

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

(ON BEHALF OF THE LEGISLATIVE COMMISSION)

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

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

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

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

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

Legislative Counsel’s Digest:

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

13 **Section 3** of this bill eliminates the requirements that the Central Repository for
14 Nevada Records of Criminal History submit: (1) an annual report to the Governor
15 containing statistical data relating to crime in this State; and (2) an annual report to
16 the Director of the Legislative Counsel Bureau containing statistical data about
17 domestic violence in this State.

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

21 **Section 9** of this bill eliminates the requirement that the Administrator of the
22 Office of Economic Development submit a biennial report evaluating the
23 effectiveness of the programs relating to zones for economic development



24 established pursuant to chapter 274 of NRS. **Section 10** of this bill eliminates the
25 requirement that the Employment Security Division of the Department of
26 Employment, Training and Rehabilitation submit a biennial report relating to the
27 use of the Old-Age and Survivors Insurance System. **Section 11** of this bill
28 eliminates the requirement that the Committee on Local Government Finance file a
29 biennial report relating to the fiscal impact on counties and incorporated cities of
30 the formula used for tax distribution.

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

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

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

40 **Section 18** of this bill repeals a provision requiring the board of county
41 commissioners of a county whose population is 700,000 or more (currently Clark
42 County) to submit a quarterly report to the Legislature and Legislative Committee
43 on Health Care regarding transports of persons to a medical facility made by fire
44 departments and ambulance companies in the county.

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

- 1 **Section 1.** NRS 1.360 is hereby amended to read as follows:
2 1.360 Under the direction of the Supreme Court, the Court
3 Administrator shall:
4 1. Examine the administrative procedures employed in the
5 offices of the judges, clerks, court reporters and employees of all
6 courts of this State and make recommendations, through the Chief
7 Justice, for the improvement of those procedures;
8 2. Examine the condition of the dockets of the courts and
9 determine the need for assistance by any court;
10 3. Make recommendations to and carry out the directions of the
11 Chief Justice relating to the assignment of district judges where
12 district courts are in need of assistance;
13 4. Develop a uniform system for collecting and compiling
14 statistics and other data regarding the operation of the State Court
15 System and transmit that information to the Supreme Court so that
16 proper action may be taken in respect thereto;
17 5. Prepare and submit a budget of state appropriations
18 necessary for the maintenance and operation of the State Court
19 System and make recommendations in respect thereto;
20 6. Develop procedures for accounting, internal auditing,
21 procurement and disbursement for the State Court System;
22 7. Collect statistical and other data and make reports relating to
23 the expenditure of all public money for the maintenance and



1 operation of the State Court System and the offices connected
2 therewith;

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

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

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

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

15 *(b) Concerning:*

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

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

21 *(3) Statistics compiled from information required to be*
22 *maintained by clerks of the district courts pursuant to NRS 3.275*
23 *concerning specialty courts, including, without limitation, the*
24 *number of participants in such programs, the nature of the*
25 *criminal charges that were filed against participants, the number*
26 *of participants who have completed the programs and the*
27 *disposition of the cases; and*

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

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

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

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

38 ~~—(c) Statistics compiled from information required to be~~
39 ~~maintained by clerks of the district courts pursuant to NRS 3.275~~
40 ~~concerning specialty courts, including, without limitation, the~~
41 ~~number of participants in such programs, the nature of the criminal~~
42 ~~charges that were filed against participants, the number of~~
43 ~~participants who have completed the programs and the disposition~~
44 ~~of the cases; and~~



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

3 ~~—12. On or before February 15 of each odd-numbered year,~~
4 ~~submit to the Governor and to the Director of the Legislative~~
5 ~~Counsel Bureau for transmittal to the next regular session of the~~
6 ~~Legislature a written report compiling the information submitted by~~
7 ~~clerks of courts to the Court Administrator pursuant to NRS 630.307~~
8 ~~and 633.533 which includes only aggregate information for~~
9 ~~statistical purposes and excludes any identifying information related~~
10 ~~to a particular person; and~~

11 ~~—13.†~~ Attend to such other matters as may be assigned by the
12 Supreme Court or prescribed by law.

