 46 of this act, upon compliance with all the provisions of this section and upon approval of the application by the Board, the Executive Secretary shall issue a license to the applicant to conduct a pharmacy. Any other provision of law notwithstanding, such a license authorizes the holder to conduct a pharmacy and to sell and dispense drugs and poisons and devices and appliances that are restricted by federal law to sale by or on the order of a physician.*

Sec. 52. Chapter 640 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as a physical therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a physical therapist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a physical therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640.090;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) A fee in the amount set by a regulation of the Board pursuant to paragraph (c) of subsection 1 of NRS 640.090 for an application for a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a physical therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the

Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a physical therapist to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↳ whichever occurs later.

4. A license by endorsement as a physical therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a physical therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 53. NRS 640.080 is hereby amended to read as follows:

640.080 ~~{1.}~~ Except as otherwise provided in section 52 of this act, to be eligible for licensure by the Board as a physical therapist, an applicant must:

1. Be of good moral character;
2. Have graduated from a school in which he or she completed a curriculum of physical therapy approved by the Board; and
3. Pass to the satisfaction of the Board an examination designated by the Board, unless he or she is entitled to licensure without examination as provided in NRS 640.120 or 640.140.

Sec. 54. NRS 640.090 is hereby amended to read as follows:

640.090 1. Unless he or she is entitled to licensure under NRS 640.120 or 640.140, or section 52 of this act, a person who desires to be licensed as a physical therapist must:

~~{1.}~~ (a) Apply to the Board, in writing, on a form furnished by the Board;
~~{2.}~~ (b) Include in the application evidence, under oath, satisfactory to the Board, that the person possesses the qualifications required by NRS 640.080 other than having passed the examination;

~~{3.}~~ (c) Pay to the Board at the time of filing the application a fee set by a regulation of the Board in an amount not to exceed \$300;

~~{4.}~~ (d) Submit to the Board with the application a complete set of fingerprints which the Board may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~{5.}~~ (e) Submit other documentation and proof the Board may require; and

~~{6.}~~ (f) Submit all other information required to complete the application.

2. If an applicant submits an application for a license by endorsement pursuant to section 52 of this act, the Board shall collect not more than

one-half of the fee specified in paragraph (c) of subsection 1 for the initial issuance of the license.

Sec. 55. Chapter 640A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement as an occupational therapist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an occupational therapist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an occupational therapist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) A fee in the amount set by a regulation of the Board pursuant to NRS 640A.190 for the initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an occupational therapist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an occupational therapist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement as an occupational therapist may be issued at a meeting of the Board or between its meetings by the Chair of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an occupational therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 56. NRS 640A.120 is hereby amended to read as follows:

640A.120 ~~[To]~~ Except as otherwise provided in section 55 of this act, to be eligible for licensing by the Board as an occupational therapist or occupational therapy assistant, an applicant must:

1. Be a natural person of good moral character.
2. Except as otherwise provided in NRS 640A.130, have satisfied the academic requirements of an educational program approved by the Board. The Board shall not approve an educational program designed to qualify a person to practice as an occupational therapist or an occupational therapy assistant unless the program is accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, Inc., or its successor organization.

3. Except as otherwise provided in NRS 640A.130, have successfully completed:

- (a) If the application is for licensing as an occupational therapist, 24 weeks; or

- (b) If the application is for licensing as an occupational therapy assistant, 16 weeks,

➔ of supervised fieldwork experience approved by the Board. The Board shall not approve any supervised experience unless the experience was sponsored by the American Occupational Therapy Association, Inc., or its successor organization, or the educational institution at which the applicant satisfied the requirements of subsection 2.

4. Except as otherwise provided in NRS 640A.160 and 640A.170, pass an examination approved by the Board.

Sec. 57. NRS 640A.140 is hereby amended to read as follows:

640A.140 1. ~~[A]~~ Except as otherwise provided in section 55 of this act, a person who desires to be licensed by the Board as an occupational therapist or occupational therapy assistant must:

- (a) Submit an application to the Board on a form furnished by the Board; and

- (b) Provide evidence satisfactory to the Board that he or she possesses the qualifications required pursuant to subsections 1, 2 and 3 of NRS 640A.120.

2. The application must include all information required to complete the application.

Sec. 58. NRS 640A.190 is hereby amended to read as follows:

640A.190 1. The Board may by regulation establish reasonable fees for:

- (a) The examination of an applicant for a license;
 - (b) The initial issuance of a license;
 - (c) The issuance of a temporary license;
 - (d) The renewal of a license; and
 - (e) The late renewal of a license.

2. ~~[The]~~ If an applicant submits an application for a license by endorsement pursuant to section 55 of this act, the Board shall collect not more than one-half of the fee established pursuant to subsection 1 for the initial issuance of the license.