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

14 38.255 1. The rules adopted by the Supreme Court pursuant
15 to NRS 38.253 to provide guidelines for the establishment by a
16 district court of a program must include provisions for a:

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

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

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

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

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

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

32 ↪ The rules may provide for similar programs for the other judicial
33 districts.

34 3. The rules must exclude the following from any program of
35 mandatory arbitration:

36 (a) Actions in which the amount in issue, excluding attorney's
37 fees, interest and court costs, is more than \$50,000 or less than the
38 maximum jurisdictional amounts specified in NRS 4.370 and
39 73.010;

40 (b) Class actions;

41 (c) Actions in equity;

42 (d) Actions concerning the title to real estate;

43 (e) Probate actions;

44 (f) Appeals from courts of limited jurisdiction;

45 (g) Actions for declaratory relief;



- 1 (h) Actions involving divorce or problems of domestic relations;
- 2 (i) Actions brought for relief based on any extraordinary writs;
- 3 (j) Actions for the judicial review of an administrative decision;
- 4 (k) Actions in which the parties, pursuant to a written agreement
- 5 executed before the accrual of the cause of action or pursuant to
- 6 rules adopted by the Supreme Court, have submitted the controversy
- 7 to arbitration or any other alternative method for resolving a dispute;
- 8 (l) Actions that present unusual circumstances that constitute
- 9 good cause for removal from the program;
- 10 (m) Actions in which any of the parties is incarcerated; and
- 11 (n) Actions submitted to mediation pursuant to rules adopted by
- 12 the Supreme Court.

13 4. The rules must include:

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

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

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

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

39 179A.075 1. The Central Repository for Nevada Records of
40 Criminal History is hereby created within the General Services
41 Division of the Department.

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

- 44 (a) Collect and maintain records, reports and compilations of
- 45 statistical data required by the Department; and



1 (b) Submit the information collected to the Central Repository
2 in the manner approved by the Director of the Department.

3 3. Each agency of criminal justice shall submit the information
4 relating to records of criminal history that it creates or issues, and
5 any information in its possession relating to the DNA profile of a
6 person from whom a biological specimen is obtained pursuant to
7 NRS 176.09123 or 176.0913, to the Division. The information must
8 be submitted to the Division:

9 (a) Through an electronic network;

10 (b) On a medium of magnetic storage; or

11 (c) In the manner prescribed by the Director of the Department,
12 ↪ within the period prescribed by the Director of the Department. If
13 an agency has submitted a record regarding the arrest of a person
14 who is later determined by the agency not to be the person who
15 committed the particular crime, the agency shall, immediately upon
16 making that determination, so notify the Division. The Division
17 shall delete all references in the Central Repository relating to that
18 particular arrest.

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

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

23 (1) Records of criminal history; and

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

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

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

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

37 5. The Division may:

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

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

43 (c) Request of and receive from the Federal Bureau of
44 Investigation information on the background and personal history of



1 any person whose record of fingerprints the Central Repository
2 submits to the Federal Bureau of Investigation and:

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

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

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

13 (4) For whom such information is required to be obtained
14 pursuant to NRS 62B.270, 62G.223, 62G.353, 424.031, 432A.170,
15 432B.198, 433B.183, 449.123 and 449.4329; or

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

20 ➤ To request and receive information from the Federal Bureau of
21 Investigation concerning a person pursuant to this subsection, the
22 Central Repository must receive the person's complete set of
23 fingerprints from the agency or political subdivision and submit the
24 fingerprints to the Federal Bureau of Investigation for its report.

25 6. The Central Repository shall:

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

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

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

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

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

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

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

40 ➤ and notify the superintendent of each county school district, the
41 governing body of each charter school and the Superintendent of
42 Public Instruction, or the administrator of each private school, as
43 appropriate, if the investigation of the Central Repository indicates
44 that the person has been convicted of a violation of NRS 200.508,



1 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or
2 any offense involving moral turpitude.

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

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

9 (2) Employed by a county school district, charter school or
10 private school whose fingerprints were sent previously to the
11 Central Repository for investigation,

12 who the Central Repository's records indicate have been
13 convicted of a violation of NRS 200.508, 201.230, 453.3385,
14 453.339 or 453.3395, or convicted of a felony or any offense
15 involving moral turpitude since the Central Repository's initial
16 investigation. The superintendent of each county school district, the
17 governing body of a charter school or the administrator of each
18 private school, as applicable, shall determine whether further
19 investigation or action by the district, charter school or private
20 school, as applicable, is appropriate.

21 (f) Investigate the criminal history of each person who submits
22 fingerprints or has fingerprints submitted pursuant to NRS 62B.270,
23 62G.223, 62G.353, 424.031, 432A.170, 432B.198, 433B.183,
24 449.122, 449.123 or 449.4329.

25 ~~(g) On or before July 1 of each year, prepare and present to the
26 Governor a printed annual report containing the statistical data
27 relating to crime received during the preceding calendar year.
28 Additional reports may be presented to the Governor throughout the
29 year regarding specific areas of crime if they are approved by the
30 Director of the Department.~~

31 ~~—(h) On or before July 1 of each year, prepare and submit to the
32 Director of the Legislative Counsel Bureau for submission to the
33 Legislature, or to the Legislative Commission when the Legislature
34 is not in regular session, a report containing statistical data about
35 domestic violence in this State.~~

36 ~~—(i) Identify and review the collection and processing of
37 statistical data relating to criminal justice and the delinquency of
38 children by any agency identified in subsection 2 and make
39 recommendations for any necessary changes in the manner of
40 collecting and processing statistical data by any such agency.~~

41 7. The Central Repository may:

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



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

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

14 8. As used in this section:

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

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

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

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

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

27 179A.175 1. The Director of the Department shall establish
28 within the Central Repository a program for reporting crimes that
29 manifest evidence of prejudice based on race, color, religion,
30 national origin, physical or mental disability, sexual orientation or
31 gender identity or expression.

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

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



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

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

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

7 179A.350 1. The Repository for Information Concerning
8 Orders for Protection Against Domestic Violence is hereby created
9 within the Central Repository.

10 2. Except as otherwise provided in subsection 6, the Repository
11 for Information Concerning Orders for Protection Against Domestic
12 Violence must contain a complete and systematic record of all
13 temporary and extended orders for protection against domestic
14 violence issued or registered in the State of Nevada, in accordance
15 with regulations adopted by the Director of the Department,
16 including, without limitation, any information received pursuant to
17 NRS 33.095. Information received by the Central Repository
18 pursuant to NRS 33.095 must be entered in the Repository for
19 Information Concerning Orders for Protection Against Domestic
20 Violence not later than 8 hours after it is received by the Central
21 Repository.

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

26 4. On or before ~~February 15~~ *July 1* of each year, the Director
27 of the Department shall submit to the Director of the Legislative
28 Counsel Bureau a written report concerning all temporary and
29 extended orders for protection against domestic violence issued
30 pursuant to NRS 33.020 during the previous calendar year that were
31 transmitted to the Repository for Information Concerning Orders for
32 Protection Against Domestic Violence. The report must include,
33 without limitation, information for each court that issues temporary
34 or extended orders for protection against domestic violence
35 concerning:

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

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

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

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



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

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

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

8 6. The Repository for Information Concerning Orders for
9 Protection Against Domestic Violence must not contain any
10 information concerning an event that occurred before October 1,
11 1998.