3. Except as otherwise provided in subsection 2, the fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 59. Chapter 640C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice massage therapy to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to practice massage therapy in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to practice massage therapy; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 640C.400;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 640C.520 for the application for and initial issuance of a license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice massage therapy pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice massage therapy to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

➡ whichever occurs later.

4. A license by endorsement to practice massage therapy may be issued at a meeting of the Board or between its meetings by the Chair and Executive Director of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement, the Board may grant a provisional license authorizing an applicant to practice as a massage therapist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 60. NRS 640C.400 is hereby amended to read as follows:

640C.400 1. The Board may issue a license to practice massage therapy.

2. An applicant for a license must:

(a) Be at least 18 years of age;

(b) ~~Submit~~ Except as otherwise provided in section 59 of this act, submit to the Board:

(1) A completed application on a form prescribed by the Board;

(2) The fees prescribed by the Board pursuant to NRS 640C.520;

(3) Proof that the applicant has successfully completed a program of massage therapy recognized by the Board;

(4) A certified statement issued by the licensing authority in each state, territory or possession of the United States or the District of Columbia in which the applicant is or has been licensed to practice massage therapy verifying that:

(I) The applicant has not been involved in any disciplinary action relating to his or her license to practice massage therapy; and

(II) Disciplinary proceedings relating to his or her license to practice massage therapy are not pending;

(5) Except as otherwise provided in NRS 640C.440, 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;

(6) The names and addresses of five natural persons not related to the applicant and not business associates of the applicant who are willing to serve as character references;

(7) A statement authorizing the Board or its designee to conduct an investigation to determine the accuracy of any statements set forth in the application; and

(8) If required by the Board, a financial questionnaire; and

(c) In addition to any examination required pursuant to NRS 640C.320, ~~and~~ and except as otherwise provided in section 59 of this act:

(1) Except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists; or

(2) At the applicant's discretion and in lieu of a written examination, pass an oral examination prescribed by the Board.

3. If the Board determines that the examinations being administered pursuant to subparagraph (1) of paragraph (c) of subsection 2 are inadequately testing the knowledge and competency of applicants, the Board shall prepare or cause to be prepared its own written examination to test the knowledge and competency of applicants. Such an examination must be offered not less than four times each year. The location of the examination must alternate between Clark County and Washoe County. Upon request, the Board must provide a list of approved interpreters at the location of the examination to interpret the examination for an applicant who, as determined by the Board, requires an interpreter for the examination.

4. The Board shall recognize a program of massage therapy that is:

- (a) Approved by the Commission on Postsecondary Education; or
- (b) Offered by a public college in this State or any other state.

↪ The Board may recognize other programs of massage therapy.

5. ~~The~~ Except as otherwise provided in section 59 of this act, the Board or its designee shall:

(a) Conduct an investigation to determine:

- (1) The reputation and character of the applicant;
- (2) The existence and contents of any record of arrests or convictions of the applicant;

(3) The existence and nature of any pending litigation involving the applicant that would affect his or her suitability for licensure; and

(4) The accuracy and completeness of any information submitted to the Board by the applicant;

(b) If the Board determines that it is unable to conduct a complete investigation, require the applicant to submit a financial questionnaire and investigate the financial background and each source of funding of the applicant;

(c) Report the results of the investigation of the applicant within the period the Board establishes by regulation pursuant to NRS 640C.320; and

(d) Except as otherwise provided in NRS 239.0115, maintain the results of the investigation in a confidential manner for use by the Board and its members and employees in carrying out their duties pursuant to this chapter. The provisions of this paragraph do not prohibit the Board or its members or employees from communicating or cooperating with or providing any documents or other information to any other licensing board or any other

federal, state or local agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 61. NRS 640C.520 is hereby amended to read as follows:

640C.520 1. The Board shall establish a schedule of fees and charges. The fees for the following items must not exceed the following amounts:

An examination established by the Board pursuant to this chapter.....	\$600
An application for a license	300
An application for a license without an examination.....	300
A background check of an applicant.....	600
The issuance of a license.....	400
The renewal of a license	200
The restoration of an expired license	500
The reinstatement of a suspended or revoked license	500
The issuance of a replacement license	75
The restoration of an inactive license.....	300

2. *If an applicant submits an application for a license by endorsement pursuant to section 59 of this act, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.*

3. The total fees collected by the Board pursuant to this section must not exceed the amount of money necessary for the operation of the Board and for the maintenance of an adequate reserve.

Sec. 62. Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 63 and 64 of this act.

Sec. 63. 1. The Board may issue a license by endorsement as a psychologist or behavior analyst to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a psychologist or behavior analyst, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. *An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:*

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a psychologist or behavior analyst, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641.160;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a psychologist or behavior analyst pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a psychologist or behavior analyst, as applicable, to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints, whichever occurs later.