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

13 213.10885 1. The Board shall adopt by regulation specific
14 standards for each type of convicted person to assist the Board in
15 determining whether to grant or revoke parole. The regulations must
16 include standards for determining whether to grant or revoke the
17 parole of a convicted person:

18 (a) Who committed a capital offense.

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

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

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

23 (e) Who is a repeat offender.

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

25 ➔ The standards must be based upon objective criteria for
26 determining the person's probability of success on parole.

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

34 (a) The severity of the crime committed;

35 (b) The criminal history of the person;

36 (c) Any disciplinary action taken against the person while
37 incarcerated;

38 (d) Any previous parole violations or failures;

39 (e) Any potential threat to society or to the convicted person;
40 and

41 (f) The length of his or her incarceration.

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



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

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

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

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

22 (a) The number and percentage of the Board's decisions that
23 conflicted with the standards;

24 (b) The results and conclusions from the Board's review
25 pursuant to subsection 6; and

26 (c) Any changes in the Board's standards, policies, procedures,
27 programs or forms that have been or will be made as a result of the
28 review.

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

30 213.10887 1. The Board shall compile and maintain detailed
31 information concerning all decisions regarding parole. The
32 information must include, but is not limited to:

33 (a) The Board's reasons for each decision to grant, deny, revoke
34 or continue parole.

35 (b) The number of decisions made by the Board granting parole,
36 denying parole, revoking parole and continuing parole.

37 2. The Board shall ~~organize~~ :

38 (a) *Organize* and tabulate the information compiled pursuant to
39 this section at regular intervals, which must not exceed 3 months ~~H~~
40 ; and

41 (b) *Publish such information on its Internet website.*

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

43 235.016 1. The Director shall set and collect a royalty for the
44 use of The Great Seal of the State of Nevada from the mint which
45 produces the medallions or bars. The amount of the royalty must be:



1 (a) Based on the usual and customary fee charged as a
2 commission by dealers of similar medallions or bars; and

3 (b) Adjusted at least once each year to ensure it is competitive
4 with the usual and customary fee.

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

8 ~~—(a) The amount of the royalties being charged; and~~

9 ~~—(b) The information used to determine the usual and customary
10 fee charged by dealers.~~

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

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

15 274.090 1. The Executive Director of the Office of Economic
16 Development shall serve as Administrator.

17 2. The Administrator shall:

18 (a) Administer this chapter.

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

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

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

29 287.230 The state agency shall ~~{~~

30 ~~1. Make} make~~ studies concerning the problem of Old-Age and
31 Survivors Insurance protection for employees of the State and local
32 governments and their instrumentalities and concerning the
33 operation of agreements made and plans approved under NRS
34 287.050 to 287.240, inclusive.

35 ~~{2. Submit a report to the Legislature at the beginning of each
36 regular session covering the administration and operation of NRS
37 287.050 to 287.240, inclusive, during the preceding biennium,
38 including such recommendations for amendments as it considers
39 proper.}~~

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

41 365.550 1. Except as otherwise provided in subsection 2, the
42 receipts of the tax levied pursuant to NRS 365.180 must be allocated
43 monthly by the Department to the counties using the following
44 formula:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (g) In addition to the allocation made pursuant to paragraph (a),
45 allocate to each county that is identified pursuant to paragraph (c) a



1 percentage of the total amount determined pursuant to paragraph (e)
2 that is equal to the percentage determined pursuant to paragraph (f).

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

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

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

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

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

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

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

24 (2) Apply the formula set forth in paragraph (b) of subsection
25 1 using the amounts in subparagraph (1), instead of the monthly
26 amounts, to determine the total allocations to be made to the
27 counties for the current fiscal year; and

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

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

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

41 (b) An amount equal to that part of the allocation which
42 represents 2.35 cents of the tax per gallon must be allocated to the
43 county, if there are no incorporated cities in the county, or, if there
44 is at least one incorporated city in the county, allocated monthly by
45 the Department to the county and each incorporated city in the



1 county using, except as otherwise provided in paragraph (c), the
2 following formula:

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

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

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

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

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

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

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

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

33 (I) Subtract the amount determined pursuant to
34 subparagraph (1) from the amount determined pursuant to
35 subparagraph (2); and

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

39 (4) Identify whether the county or any incorporated city in
40 the county had an amount determined pursuant to subparagraph (2)
41 that was less than or equal to the amount determined for the county
42 or incorporated city, as applicable, pursuant to subparagraph (1)
43 and, if so:



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

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

7 (5) Subtract the amount determined pursuant to sub-
8 subparagraph (II) of subparagraph (4) from the amount determined
9 pursuant to sub-subparagraph (II) of subparagraph (3).

10 (6) Divide the amount determined pursuant to sub-
11 subparagraph (I) of subparagraph (3) for the county and each
12 incorporated city in the county by the sum determined pursuant to
13 sub-subparagraph (II) of subparagraph (3) for the county and all
14 incorporated cities in the county to determine the county's and each
15 incorporated city's percentage share of the sum determined pursuant
16 to sub-subparagraph (II) of subparagraph (3).

17 (7) In addition to the allocation made pursuant to
18 subparagraph (1), allocate to the county and each incorporated city
19 in the county that is identified pursuant to subparagraph (3) a
20 percentage of the total amount determined pursuant to subparagraph
21 (5) that is equal to the percentage determined pursuant to
22 subparagraph (6).

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

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

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

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

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



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

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

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

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

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

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

31 7. The Department of Transportation shall complete:

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

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

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

41 (a) Each improved road or street that is maintained by the
42 county or city; and

43 (b) The beginning and ending points and the total mileage of
44 each of those improved roads or streets.



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

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

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

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

25 12. As used in this section:

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

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

- 33 (1) Grades and regrades;
- 34 (2) Graveling, oiling, surfacing, macadamizing and paving;
- 35 (3) Sweeping, cleaning and sanding roads and removing
36 snow from a road;
- 37 (4) Crosswalks and sidewalks;
- 38 (5) Culverts, catch basins, drains, sewers and manholes;
- 39 (6) Inlets and outlets;
- 40 (7) Retaining walls, bridges, overpasses, underpasses,
41 tunnels and approaches;
- 42 (8) Artificial lights and lighting equipment, parkways,
43 control of vegetation and sprinkling facilities;
- 44 (9) Rights-of-way;
- 45 (10) Grade and traffic separators;



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

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

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

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

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

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

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

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

18 417.105 1. ~~Each year on~~ *On* or before October 1 ~~of each~~
19 *even-numbered year*, the Department shall review the reports
20 submitted pursuant to NRS 333.3368 and 338.13846.

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

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

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

27 (c) The Office of Economic Development.

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

30 (e) The business community.

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

33 3. After performing the duties described in subsections 1 and 2,
34 the Department shall make recommendations to the Legislative
35 Commission regarding the continuation, modification, promotion or
36 expansion of the preferences for local businesses owned by veterans
37 with service-connected disabilities which are described in NRS
38 333.3366 and 338.13844.

39 4. As used in this section:

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

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

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



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

2 432A.190 1. The Division may deny an application for a
3 license to operate a child care facility or may suspend or revoke
4 such a license upon any of the following grounds:

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

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

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

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

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

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

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

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

28 (i) Violation by the applicant or licensee of the provisions of
29 NRS 432A.1755 by continuing to employ a person, allowing a
30 resident who is 18 years of age or older, other than a resident who
31 remains under the jurisdiction of a court pursuant to NRS 432B.594,
32 to continue to reside in the child care facility or allowing a
33 participant in an outdoor youth program to continue to participate in
34 the program if the employee, or the resident or participant who is 18
35 years of age or older, has been convicted of a crime listed in
36 subsection 2 of NRS 432A.170 or has had a substantiated report of
37 child abuse or neglect made against him or her.