4. A license by endorsement as a psychologist or behavior analyst may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a psychologist or behavior analyst, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 64. 1. The Board may issue a certificate by endorsement as an autism behavior interventionist to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as an autism behavior interventionist in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an autism behavior interventionist; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fee prescribed by the Board pursuant to NRS 641.370 for the issuance of an initial certificate; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an autism behavior interventionist pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an autism behavior interventionist to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A certificate by endorsement as an autism behavior interventionist may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as an autism behavior interventionist in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 65. NRS 641.170 is hereby amended to read as follows:

641.170 1. ~~(Each)~~ Except as otherwise provided in section 63 of this act, each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. ~~[Each]~~ *Except as otherwise provided in section 63 of this act, each* application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.
- (d) Has earned a master's degree from an accredited college or university in a field of social science or special education and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 21 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.
- (d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. ~~[Within]~~ *Except as otherwise provided in section 63 of this act, within* 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and
- (b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

- (a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 66. NRS 641.172 is hereby amended to read as follows:

641.172 1. ~~[Each]~~ Except as otherwise provided in section 64 of this act, each application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

- (a) Is at least 18 years of age.
- (b) Is of good moral character as determined by the Board.
- (c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.
- (d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.
- (e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. ~~[Within]~~ Except as otherwise provided in section 64 of this act, within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

- (a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and
- (b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 67. NRS 641.180 is hereby amended to read as follows:

641.180 1. Except as otherwise provided in this section and NRS 641.190, and section 63 of this act, each applicant for a license as a psychologist must pass the national examination. In addition to the national examination, the Board may require an examination in whatever applied or theoretical fields it deems appropriate.

2. The Board shall notify each applicant of the results of the national examination and any other examination required pursuant to subsection 1.

3. The Board may waive the requirement of the national examination for a person who:

- (a) Is licensed in another state;

- (b) Has at least 10 years' experience; and
- (c) Is a diplomate in the American Board of Professional Psychology or a fellow in the American Psychological Association, or who has other equivalent status as determined by the Board.

Sec. 68. NRS 641.370 is hereby amended to read as follows:

641.370 1. The Board shall charge and collect not more than the following fees respectively:

For the national examination, in addition to the actual cost to the Board of the examination	100
For any other examination required pursuant to the provisions of subsection 1 of NRS 641.180, in addition to the actual costs to the Board of the examination	100
For the issuance of an initial license or certificate	25
For the biennial renewal of a license of a psychologist	500
For the biennial renewal of a license of a licensed behavior analyst	400
For the biennial renewal of a license of a licensed assistant behavior analyst	275
For the biennial renewal of a certificate of a certified autism behavior interventionist	175
For the restoration of a license suspended for the nonpayment of the biennial fee for the renewal of a license	100
For the registration of a firm, partnership or corporation which engages in or offers to engage in the practice of psychology ...	300
For the registration of a nonresident to practice as a consultant	100

2. An applicant who passes the national examination and any other examination required pursuant to the provisions of subsection 1 of NRS 641.180 and who is eligible for a license as a psychologist shall pay the biennial fee for the renewal of a license, which must be prorated for the period from the date the license is issued to the end of the biennium.

3. An applicant who passes the examination and is eligible for a license as a behavior analyst or assistant behavior analyst or a certificate as a autism behavior interventionist shall pay the biennial fee for the renewal of a license or certificate, which must be prorated for the period from the date the license or certificate is issued to the end of the biennium.

4. ~~4. In~~ *Except as otherwise provided in subsection 5, in addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental service it provides. The fee must not exceed the cost to provide the service.*

5. If an applicant submits an application for a license or certificate by endorsement pursuant to section 63 or 64 of this act, as applicable, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license or certificate.

Sec. 69. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a marriage and family therapist or clinical professional counselor, as applicable, in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a marriage and family therapist or clinical professional counselor, as applicable; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(c) The fees prescribed by the Board pursuant to NRS 641A.290 for the application for and initial issuance of a license; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to practice as a marriage and family therapist or clinical professional counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, as applicable, to the applicant not later than 45 days after receiving all the additional information required by the Board to complete the application.

4. A license by endorsement to practice as a marriage and family therapist or clinical professional counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a marriage and

family therapist or clinical professional counselor, as applicable, in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 70. NRS 641A.220 is hereby amended to read as follows:

641A.220 ~~[Each]~~ Except as otherwise provided in section 69 of this act, ~~each~~ applicant for a license to practice as a marriage and family therapist must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;
4. Has completed residency training in psychiatry from an accredited institution approved by the Board, has a graduate degree in marriage and family therapy, psychology or social work from an accredited institution approved by the Board or has completed other education and training which is deemed equivalent by the Board;
5. Has:
 - (a) At least 2 years of postgraduate experience in marriage and family therapy; and
 - (b) At least 3,000 hours of supervised experience in marriage and family therapy, of which at least 1,500 hours must consist of direct contact with clients; and
6. Holds an undergraduate degree from an accredited institution approved by the Board.