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

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

44 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
45 244.360, 244.3603 or 268.4124; or



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

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

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

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

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

14 ➔ The facility shall make the information available to the public
15 pursuant to NRS 432A.178.

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

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

25 ~~—(a) Any complaints included in the log maintained by the~~
26 ~~Division pursuant to subsection 3; and~~

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

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

30 590.505 1. The Board may adopt a seal for its own use which
31 must have imprinted thereon the words "Board for the Regulation of
32 Liquefied Petroleum Gas." The care and custody of the seal is the
33 responsibility of the Secretary-Treasurer of the Board.

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

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



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

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

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

10 ~~5.1~~ The Board shall keep accurate records, minutes and audio
11 recordings or transcripts of all meetings and, except as otherwise
12 provided in NRS 241.035, the records, minutes, audio recordings
13 and transcripts so kept must be open to public inspection at all
14 reasonable times. A copy of the minutes or audio recordings must be
15 made available to a member of the public upon request at no charge
16 pursuant to NRS 241.035. The Board shall also keep a record of all
17 applications for licenses and licenses issued by it. The record of
18 applications and licenses is a public record.

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

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

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

35 3. Except as otherwise provided in subsection 4, any hospital,
36 clinic or other medical facility licensed in this State, or medical
37 society, shall report to the Board any change in the privileges of a
38 physician, perfusionist, physician assistant or practitioner of
39 respiratory care to practice while the physician, perfusionist,
40 physician assistant or practitioner of respiratory care is under
41 investigation and the outcome of any disciplinary action taken by
42 that facility or society against the physician, perfusionist, physician
43 assistant or practitioner of respiratory care concerning the care of a
44 patient or the competency of the physician, perfusionist, physician



1 assistant or practitioner of respiratory care within 30 days after the
2 change in privileges is made or disciplinary action is taken.

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

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

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

14 5. The Board shall report any failure to comply with subsection
15 3 or 4 by a hospital, clinic or other medical facility licensed in this
16 State to the Division of Public and Behavioral Health of the
17 Department of Health and Human Services. If, after a hearing, the
18 Division of Public and Behavioral Health determines that any such
19 facility or society failed to comply with the requirements of this
20 subsection, the Division may impose an administrative fine of not
21 more than \$10,000 against the facility or society for each such
22 failure to report. If the administrative fine is not paid when due, the
23 fine must be recovered in a civil action brought by the Attorney
24 General on behalf of the Division.

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

29 (a) Is mentally ill;

30 (b) Is mentally incompetent;

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

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

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

36 ➔ within 45 days after such a finding, judgment or determination is
37 made.

38 7. ~~On or before January 15 of each year, the clerk of each~~
39 ~~court shall submit to the Office of Court Administrator created~~
40 ~~pursuant to NRS 1.320 a written report compiling the information~~
41 ~~that the clerk reported during the previous year to the Board~~
42 ~~regarding physicians pursuant to paragraph (e) of subsection 6.~~

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



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

2 633.533 1. Except as otherwise provided in subsection 2, any
3 person may file with the Board a complaint against an osteopathic
4 physician or physician assistant on a form provided by the Board.
5 The form may be submitted in writing or electronically. If a
6 complaint is submitted anonymously, the Board may accept the
7 complaint but may refuse to consider the complaint if the lack of the
8 identity of the complainant makes processing the complaint
9 impossible or unfair to the person who is the subject of the
10 complaint.

11 2. Any licensee, medical school or medical facility that
12 becomes aware that a person practicing osteopathic medicine or
13 practicing as a physician assistant in this State has, is or is about to
14 become engaged in conduct which constitutes grounds for initiating
15 disciplinary action shall file a written complaint with the Board
16 within 30 days after becoming aware of the conduct.

17 3. Except as otherwise provided in subsection 4, any hospital,
18 clinic or other medical facility licensed in this State, or medical
19 society, shall file a written report with the Board of any change in
20 the privileges of an osteopathic physician or physician assistant to
21 practice while the osteopathic physician or physician assistant is
22 under investigation, and the outcome of any disciplinary action
23 taken by the facility or society against the osteopathic physician or
24 physician assistant concerning the care of a patient or the
25 competency of the osteopathic physician or physician assistant,
26 within 30 days after the change in privileges is made or disciplinary
27 action is taken.

28 4. A hospital, clinic or other medical facility licensed in this
29 State, or medical society, shall report to the Board within 5 days
30 after a change in the privileges of an osteopathic physician or
31 physician assistant that is based on:

32 (a) An investigation of the mental, medical or psychological
33 competency of the osteopathic physician or physician assistant; or

34 (b) Suspected or alleged substance abuse in any form by the
35 osteopathic physician or physician assistant.

36 5. The Board shall report any failure to comply with subsection
37 3 or 4 by a hospital, clinic or other medical facility licensed in this
38 State to the Division of Public and Behavioral Health of the
39 Department of Health and Human Services. If, after a hearing, the
40 Division determines that any such facility or society failed to
41 comply with the requirements of this subsection, the Division may
42 impose an administrative fine of not more than \$10,000 against the
43 facility or society for each such failure to report. If the
44 administrative fine is not paid when due, the fine must be recovered



1 in a civil action brought by the Attorney General on behalf of the
2 Division.

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

6 (a) Is mentally ill;

7 (b) Is mentally incompetent;

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

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

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

13 ↪ within 45 days after the finding, judgment or determination.

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

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

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

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

27 (b) Violating any order of the Commission, any agreement with
28 the Division, any of the provisions of this chapter, chapter 116, 119,
29 119A, 119B, 645A or 645C of NRS or any regulation adopted
30 pursuant thereto.

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

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

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

40 (2) Any crime involving fraud, deceit, misrepresentation or
41 moral turpitude.

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



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

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

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

9 (i) Any other conduct which constitutes deceitful, fraudulent or
10 dishonest dealing.

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

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

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

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

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

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

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

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

35 (2) Has been notified in writing by the appropriate
36 governmental agency of a potential violation of NRS 244.360,
37 244.3603 or 268.4124, and has failed to inform the owner of the
38 property of such notification; or

39 (3) Has been directed in writing by the owner of the property
40 to correct a potential violation of NRS 244.360, 244.3603 or
41 268.4124, and has failed to correct the potential violation, if such
42 corrective action is within the scope of the person's duties pursuant
43 to the property management agreement.

44 4. The Division shall maintain a log of any complaints that it
45 receives relating to activities for which the Commission may take



- 1 action against a person holding a permit to engage in property
2 management pursuant to subsection 3.
3 ~~{5. On or before February 1 of each odd-numbered year, the~~
4 ~~Division shall submit to the Director of the Legislative Counsel~~
5 ~~Bureau a written report setting forth, for the previous biennium:~~
6 ~~—(a) Any complaints included in the log maintained by the~~
7 ~~Division pursuant to subsection 4; and~~
8 ~~—(b) Any disciplinary actions taken by the Commission pursuant~~
9 ~~to subsection 3.}~~
10 **Sec. 18.** NRS 244.2962 is hereby repealed.
11 **Sec. 19.** This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

244.2962 County commissioners in certain counties to submit reports to Legislature with certain information concerning transport of person to medical facility by each fire department and ambulance service in county. The board of county commissioners of a county whose population is 700,000 or more shall, each calendar quarter, submit a report to the Legislative Committee on Health Care and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:

1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter.
2. For each person transported by the fire department or ambulance service during the calendar quarter:
 - (a) The fees charged to transport the person to a medical facility;
 - (b) Whether the person had health insurance at the time of transport; and
 - (c) The name of the medical facility where the fire department or ambulance service transported the person to or from.