Sec. 71. NRS 641A.230 is hereby amended to read as follows:

641A.230 1. ~~Except as otherwise provided in subsection 2, and~~ section 69 of this act, each qualified applicant for a license to practice as a marriage and family therapist must pass a written examination given by the Board on his or her knowledge of marriage and family therapy. Examinations must be given at a time and place and under such supervision as the Board may determine.

2. The Board shall accept receipt of a passing grade by a qualified applicant on the national examination sponsored by the Association of Marital and Family Therapy Regulatory Boards in lieu of requiring a written examination pursuant to subsection 1.

3. In addition to the requirements of subsections 1 and 2, the Board may require an oral examination. The Board may examine applicants in whatever applied or theoretical fields it deems appropriate.

Sec. 72. NRS 641A.231 is hereby amended to read as follows:

641A.231 ~~[Each]~~ Except as otherwise provided in section 69 of this act, ~~each~~ applicant for a license to practice as a clinical professional counselor must furnish evidence satisfactory to the Board that the applicant:

1. Is at least 21 years of age;
2. Is of good moral character;

3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States;

4. Has:

(a) Completed residency training in psychiatry from an accredited institution approved by the Board;

(b) A graduate degree from a program approved by the Council for Accreditation of Counseling and Related Educational Programs as a program in mental health counseling or community counseling; or

(c) An acceptable degree as determined by the Board which includes the completion of a practicum and internship in mental health counseling which was taken concurrently with the degree program and was supervised by a licensed mental health professional; and

5. Has:

(a) At least 2 years of postgraduate experience in professional counseling;

(b) At least 3,000 hours of supervised experience in professional counseling which includes, without limitation:

(1) At least 1,500 hours of direct contact with clients; and

(2) At least 100 hours of counseling under the direct supervision of an approved supervisor of which at least 1 hour per week was completed for each work setting at which the applicant provided counseling; and

(c) Passed the National Clinical Mental Health Counseling Examination which is administered by the National Board for Certified Counselors.

Sec. 73. NRS 641A.290 is hereby amended to read as follows:

641A.290 1. The Board shall charge and collect not more than the following fees, respectively:

For application for a license.....\$75

For examination of an applicant for a license 200

For issuance of a license 50

For annual renewal of a license.....150

For reinstatement of a license revoked for nonpayment of the fee
for renewal.....100

For an inactive license 150

2. If an applicant submits an application for a license by endorsement pursuant to section 69 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 74. Chapter 641B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to engage in social work to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license to engage in social work in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license to engage in social work;

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States; and

(5) Is currently engaged in social work under the license held required by paragraph (a) of subsection 1;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641B.202;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(d) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in social work pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in social work to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↪ whichever occurs later.

4. A license by endorsement to engage in social work may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to engage in social work in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 75. NRS 641B.250 is hereby amended to read as follows:

641B.250 1. Except as otherwise provided in NRS 641B.270 and 641B.275, and section 74 of this act, before the issuance of a license, each

applicant, otherwise eligible for licensure, who has paid the fee and presented the required credentials, other than an applicant for a license to engage in social work as an associate in social work, must appear personally and pass an examination concerning his or her knowledge of the practice of social work.

2. Any such examination must be fair and impartial, practical in character with questions designed to discover the applicant's fitness.

3. The Board may employ specialists and other professional consultants or examining services in conducting the examination.

4. The member of the Board who is the representative of the general public shall not participate in the grading of the examination.

5. The Board shall examine applicants for licensure at least twice a year.

Sec. 76. NRS 641B.300 is hereby amended to read as follows:

641B.300 *1.* The Board shall charge and collect fees not to exceed the following amounts for:

Initial application	\$40
Provisional license	75
Initial issuance of a license	100
Annual renewal of a license	150
Restoration of a suspended license or reinstatement of a revoked license	150
Restoration of an expired license	200
Renewal of a delinquent license	100
Reciprocal license without examination	100

2. If an applicant submits an application for a license by endorsement pursuant to section 74 of this act, the Board shall collect not more than one-half of the fee set forth in subsection 1 for the initial issuance of the license.

Sec. 77. Chapter 641C of NRS is hereby amended by adding thereto the provisions set forth as sections 78 to 82, inclusive, of this act.

Sec. 78. 1. The Board may issue a license by endorsement as a clinical alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as a clinical alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as a clinical alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as a clinical alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as a clinical alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A license by endorsement as a clinical alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as a clinical alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 79. 1. The Board may issue a license by endorsement as an alcohol and drug abuse counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant:

(a) Holds a corresponding valid and unrestricted license as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a license as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial license; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↪ whichever occurs later.

4. A license by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a license by endorsement pursuant to this section, the Board may grant a provisional license authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 80. 1. The Board may issue a certificate by endorsement as an alcohol and drug abuse counselor to an applicant who meets the

requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as an alcohol and drug abuse counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as an alcohol and drug abuse counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as an alcohol and drug abuse counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as an alcohol and drug abuse counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints,

↪ whichever occurs later.

4. A certificate by endorsement as an alcohol and drug abuse counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a

provisional certificate authorizing an applicant to practice as an alcohol and drug abuse counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 81. 1. The Board may issue a certificate by endorsement as a problem gambling counselor to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a problem gambling counselor in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a problem gambling counselor; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided in NRS 641C.260;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) The fees prescribed by the Board pursuant to NRS 641C.470 for the initial application for and issuance of an initial certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a problem gambling counselor pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a certificate by endorsement as a problem gambling counselor to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

➡ whichever occurs later.

4. A certificate by endorsement as a problem gambling counselor may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a problem gambling counselor in accordance with regulations adopted by the Board.

6. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 82. 1. Notwithstanding any regulations adopted pursuant to NRS 641C.500, the Board may issue a certificate by endorsement as a detoxification technician to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a certificate if the applicant:

(a) Holds a corresponding valid and unrestricted certificate as a detoxification technician in the District of Columbia or any state or territory of the United States; and

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States, a veteran or the surviving spouse of a veteran.

2. An applicant for a certificate by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Is a citizen of the United States or otherwise has the legal right to work in the United States;

(3) Has not been disciplined or investigated by the corresponding regulatory authority of the District of Columbia or the state or territory in which the applicant holds a certificate as a detoxification technician; and

(4) Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints in the manner provided pursuant to NRS 641C.500;

(c) An affidavit stating that the information contained in the application and any accompanying material is true and correct;

(d) Any fee prescribed by the Board pursuant to NRS 641C.500 for the issuance of a certificate; and

(e) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a certificate by endorsement as a detoxification technician pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall

approve the application and issue a certificate by endorsement as a detoxification technician to the applicant not later than:

(a) Forty-five days after receiving all the additional information required by the Board to complete the application; or

(b) Ten days after the Board receives a report on the applicant's background based on the submission of the applicant's fingerprints.

↳ whichever occurs later.

4. A certificate by endorsement as a detoxification technician may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

5. At any time before making a final decision on an application for a certificate by endorsement pursuant to this section, the Board may grant a provisional certificate authorizing an applicant to practice as a detoxification technician in accordance with regulations adopted by the Board.

6. If an applicant submits an application for a certificate by endorsement pursuant to this section, the Board shall collect not more than one-half of any fee prescribed by the Board pursuant to NRS 641C.500 for the initial issuance of the certificate.

7. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 83. NRS 641C.290 is hereby amended to read as follows:

641C.290 1. ~~[Each]~~ Except as otherwise provided in section 78 of this act, each applicant for a license as a clinical alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the clinical practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

2. ~~[Each]~~ Except as otherwise provided in section 79 or 80 of this act, each applicant for a license or certificate as an alcohol and drug abuse counselor must pass a written and oral examination concerning his or her knowledge of the practice of counseling alcohol and drug abusers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

3. ~~[Each]~~ Except as otherwise provided in section 81 of this act, each applicant for a certificate as a problem gambling counselor must pass a written examination concerning his or her knowledge of the practice of counseling problem gamblers, the applicable provisions of this chapter and any applicable regulations adopted by the Board pursuant to the provisions of this chapter.

4. The Board shall:

(a) Examine applicants at least two times each year.

(b) Establish the time and place for the examinations.

(c) Provide such books and forms as may be necessary to conduct the examinations.

(d) Except as otherwise provided in NRS 622.090, establish, by regulation, the requirements for passing the examination.

5. The Board may employ other persons to conduct the examinations.

Sec. 84. NRS 641C.470 is hereby amended to read as follows:

641C.470 1. The Board shall charge and collect not more than the following fees:

For the initial application for a license or certificate	\$150
For the issuance of a provisional license or certificate	125
For the issuance of an initial license or certificate	60
For the renewal of a license or certificate as an alcohol and drug abuse counselor, a license as a clinical alcohol and drug abuse counselor or a certificate as a problem gambling counselor.....	300
For the renewal of a certificate as a clinical alcohol and drug abuse counselor intern, an alcohol and drug abuse counselor intern or a problem gambling counselor intern.....	75
For the renewal of a delinquent license or certificate	75
For the restoration of an expired license or certificate.....	150
For the restoration or reinstatement of a suspended or revoked license or certificate	300
For the issuance of a license or certificate without examination.....	150
For an examination	150
For the approval of a course of continuing education	150

2. *If an applicant submits an application for a license or certificate by endorsement pursuant to sections 79 to 81, inclusive, of this act, as applicable, the Board shall collect not more than one-half of the fee specified in subsection 1 for the initial issuance of the license.*

3. The fees charged and collected pursuant to this section are not refundable.

Sec. 85. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641C, inclusive, or 644 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the

corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) Has been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

~~[(g) Submits to the applicable regulatory body the statement required by NRS 425.520.]~~

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Legislative Committee on Health Care in even-numbered years.

~~[Sec. 37.5.]~~ Sec. 86. 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. 38.]~~ Sec. 87. 1. This section and sections 1 to 84, inclusive, and 86 of this act [becomes] become effective on July 1, 2015.

2. Section 85 of this act becomes effective on the date on which the provisions 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 failed 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. 828 to Assembly Bill No. 89: limits an expedited license by the endorsement to certain professionals licensed pursuant to Title 54 of *Nevada Revised Statutes* and clarifies the allowable use of non-pharmacologic sedation.

Amendment adopted.

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

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

Motion carried.

Senate in recess at 8:18 p.m.

SENATE IN SESSION

At 8:19 p.m.

President Hutchison presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Roberson moved that Assembly Bill No. 177 be taken from the Second Reading File and placed on the Secretary's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 227.

Bill read third time.

The following amendment was proposed by the Committee on Finance:

Amendment No. 911.

SUMMARY—Creates the Silver State Opportunity Grant Program. (BDR 34-216)

AN ACT relating to education; creating the Silver State Opportunity Grant Program; providing for the calculation and award of grants under the Program to qualified students enrolled in community colleges and state colleges of the Nevada System of Higher Education; requiring the Board of Regents of the University of Nevada to submit to the Legislature a biennial report on the Program; ~~making an appropriation;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Silver State Opportunity Grant Program. Under the Program, the Board of Regents of the University of Nevada is required to award grants to eligible students who are enrolled in community colleges and state colleges that are part of the Nevada System of Higher Education to pay for a portion of the cost of education at such institutions. Section 3 of this bill sets forth the criteria for eligibility for such a grant. Section 4 of this bill requires the Board of Regents or a designee of the Board to: (1) calculate the maximum amount of the grant which a student is eligible to receive; (2) determine the actual amount each eligible student will receive; and (3) make

grants to all eligible students. Section 4 provides that any money awarded under the Program must be used only to pay the cost of education of a student and not for any other purpose. Section 5 of this bill requires the Board of Regents to adopt regulations prescribing the procedures and standards for determining eligibility, the methodology for calculating the financial need of a student and the process by which a student may meet certain requirements for eligibility for a grant. Section 6 of this bill authorizes the Board of Regents to accept gifts, grants, bequests and donations to fund grants awarded under the Program.

Section 7 of this bill requires the Board of Regents to submit a biennial report on the Program to the Legislature. The report must include information regarding: (1) the number of grants awarded under the Program; (2) the average amount of each grant; and (3) the percentage of students awarded grants who remained in school and who eventually earned a degree or certificate.

~~[Finally, section 9 of this bill includes appropriations from the State General Fund to the Board of Regents for the award of grants in the amount of \$5 million per year for Fiscal Years 2015-2016 and 2016-2017.]~~

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, "Program" means the Silver State Opportunity Grant Program created by section 3 of this act.*

Sec. 3. 1. *The Silver State Opportunity Grant Program is hereby created for the purpose of awarding grants to eligible students to pay for a portion of the cost of education at a community college or state college within the System.*

2. *The Board of Regents shall administer the Program.*

3. *In administering the Program, the Board of Regents shall for each semester, subject to the limits of money available for this purpose, award a grant to each eligible student to pay for a portion of the cost of education at a community college or state college within the System.*

4. *To be eligible for a grant awarded under the Program, a student must:*

(a) *Be enrolled, or accepted to be enrolled, during a semester in at least 15 credit hours at a community college or state college within the System;*

(b) *Be enrolled in a program of study leading to a recognized degree or certificate;*

(c) *Demonstrate proficiency in English and mathematics sufficient for placement into college-level English and mathematics courses pursuant to regulations adopted by the Board of Regents for such placement;*

(d) *Be a bona fide resident of the State of Nevada for the purposes of determining pursuant to NRS 396.540 whether the student is assessed a tuition charge; and*

(e) Complete the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

Sec. 4. 1. For each eligible student, the Board of Regents or a designee thereof shall:

(a) Calculate the maximum amount of the grant which the student is eligible to receive. The maximum amount of such a grant must not exceed the amount equal to the cost of education of the student minus the amounts determined for the student contribution, family contribution and federal contribution to the cost of education of the student.

(b) Determine the actual amount of the grant which will be awarded to each student, which amount must not exceed the maximum amount calculated pursuant to paragraph (a), but which may be in a lesser amount if the Board of Regents or a designee thereof, as applicable, determines that the amount of money available for all grants for any semester is insufficient to award to all eligible students the maximum amount of the grant which each student is eligible to receive.

(c) Award to each eligible student a grant in the amount determined pursuant to paragraph (b).

2. Money received from a grant awarded under the Program must be used by a student only to pay for the cost of education of the student at a community college or state college within the System and not for any other purpose.

Sec. 5. 1. The Board of Regents:

(a) Shall adopt regulations prescribing the procedures and standards for determining the eligibility of a student for a grant from the Program.

(b) Shall adopt regulations prescribing the methodology by which the Board of Regents or a designee thereof will calculate:

(1) The cost of education of a student at each community college and state college within the System, which must be consistent with the provisions of 20 U.S.C. § 1087ll.

(2) For each student, the amounts of the student contribution, family contribution and federal contribution to the cost of education of the student.

(3) The maximum amount of the grant for which a student is eligible.

(c) Shall adopt regulations prescribing the process by which each student may meet the credit-hour requirement described in paragraph (a) of subsection 4 of section 3 of this act for eligibility for a grant awarded under the Program.

(d) May adopt any other regulations necessary to carry out the Program.

2. The regulations prescribed pursuant to this section must provide that:

(a) In determining the student contribution to the cost of education, the student contribution must not exceed the amount that the Board of Regents determines the student reasonably could be expected to earn from employment during the time the student is enrolled at a community college or state college within the System, including, without limitation, during breaks between semesters. This paragraph and any regulations adopted pursuant to

this section must not be construed to require a student to seek or obtain employment as a condition of eligibility for a grant under the Program.

(b) Determination of the family contribution to the cost of education must be based on the family resources reported in the Free Application for Federal Student Aid submitted by the student.

(c) Determination of the federal contribution to the cost of education must be equal to the total amount that the student and his or her family are expected to receive from the Federal Government as grants.

Sec. 6. *In addition to any direct legislative appropriation from the State General Fund, the Board of Regents may accept gifts, grants, bequests and donations to fund grants awarded under the Program.*

Sec. 7. *On or before February 1 of each odd-numbered year, the Board of Regents shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report on the Program which must include, without limitation, information regarding:*

1. The number of students during the immediately preceding school year who were awarded grants under the Program.

2. The average amount of each grant awarded under the Program for the immediately preceding school year.

3. The success of the Program, including, without limitation, information regarding the percentage of students awarded grants since the creation of the Program who have remained enrolled at a community college or state college within the System and the percentage of students awarded grants since the creation of the Program who have been awarded a degree or certificate.

Sec. 8. *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. 9. ~~[There is hereby appropriated from the State General Fund to the Board of Regents of the University of Nevada for the award of grants pursuant to the Silver State Opportunity Grant Program created by section 3 of this act:~~

~~For the Fiscal Year 2015-2016 \$5,000,000~~

~~For the Fiscal Year 2016-2017 ... \$5,000,000] (Deleted by amendment.)~~

Sec. 10. ~~[Any balance of the sums appropriated by section 9 of this act 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 Board of Regents of the University of Nevada 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 Board of Regents of the University of Nevada 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.] (Deleted by amendment.)~~

Sec. 11. This act becomes effective:

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

2. On July 1, 2015, for all other purposes.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

This amendment removes the appropriation contained in the bill making it a pure policy matter. Hopefully, we can get some money put back in the language of the budget to fund it.

Amendment adopted.

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

Senate Bill No. 292.

Bill read third time.

Remarks by Senators Roberson and Segerblom.

SENATOR ROBERSON:

Senate Bill No. 292 revises the statutory definition of the term "professional negligence" to include medical malpractice and dental malpractice. The bill also revises the definition of "provider of health care" to include a broader range of practitioners. The bill provides that the total noneconomic damages that can be awarded to the injured plaintiff in a civil action brought against a provider of health care claiming injury or death for professional negligence is \$350,000 regardless of the number of plaintiffs, defendants or theories upon which liability may be based.

Two items are added to the list of elements in an affidavit, the absence of which will require a district court to dismiss without prejudice an action for professional negligence. First, the supporting affidavit must identify by name or describe by conduct each alleged provider of health care who is alleged to be negligent. Second, the affidavit must set forth in concise and direct terms the specific act or acts of alleged negligence committed by each defendant.

The bill provides that a rebuttable presumption of professional negligence does not apply in an action where the plaintiff submits an affidavit, or otherwise provides for an expert witness or expert testimony to establish the claim of negligence.

Finally, Senate Bill No. 292 provides to a school board of trustees or governing body of a charter school immunity from a civil action arising from an alleged act or omission committed by an employee or volunteer of a school-based health center. This bill is effective upon passage and approval.

SENATOR SEGERBLOM:

In the spirit of cooperation and all the great things that the Majority Leader has done tonight, I will not say that his bill is really terrible and that it really takes from the poor and gives to the rich and is in favor of insurance companies. I would just say I oppose it instead.

Roll call on Senate Bill No. 292:

YEAS—15.

NAYS—Kihuen, Parks, Segerblom, Spearman, Woodhouse—5.

EXCUSED—Smith.

Senate Bill No. 292 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bill No. 276 be placed on the Secretary's desk, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 338.

Bill read third time.

Remarks by Senator Kieckhefer.

Senate Bill No. 338 requires the Director of the Office of Safe and Respectful Learning Environment within the Department of Education to establish a Safe to Tell Program to enable any person to anonymously report any dangerous, violent or unlawful activity which is being conducted or threatened on school property; either there or at an activity sponsored by a public school or on a school bus. The bill also authorizes the Director of the Office to enter into agreements with organizations to operate a hotline or call center to receive initial reports made to the program and forward the information to the appropriate public safety agencies and school administrators. The bill provides for any information received by the program is confidential and requires program procedures to ensure information received is promptly reported to the appropriate entities and that the identity of the person reporting information is not disclosed.

Additionally, the bill creates the Safe to Tell Program Account in the State General Fund to be used to implement and operate the Safe to Tell Program and creates the Safe to Tell Advisory Committee within the Office of Safe and Respectful Learning Environment, consisting of 19 members to be appointed not later than August 1, 2015.

Roll call on Senate Bill No. 338:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Senate Bill No. 338 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 173.

Bill read third time.

Remarks by Senator Settelmeyer.

Assembly Bill No. 173 revises various provisions concerning private investigators. Specifically, the bill: exempts the Private Investigator's Licensing Board from complying with certain administrative procedures governing professional licensing boards; exempts certain professionals who provide information security services from licensure as private investigators; requires each registered employee employed in Nevada by a licensee to be supervised by the licensee or his or her designated agent who is physically present in this State; removes provisions that requires an applicant for a license or a licensee to maintain a principal place of business in this State; authorizes the Board to revoke the registration of a registered employee under certain circumstances; gives the Board the discretion to issue a registration to a person who has been convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon if the person is otherwise qualified to obtain a registration; and provides that the Board may, rather than shall, assess an administrative fine to a person who engages in activities governed by the Board without having the appropriate license. The bill is effective on October 1, 2015.

Roll call on Assembly Bill No. 173:

YEAS—20.

NAYS—None.

EXCUSED—Smith.

Assembly Bill No. 173 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

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

Motion carried.

Senate in recess at 8:29 p.m.

SENATE IN SESSION

At 8:30 p.m.

President Hutchison presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the President and Secretary signed Senate Bills Nos. 70, 112, 231, 232, 242, 288; Senate Concurrent Resolution No. 2.

REMARKS FROM THE FLOOR

Senator Denis requested that his remarks be entered in the Journal.

My wife and I are celebrating our 32nd anniversary, and I want to wish her a happy anniversary.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of President Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to Grace Emery.

On request of Senator Brower, the privilege of the floor of the Senate Chamber for this day was extended to students from Hunter Lake Elementary School: Chasen Binnell, Remmie Bounyalath, Vastella Britt, Kristyana Davis, Gannyn R. Dunn, Josue Gonzalez, Ivan Gutierrez Ramirez, Landen Keller, Andie Lammel, Aeris Noble, Ryan Rockefeller, Adriana Sanchez Pena, Colton Sellers, Kaleiamapuana Sieck, Dominic Slaughter, Nico Vagner, Xuanyi Wang and Samantha Wiley.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Cloverbuds 4-H: Katelynn Anderson, Emma Cates, Gavin Cates, Cierra Columbus, Erika Frazier, Falkon Frazier, Pamela Jonovic, Sierra Jonovic, Alyssa Laxague, Selah Peery, Samuel Peinado, Thomas Peinado and Tyler Stevens. Incline Elementary School: Alondra Aguirre-Gomez, Eddie (Angel) Barajas, Isabelle Bloomhuff, Lizbeth Callejas Heredia, Dylan Combs, Kailer Crawford, Milton Cruz-Rivera, Andrew Donahue, Allen Frausto Garcia, Carlos Garcia, J Cruz Garcia

Arciga, Rosemary Heffern, Bryan (Tyler) Hoopes, Taylor Kabat, Brianna Kurashewich, Mattison Lampe, Alondra Machuca Escobar, Nicolas Martinez Jimenez, Leslie Martinez Virgen, Emma Midgley, Rebecca Noble, Stephanie Poalillo, Toby Pollard, Madelynn Sharenbrock, Wyatt Shreve, Lena Soli, Brithany Solis-Hernandez, Brody Thralls, Sawyer Tocchetti, Sofia Weahkee, Elbert Zendner and Hacem Zuniga.

Senator Roberson moved that the Senate adjourn until Friday, May 22, 2015, at 12:00 p.m.

Motion carried.

Senate adjourned at 8:32 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate