

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 11, 2011

Assembly called to order at 12:36 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Jason Frierson.

Lord, we first take a moment to thank You for all that You have done, are doing, and are going to do. We thank You for allowing us to be here, because we know that it is nothing short of Your Grace that has put us in a position to help Your people.

God, we pray that in these final weeks of our legislative session, You keep in our minds and on our hearts, that while we may not agree on how to get there, we can agree that we are here with the same charge: To make our Nevada a better Nevada.

Lord, replace anxiety with hope, replace anger with compassion. Remind us of your direction in Proverbs 31: 8, 9, whereby You tell us:

Speak up for those who cannot speak for themselves,
for the rights of all who are destitute.

Speak up and judge fairly;
defend the rights of the poor and needy.

And when our legislative work is done this session, let us return home knowing that we left this institution a better institution than when You gave it to us... that we lived up to Your charge, and made our Nevada a better Nevada.

In the name of Your Son, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 569—An act relating to taxation; imposing a transaction tax in this state; providing for the administration, collection and enforcement of the tax; delaying the prospective expiration of an increase in the rate of the Local School Support Tax; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 445.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 450.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 472.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 481.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Gaming Control Board and the Gaming Commission, and begs leave to report back that the following accounts have been closed by the Committee:

Gaming Control Board (101-4061)
Gaming Commission (101-4067)
Gaming Control Board Investigation Fund (244-4063)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Motor Vehicles, and begs leave to report back that the following accounts have been closed by the Committee:

Director's Office (201-4744)
REAL ID (201-4746)
Hearings (201-4732)
Automation (201-4715)
Compliance Enforcement (201-4740)
Administrative Services (201-4745)
Motor Vehicle Pollution Control (101-4722)
Central Services (201-4741)
Verification of Insurance (201-4731)
Records Search (201-4711)
Field Services (201-4735)
Motor Carrier (201-4717)
Management Services (201-4742)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Office of the Secretary of State, and begs leave to report back that the following accounts have been closed by the Committee:

Secretary of State (101-1050)
 Help America Vote Act Election Reform (101-1051)
 State Business Portal (101-1058)

DEBBIE SMITH, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HARDY:

The Assembly Committee on Ways and Means has completed its review of the various budgets for the Gaming Control Board and the Gaming Commission for the 2011-13 biennium. The closing recommendations for these accounts result in General Fund savings of \$12,876 over the biennium, as compared to the amounts recommended by the Governor.

Gaming Control Board (101-4061) GAMING CONTROL BOARD-1:

The Committee approved the Governor's recommendation to eliminate 18 FTE positions for a General Fund savings of \$1.42 million in FY 2012 and \$1.45 million in FY 2013.

The Committee approved the Governor's recommendation to replace General Funds totaling \$242,564 in each year of the 2011-13 biennium with Gaming Investigation account revenue for the costs associated with gaming application review activities performed by designated management employees.

The Committee approved the Governor's recommendation to impose a \$5 fee for processing gaming employee change forms and reduce the General Fund appropriation by \$61,000 in each year of the 2011-13 biennium. Senate Bill 83, approved during the 2009 Legislative Session, authorized the Board to charge a fee equal to the actual investigative and administrative costs related to processing the employee change notices.

The Committee discussed additional fees to make the Board and Commission self-supporting in response to a 2009 letter of intent. However, the Committee closed the Gaming budgets without additional fee revenues. The Committee reserved the right to reconsider the fees at a later date.

Gaming Commission (101-4067) GAMING CONTROL BOARD-11:

The Committee voted to approve the Governor's recommendation to reduce the Senior Research Specialist position from full-time to part-time for a General Fund savings of \$50,679 in FY 2012 and \$51,068 in FY 2013.

The Gaming Control Board Investigation Fund account (244-4063) was closed by the Committee as recommended by the Governor with staff authority to make technical adjustments that may be needed based on the closing of other Gaming Control Board accounts.

ASSEMBLYMAN HOGAN:

The Ways and Means Committee completed its review of the budgets for the Department of Motor Vehicles (DMV) and took action on the Governor's recommendations as follows:

Director's Office (201-4744) DMV-1:

The Committee did not approve the Governor's recommendation to transfer the Department of Agriculture's consolidated Weights, Measures, and Standards budget to DMV. The Committee approved the Governor's recommendation to establish a new convenience fee to pass-through transaction fees associated with self-service kiosk terminals to the customers using self-service terminals. The new convenience fee would establish the kiosk program as a self-

funded program and allow the expansion of DMV services. The new convenience fee is contingent upon the passage of S.B. 441. The Committee also approved the Governor's recommendation to implement communications systems in six metropolitan field offices. The communications systems would display public information as well as private advertising to customers visiting field offices for services, contingent upon the passage of S.B. 483.

22 Percent Cap:

Under NRS 408.235, the Department of Motor Vehicles may not expend more than 22 percent of the fees collected (excluding gas tax) from the Highway Fund on administration. The Committee's actions to close the Department's budgets maintained the agency within the 22 percent cap in each year of the 2011-13 biennium. The Committee's actions leave funding authority of approximately \$4.5 million in FY 2012 and \$3.3 million in FY 2013 under the cap, respectively.

Field Services (201-4735) DMV-56:

The Governor recommended Highway Funds of \$2,371,274 over the biennium to add 30 DMV Services Technician III positions for the Las Vegas metropolitan field offices, including Henderson, Decatur, Sahara, and Flamingo. Based upon recent trends demonstrating lower average monthly wait times, as well as the reported expansion of the kiosk program due to the approval of a new convenience fee, the Committee approved Highway Funds of \$2,337,014 over the biennium to be placed in reserve. The Committee directed the Department to monitor the kiosk program's expansion, as well as the ongoing trend in average monthly wait times, and approach the Interim Finance Committee to request approval for up to 30 additional DMV Services Technician III positions as justified over the biennium. The Committee approved Budget Amendment 226, which added monthly motor pool expenses in lieu of purchasing a replacement vehicle recommended through one-shot appropriations in FY 2011.

Verification of Insurance (201-4731) DMV-47:

The Committee approved the Verification of Insurance budget as recommended by the Governor with technical adjustments. Due to a decline in Insurance Verification Program revenue and implementation issues experienced by Nevada Liability Insurance Validation Electronically (NV LIVE) during the 2009-11 biennium, the Committee also approved issuing a letter of intent to the Department requiring it to provide quarterly status updates to the Interim Finance Committee on the progress of the program, the agency's efforts to bring all insurance providers into compliance as web-based companies, and any issues encountered by NV LIVE over the 2011-13 biennium.

Motor Vehicle Pollution Control (101-4722) DMV-33:

The Committee approved the elimination of one vacant Emission Control Technician II position as recommended by the Governor as well as Budget Amendment 187, which eliminated the Governor's recommendation to downgrade two sworn Compliance Enforcement Investigators II to non-sworn Compliance Investigators II. The Committee approved the Governor's recommendation for continuing increased transfers to the Tahoe Regional Planning Agency in order to close a funding gap in Nevada's share of air quality monitoring costs under the compact with California. The Committee also approved Budget Amendment 219 to add monthly motor pool expenses in lieu of purchasing three replacement vehicles.

Compliance Enforcement (201-4740) DMV-27:

The Committee approved the elimination of one vacant Administrative Assistant III position as recommended by the Governor as well as Budget Amendment 188, which eliminated the Governor's recommendation to downgrade two sworn Compliance Enforcement Investigators II to non-sworn Compliance Investigators II. The Committee also approved Budget Amendment 227 to add monthly motor pool expenses in lieu of purchasing four replacement vehicles recommended through one-shot appropriations in FY 2011.

Administrative Services (201-4745) DMV-21:

The Committee approved the Governor's recommendation to add merchant service fees due to the approval of a new convenience fee as the funding source for the kiosk program. Approval of the additional merchant services fees is contingent upon the passage of S.B. 441.

The Committee approved closing the following Department of Motor Vehicles' budget accounts as recommended by the Governor with technical adjustments, as needed:

- Records Search (201-4711) DMV-51
- Automation (201-4715) DMV-15
- Motor Carrier (201-4717) DMV-63
- Hearings (201-4732) DMV-11
- Central Services (201-4741) DMV-40
- Management Services (201-4742) DMV-82
- REAL ID (201-4746) DMV-7

ASSEMBLYMAN BOBZIEN:

The Assembly Committee on Ways and Means completed its review of the three budgets in the Office of the Secretary of State. The closing recommendations for these accounts resulted in General Fund savings of approximately \$89,000 due to the elimination of imaging and preservation expenditures. However, these savings will be offset by General Fund add-backs elsewhere needed to restore a downsized version of the Micrographics and Imaging program within Archives and Records.

Secretary of State (101-1050) ELECTED-122:

The Committee approved the Governor's recommendation to balance forward settlement receipts and securities fines revenues and to use those revenues as funding sources in the Office's main operating account. The Committee approved the use of additional settlement reserves, beyond the amounts recommended by the Governor, to fund a new Business Portal Administrator position, a Customer Service Process Analysis, and a Securities Data Management System Analysis. The Committee also approved expanding the allowable use of revenues generated from the enforcement of securities actions to other purposes related to the Office of the Secretary of State. The Committee approved adding back language to the Authorizations Act to accomplish this task. The Committee authorized the Office of the Secretary of State to retain an unobligated reserve balance.

Instead of transferring an Administrative Assistant II position to the non-Executive Budget Notary Public Training account as recommended by the Governor, the Committee approved keeping the position in the main operating account and supporting the position with funding transfers from the training account.

State Business Portal (101-1058) ELECTED-136:

As requested by the Office of the Secretary of State and recommended by the Governor, the Committee approved the establishment of a new State Business Portal budget account independent from the Office's main operating account to separately track all costs related to the Business Portal. The Committee also approved the Governor's recommendation to provide General Fund appropriations of \$250,000 per year for contract services to build out the Portal to allow interfaces with other agencies.

The Committee approved a letter of intent requesting the Secretary of State to provide semi-annual reports to the IFC regarding the Office's evaluation of potential cost recoveries from Portal participants.

HAVA Election Reform (101-1051) ELECTED-131:

The Committee closed the HAVA Election Reform account as recommended by the Governor.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker

Your Committee on Judiciary, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Joint Resolutions Nos. 8, 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 49, 84, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 49, 84, 193, 218, 408, and Senate Joint Resolutions Nos. 8 and 14, just reported out of committee, be placed at the top of Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 573.

AN ACT relating to health; transferring the Office for Consumer Health Assistance from the Office of the Governor to the Department of Health and Human Services; requiring the Director of the Department to appoint the Governor's Consumer Health Advocate to head the Office; including the Office of Minority Health within the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes an Office for Consumer Health Assistance within the Office of the Governor and provides for the appointment of a Director of the Office by the Governor. (NRS 223.500-223.580) **Sections 1-8** of this bill transfer the Office for Consumer Health Assistance into the Department of

Health and Human Services. **Section 4** of this bill requires the Director of the Department to appoint the Governor's Consumer Health Advocate to head the Office.

Existing law establishes an Office of Minority Health in the Department of Health and Human Services. (NRS 232.467-232.484) **Sections 9-16** of this bill transfer the Office of Minority Health into the Office for Consumer Health Assistance, under the direction of the Governor's Consumer Health Advocate.

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

Section 1. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

“Advocate” means the Governor’s Consumer Health Advocate appointed pursuant to NRS 223.550.

Sec. 2. NRS 223.500 is hereby amended to read as follows:

223.500 As used in NRS 223.500 to 223.580, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 223.510 to 223.535, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

Sec. 3. NRS 223.520 is hereby amended to read as follows:

223.520 “Director” means the Director of the ~~{Office for Consumer Health Assistance appointed pursuant to NRS 223.550.}~~ *Department of Health and Human Services.*

Sec. 4. NRS 223.550 is hereby amended to read as follows:

223.550 1. The Office for Consumer Health Assistance is hereby established in the ~~{Office of the Governor.}~~ *Department of Health and Human Services.* The ~~{Governor}~~ *Director* shall appoint the ~~{Director.}~~ *Governor’s Consumer Health Advocate to head the Office.* The ~~{Director}~~ *Advocate* must:

(a) Be ~~{~~:

~~(1) A physician, as that term is defined in NRS 0.040;~~

~~(2) A registered nurse, as that term is defined in NRS 632.019;~~

~~(3) An advanced practitioner of nursing, as that term is defined in NRS 453.023; or~~

~~(4) A physician assistant, as that term is defined in NRS 630.015; and}~~
selected on the basis of his or her training, experience, capacity and interest in health-related services.

(b) *Be a graduate of an accredited college or university. The Director shall, to the extent practicable, give preference to a person who has a degree in the field of health, social science, public administration or business administration or a related field.*

(c) *Have not less than 3 years of experience in the administration of health care or insurance programs.*

(d) Have expertise and experience in the field of advocacy.

2. The cost of carrying out the provisions of NRS 223.500 to 223.580, inclusive, must be paid as follows:

(a) That portion of the cost related to providing assistance to consumers and injured employees concerning workers' compensation must be paid from the assessments levied pursuant to NRS 232.680.

(b) That portion of the cost related to the operation of the Bureau for Hospital Patients created pursuant to NRS 223.575 must be paid from the assessments levied pursuant to that section.

(c) That portion of the cost related to providing assistance to consumers in need of information or other facilitation regarding a prescription drug program may, to the extent money is available from this source, be paid from the proceeds of any gifts, grants or donations that are received by the ~~Director~~ *Advocate* for this purpose.

(d) That portion of the cost related to providing assistance to consumers in need of information concerning purchasing prescription drugs from Canadian pharmacies may, to the extent money is available from this source, be paid from the proceeds of any gifts, grants or donations that are received by the ~~Director~~ *Advocate* for this purpose.

(e) The remaining cost must be provided by direct legislative appropriation from the State General Fund and be paid out on claims as other claims against the State are paid.

Sec. 5. NRS 223.560 is hereby amended to read as follows:

223.560 The ~~Director~~ *Advocate* shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the ~~{Director,}~~ *Advocate* pursuant to this section;

7. In appropriate cases and pursuant to the direction of the ~~{Governor,}~~ *Advocate*, refer a complaint or the results of an investigation to the Attorney General for further action;

8. Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

9. Establish and maintain an Internet website which includes:

(a) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(b) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(c) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State; and

10. Assist consumers with filing complaints against health care facilities and health care professionals. As used in this subsection, "health care facility" has the meaning ascribed to it in NRS 162A.740.

Sec. 6. NRS 223.570 is hereby amended to read as follows:

223.570 1. The ~~{Director,}~~ *Advocate*, within the limits of available money:

(a) Shall, to carry out the provisions of this section and NRS 223.560 and 223.580, employ at least two persons who have experience in the field of workers' compensation, including, without limitation, persons who have experience in administering claims or programs related to policies of industrial insurance, representing employees in contested claims relating to policies of industrial insurance or advocating for the rights of injured employees; and

(b) May, in addition to the persons required to be employed pursuant to paragraph (a), employ:

(1) Such persons in the unclassified service of the State as the ~~Director~~ *Advocate* determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580, including, without limitation, a provider of health care, as that term is defined in NRS 449.581.

(2) Such additional personnel as may be required to carry out the provisions of this section and NRS 223.560 and 223.580, who must be in the classified service of the State.

↪ A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the ~~Director~~ *Advocate* employs that person.

2. The ~~Director~~ *Advocate* may:

(a) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans, prescription drug programs and policies of industrial insurance as the ~~Director~~ *Advocate* determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.

(b) Adopt such regulations as the ~~Director~~ *Advocate* determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.

(c) Apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office for Consumer Health Assistance in carrying out its duties pursuant to subsections 8 and 9 of NRS 223.560.

3. The ~~Director~~ *Advocate* and the ~~Director's~~ *Advocate's* employees shall not have any conflict of interest relating to the performance of their duties pursuant to this section and NRS 223.560 and 223.580. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the ~~Director~~ *Advocate* or employee, or any person affiliated with the ~~Director~~ *Advocate* or employee:

(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;

(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;

(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of health care; or

(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.

Sec. 7. NRS 223.575 is hereby amended to read as follows:

223.575 1. The Bureau for Hospital Patients is hereby created within the Office for Consumer Health Assistance. ~~[in the Office of the Governor.]~~

2. The ~~[Director.]~~ *Advocate*:

(a) Is responsible for the operation of the Bureau, which must be easily accessible to the clientele of the Bureau.

(b) Shall appoint and supervise such additional employees as are necessary to carry out the duties of the Bureau. The employees of the Bureau are in the unclassified service of the State.

(c) On or before February 1 of each year, shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau concerning the activities of the Bureau for Hospital Patients for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation, the number of complaints received by the Bureau, the number and type of disputes heard, mediated, arbitrated or resolved through alternative means of dispute resolution by the ~~[Director]~~ *Advocate* and the outcome of the mediation, arbitration or alternative means of dispute resolution.

3. The ~~[Director]~~ *Advocate* may, upon request made by either party, hear, mediate, arbitrate or resolve by alternative means of dispute resolution disputes between patients and hospitals. The ~~[Director]~~ *Advocate* may decline to hear a case that in the ~~[Director's]~~ *Advocate's* opinion is trivial, without merit or beyond the scope of his or her jurisdiction. The ~~[Director]~~ *Advocate* may hear, mediate, arbitrate or resolve through alternative means of dispute resolution disputes regarding:

(a) The accuracy or amount of charges billed to a patient;

(b) The reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 of NRS 439B.260; and

(c) Such other matters related to the charges for care provided to a patient as the ~~[Director]~~ *Advocate* determines appropriate for arbitration, mediation or other alternative means of dispute resolution.

4. The decision of the ~~[Director]~~ *Advocate* is a final decision for the purpose of judicial review.

5. Each hospital, other than federal and state hospitals, with 49 or more licensed or approved hospital beds shall pay an annual assessment for the support of the Bureau. On or before July 15 of each year, the ~~[Director]~~ *Advocate* shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

6. The total amount assessed pursuant to subsection 5 for a fiscal year must not be more than \$100,000 adjusted by the percentage change between January 1, 1991, and January 1 of the year in which the fees are assessed, in

the Consumer Price Index (All Items) published by the United States Department of Labor.

7. The total amount assessed must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

Sec. 8. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the ~~Director~~ *Advocate* shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the Office for Consumer Health Assistance and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the ~~Director~~ *Advocate*, including, without limitation, the number of referrals made to the Attorney General pursuant to subsection 7 of NRS 223.560;

3. A statement setting forth the disposition of each inquiry and complaint received by the ~~Director~~ *Advocate*; and

4. A statement setting forth the number of external reviews conducted by external review organizations pursuant to NRS 695G.241 to 695G.310, inclusive, and the disposition of each of those reviews as reported pursuant to NRS 695G.310.

Sec. 9. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

“Advocate” means the Governor’s Consumer Health Advocate appointed pursuant to NRS 223.550.

Sec. 10. NRS 232.467 is hereby amended to read as follows:

232.467 As used in NRS 232.467 to 232.484, inclusive, ***and section 9 of this act***, unless the context otherwise requires, the words and terms defined in NRS 232.468 to 232.473, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 232.473 is hereby amended to read as follows:

232.473 “Office” means the Office of Minority Health of the ***Office for Consumer Health Assistance of the*** Department.

Sec. 12. NRS 232.474 is hereby amended to read as follows:

232.474 The Office of Minority Health is hereby created within the ***Office for Consumer Health Assistance of the*** Department. The purposes of the Office of ***Minority Health*** are to:

1. Improve the quality of health care services for members of minority groups;
2. Increase access to health care services for members of minority groups; and
3. Disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups.

Sec. 12.5. NRS 232.477 is hereby amended to read as follows:

232.477 The Director shall , to the extent that money is available for that purpose, appoint or designate a Manager of the Office. The Manager must be appointed on the basis of his or her education, training, experience, demonstrated abilities and interest in the provision of health care services to members of minority groups and in related programs.

Sec. 13. ~~[NRS 232.478 is hereby amended to read as follows:~~

~~232.478 The [Manager] *Advocate* shall:~~

- ~~1. Ensure that the purposes of the Office are carried out;~~
- ~~2. Direct and supervise all the technical and administrative activities of the Office;~~
- ~~3. Attend the meetings of the Advisory Committee, serve as secretary at those meetings and keep minutes of those meetings;~~
- ~~4. Request and consider the advice of the Advisory Committee concerning matters of policy;~~
- ~~5. Serve as the contracting officer for the Office to receive money from the Federal Government or any other source; and~~
- ~~6. Act as liaison between the Office, members of minority groups, and public and private entities offering health care services primarily to those members or offering health care information of interest to those members.]~~

(Deleted by amendment.)

Sec. 14. ~~[NRS 232.479 is hereby amended to read as follows:~~

~~232.479 On or before March 1 of each odd-numbered year, the [Manager] *Advocate* shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must outline the manner in which the Office has accomplished its purposes during the biennium, including, without limitation, information concerning the activities, findings and recommendations of the Office as they relate to health care services for members of minority groups and to health care issues of interest to those members.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[NRS 232.481 is hereby amended to read as follows:~~

~~232.481 1. The [Manager] *Advocate* may, within the limits of legislative appropriations and other available money, award a grant of money to a person for use consistent with the provisions of NRS 232.467 to 232.484, inclusive.~~

~~2. Before the [Manager] *Advocate* may award a grant pursuant to subsection 1, the [Manager] *Advocate* shall adopt by regulation:~~

~~(a) Procedures by which a person may apply for a grant from the [Manager] *Advocate*;~~

~~(b) Criteria that the [Manager] *Advocate* will consider in determining whether to award a grant; and~~

~~(c) Procedures by which the [Manager] *Advocate* will distribute any money that the Office receives pursuant to subsection 1 of NRS 232.476.~~

(Deleted by amendment.)

Sec. 16. NRS 232.483 is hereby amended to read as follows:

232.483 1. ~~Each~~ **To the extent that money is available for that purpose, each** member of the Advisory Committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than \$80 per day, as fixed by the Manager ~~*Advocate*~~ in consultation with the Advisory Committee, for each day or portion of a day spent on the business of the Advisory Committee. Each member of the Advisory Committee who is an officer or employee of the State of Nevada serves without additional compensation. ~~Each~~ **To the extent that money is available for that purpose, each** member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. A claim for a payment pursuant to this section must be made on a voucher approved by the Manager ~~*Advocate*~~ and paid as other claims against the State are paid.

2. Each member of the Advisory Committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the Advisory Committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the Advisory Committee.

Sec. 17. ~~[NRS 232.484 is hereby amended to read as follows:~~

~~232.484—The Advisory Committee shall:~~

~~1. Advise the [Manager] *Advocate* on all matters concerning the manner in which the purposes of the Office are being carried out;~~

~~2. Review the manner in which the Office uses any gifts, grants, donations or appropriations to carry out the purposes of the Office and make recommendations; and~~

~~3. Review any reports to be submitted by the [Manager.] *Advocate* including, without limitation, the report required pursuant to NRS 232.479, and make recommendations.] (Deleted by amendment.)~~

Sec. 18. NRS 439.930 is hereby amended to read as follows:

439.930 The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 439.900 to 439.940, inclusive. Such regulations must provide for, without limitation:

1. Notice to consumers stating that:

(a) Although the Department will strive to ensure that consumers receive accurate information regarding pharmacies, including, without limitation, the prices charged by those pharmacies for the prescription drugs and generic equivalents that are on the list prepared pursuant to NRS 439.905, the Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the Department to an Internet website maintained by a pharmacy, the Department is unable to guarantee the accuracy of any information made available on the Internet website maintained by the pharmacy; and

(c) The Department advises consumers to contact a pharmacy directly to verify the accuracy of any information regarding the pharmacy which is made available to consumers pursuant to NRS 439.900 to 439.940, inclusive;

2. Procedures adopted ~~[cooperatively with the Office of the Governor]~~ to direct consumers who have questions regarding the program described in NRS 439.900 to 439.940, inclusive, to contact the Office for Consumer Health Assistance ~~[in the Office]~~ of the ~~[Governor.]~~ **Department;**

3. Provisions in accordance with which the Department will allow an Internet link to the information provided by each pharmacy pursuant to NRS 439.910 and made available on the Department's Internet website to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

(b) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers and pharmacies may report to the Department that information made available to consumers pursuant to NRS 439.900 to 439.940, inclusive, is inaccurate;

5. The form and manner in which pharmacies are to provide to the Department the information described in NRS 439.910; and

6. Standards and criteria pursuant to which the Department may remove from its Internet website information regarding a pharmacy or an Internet

link to the Internet website maintained by a pharmacy, or both, if the Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to chapter 639 of NRS; or

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons.

Sec. 19. ~~[NRS 232.471 and 232.477 are hereby repealed.] (Deleted by amendment.)~~

Sec. 20. This act becomes effective on July 1, 2011.

‡

TEXT OF REPEALED SECTIONS

~~**232.471** “Manager” defined. “Manager” means the Manager of the Office of Minority Health of the Department.~~

~~**232.477** Appointment of Manager; qualifications. The Director shall appoint a Manager of the Office. The Manager must be appointed on the basis of his or her education, training, experience, demonstrated abilities and interest in the provision of health care services to members of minority groups and in related programs.]~~

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time.

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

Amendment No. 568.

AN ACT relating to cosmetology; **revising certain provisions governing schools of cosmetology; establishing the procedures for the licensure of certain persons who engage in the practice of hair braiding and persons who operate an establishment for hair braiding;** revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; repealing a provision relating to the provision of a surety bond by a school of cosmetology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Cosmetology to determine the qualifications of applicants for various licenses in cosmetology, requires the Board to license schools of cosmetology, and authorizes the Board to adopt regulations governing the sanitary conditions in cosmetological establishments, schools of cosmetology and in the practice of cosmetology. (NRS 644.090, 644.120)

~~The~~ **Section 6 of this bill: (1) prohibits a school of cosmetology from collecting the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology when the student enters into a contract with the school of cosmetology; (2) authorizes a school of cosmetology to collect certain periodic payments from students; and (3) requires a school of cosmetology to use the contract for enrollment that was submitted to and approved by the Board.**

Sections 7-9 of this bill establish a new license as a hair braider and set forth the requirements, including passing certain examinations, that must be met before the Board may issue such a license to a person. Section 7 sets forth the requirements for obtaining such a license for persons who have not previously practiced hair braiding or who have practiced hair braiding in this State on certain relatives without accepting compensation. Section 8 sets forth the requirements for persons who have practiced hair braiding in another state. Section 9 sets forth the scope of the examinations that are required to obtain a license to practice hair braiding. Section 24 of this bill provides an exemption from the licensure requirements for a person who, without accepting compensation, practices hair braiding on a person who is related within the sixth degree of consanguinity.

Section 10 of this bill establishes a new license for persons who wish to operate an establishment for hair braiding and sets forth the requirements that must be met before the Board may issue such a license. Sections 11-16 of this bill set forth additional requirements governing an establishment for hair braiding, including, without limitation, requirements relating to the notice which must be provided to the Board concerning a change of ownership or location and requirements relating to the qualifications of the person who must supervise the operation of such an establishment.

Under existing law, the Board is also required to provide for the registration of any person who engages in the practice of threading, and is authorized to inspect any facility in which threading is conducted. (NRS 644.331) **Section ~~14~~ 22** of this bill authorizes the Board to include the practice of threading and any facility in which it is conducted in its regulations regarding sanitary conditions. **Sections ~~2-8~~ 26-31 and 35** of this

bill add United States citizenship or the legal right to remain and work in the United States to the requirements for applicants seeking licensure by the Board.

Existing law requires that schools of cosmetology post with the Board a surety bond as part of licensure. (NRS 644.383) **Section ~~40~~ 43** of this bill repeals that requirement.

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

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, **hair designer, hair braider**, cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, **hair designer, hair braider**, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

(e) Students enrolled in a school of massage therapy recognized by the Board.

(f) A person who practices massage therapy solely on members of his or her immediate family.

(g) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 16, inclusive, of this act.

Sec. 3. "Establishment for hair braiding" means any premises, mobile unit, building or part of a building where hair braiding is practiced, other than a cosmetological establishment.

Sec. 4. "Hair braider" means any person who engages in the practice of hair braiding.

Sec. 5. 1. "Hair braiding" means a natural form of hair manipulation by braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping human hair, natural fibers, synthetic fibers and hair extensions. The practice may be performed by hand or by using simple braiding devices, including, without limitation, clips, combs, hairpins, scissors, needles and thread.

2. The term includes:

(a) Cleansing the scalp; and

(b) The making of customized wigs from natural hair, natural fibers, synthetic fibers and hair extensions.

3. The term does not include:

(a) The use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents applied to growing human hair;

(b) The cutting or growing of human hair, except that the term includes the trimming of hair extensions or sewn weave-in extensions only as applicable to the braiding process; or

(c) Any other activity set forth in the definition of "cosmetologist" pursuant to NRS 644.023 other than the activities expressly set forth in subsections 1 and 2.

Sec. 6. 1. A school of cosmetology shall not:

(a) Collect the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology at the time the student enters into a contract with the school of cosmetology; or

(b) Except for an initial payment of not more than 25 percent of the total amount of the cost for the program at the school, invoice or collect from a student a periodic payment toward the cost for the quarter of the program at the school of cosmetology until at least 75 percent of the instruction in the curriculum of the immediately preceding quarter of the program has been completed.

2. A school of cosmetology shall use the contract for the enrollment of a student in a program at the school of cosmetology that was submitted to and approved by the Board, including any revisions approved by the Board pursuant to subsection 3, to contract with the student of cosmetology. The approved contract must include, without limitation:

(a) A notice indicating that the school of cosmetology is not required to post a surety bond with the Board; and

(b) A provision indicating that the school of cosmetology is authorized to collect:

(1) Not more than 25 percent of the total amount of the cost for the program at the school of cosmetology from a student at the time the student enters into the contract with the school of cosmetology; and

(2) Additional periodic payments in increments of not more than 25 percent of the total amount of the cost for the program for each quarter of the program. This amount may be collected by the school of cosmetology when at least 75 percent of the instruction in the curriculum of the immediately preceding quarter of the program has been completed.

3. The school of cosmetology shall submit to the Board for its approval a notice detailing any revisions to the approved contract. The revisions must be approved by the Board before the school of cosmetology may use the revised contract. The revisions shall be deemed to be approved by the Board if the revisions are not disapproved by the Board within 60 days after their submission to the Board.

4. The Board:

(a) Shall respond to any complaints with regard to a contract between a school of cosmetology and a student of cosmetology; and

(b) If the Board or its staff has reason to believe that a school of cosmetology has not complied with any provisions governing such a contract, may require the school of cosmetology to submit for review its current contract for the enrollment of a student or may conduct an inspection of the school of cosmetology.

Sec. 7. 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 8. 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of \$200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 9. 1. The examination for licensure as a hair braider pursuant to paragraph (e) of subsection 1 of section 8 of this act must include:

(a) A written test on antisepsis, sterilization and sanitation; and

(b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology.

2. The examination for licensure as a hair braider pursuant to section 7 or paragraph (f) of subsection 1 of section 8 of this act must include:

(a) The written tests described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 10. 1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed

establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the requirements of this chapter and any regulations adopted by the Board. If, based on the verbal review, the Board determines that the establishment for hair braiding meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the establishment for hair braiding not later than 90 days after the date on which the license is activated.

3. The fee for a license for an establishment for hair braiding is \$200. The fee for the initial inspection is \$15. If an additional inspection is necessary, the fee is \$25.

Sec. 11. 1. The Board must be notified of any change of ownership, name, services offered or location of an establishment for hair braiding. The establishment may not be operated after the change until a new license is issued. The owner of the establishment must apply to the Board for the license and pay the fees established pursuant to subsection 3 of section 10 of this act.

2. After a license has been issued for the operation of an establishment for hair braiding, any changes in the physical structure of the establishment must be approved by the Board.

Sec. 12. 1. The license of an establishment for hair braiding expires 2 years after the date of issuance or renewal of the license.

2. If the owner of an establishment for hair braiding fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 13. Every holder of a license issued by the Board to operate an establishment for hair braiding shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

Sec. 14. Hair braiding may be practiced in an establishment for hair braiding by licensed hair braiders, hair designers or cosmetologists who are:

1. Employees of the owner of the establishment; or
2. Lessees of space from the owner of the establishment.

Sec. 15. An establishment for hair braiding must, at all times, be under the immediate supervision of a licensed hair braider, hair designer or cosmetologist.

Sec. 16. Food or beverages for immediate consumption may be sold in an establishment for hair braiding.

Sec. 17. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, **and sections 3, 4 and 5 of this act** have the meanings ascribed to them in those sections.

Sec. 18. NRS 644.0205 is hereby amended to read as follows:

644.0205 1. “Aesthetician” means any person who engages in the practices of:

(a) Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;

(b) Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body; and

(c) Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring,

↳ but does not include the branches of cosmetology of a cosmetologist, hair designer, **hair braider**, electrologist or nail technologist.

2. As used in this section, “depilatories” does not include the practice of threading.

Sec. 19. NRS 644.024 is hereby amended to read as follows:

644.024 “Cosmetology” includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, **hair braider**, demonstrator of cosmetics and nail technologist.

Sec. 20. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License **establishments for hair braiding**, cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting officers all violations of this chapter coming within its knowledge.

5. Inspect schools of cosmetology, **establishments for hair braiding** and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 21. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.
2. For conducting examinations of applicants for licenses.
3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.
4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:
 - (a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;
 - (b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;
 - (c) Providing for lunch and coffee recesses for students during school hours; and
 - (d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.
5. Governing the courses of study and practical training required of persons for treating the skin of the human body.
6. For governing the conduct of cosmetological establishments.

7. As the Board determines are necessary for governing the conduct of establishments for hair braiding.

~~[Section 1.]~~ **Sec. 22. NRS 644.120 is hereby amended to read as follows:**

644.120 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases **in the practice of hair braiding, in establishments for hair braiding, in the practice of a cosmetologist,** in cosmetological establishments or schools of cosmetology, ~~for~~ ~~in the practice of a cosmetologist~~ ~~;~~ ~~or~~ ~~in the practice of a~~ ~~cosmetologist~~ ~~;~~ ~~or~~ **in the practice of threading and in any facility in this State in which threading is conducted.**

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, **establishment for hair braiding,** school of cosmetology or practice of cosmetology.

Sec. 23. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license of every nail technologist, electrologist, aesthetician, hair designer, hair braider, demonstrator of cosmetics and cosmetologist, together with the names and addresses of all establishments for hair braiding, cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

- (a) Any other licensing board or agency that is investigating a licensee.
- (b) A member of the general public, except information concerning the home and work address and telephone number of a licensee.

Sec. 24. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, an establishment for hair braiding, a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in ~~subsection 4,~~ **subsections 4 and 5**, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 25. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his or her education;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, **hair braider**, aesthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than \$40 and not more than \$75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

~~{Sec. 25}~~ **Sec. 26. NRS 644.200 is hereby amended to read as follows:**

644.200 The Board shall admit to examination for a license as a cosmetologist, at any meeting of the Board held to conduct examinations, any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 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 successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~[4.]~~ 5. Has had any one of the following:

(a) Training of at least 1,800 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

(d) Completion of at least 3,600 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

~~[Sec. 3.]~~ *Sec. 27.* NRS 644.203 is hereby amended to read as follows:

644.203 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 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 successfully completed the 12th grade in school or its equivalent.

~~[4.]~~ 5. Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of 5 consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

~~[Sec. 4.]~~ *Sec. 28.* NRS 644.204 is hereby amended to read as follows:

644.204 The Board shall admit to examination for a license as a hair designer, at any meeting of the Board held to conduct examinations, each

person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 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 successfully completed the 10th grade in school or its equivalent.

Testing for equivalency must be pursuant to state or federal requirements.

~~{4.}~~ 5. Has had at least one of the following:

(a) Training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of hair designing for at least 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

~~{Sec. 5.}~~ **Sec. 29.** NRS 644.205 is hereby amended to read as follows:

644.205 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 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 successfully completed the 10th grade in school or its equivalent.

~~{4.}~~ 5. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

~~{Sec. 6.}~~ **Sec. 30.** NRS 644.206 is hereby amended to read as follows:

644.206 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 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 a course provided by the Board relating to sanitation; and

~~[4.]~~ 5. Except as otherwise provided in NRS 622.090, has received a score of not less than 75 percent on the examination administered by the Board.

~~[Sec. 7.]~~ **Sec. 31.** NRS 644.207 is hereby amended to read as follows:

644.207 The Board shall admit to examination for a license as an aesthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 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 successfully completed the 10th grade in school or its equivalent; and

~~[4.]~~ 5. Has received a minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology or who has practiced as a full-time licensed aesthetician for at least 1 year.

Sec. 32. NRS 644.220 is hereby amended to read as follows:

644.220 1. In addition to the fee for an application, the fees for examination are:

- (a) For examination as a cosmetologist, not less than \$75 and not more than \$200.
- (b) For examination as an electrologist, not less than \$75 and not more than \$200.
- (c) For examination as a hair designer, not less than \$75 and not more than \$200.

(d) **For examination as a hair braider, \$110.**

~~(e)~~ (e) For examination as a nail technologist, not less than \$75 and not more than \$200.

~~(f)~~ (f) For examination as an aesthetician, not less than \$75 and not more than \$200.

~~(g)~~ (g) For examination as an instructor of aestheticians, hair designers, cosmetology or nail technology, not less than \$75 and not more than \$200.

~~[The]~~

2. Except as otherwise provided in this subsection, the fee for each reexamination is not less than \$75 and not more than \$200.

~~[2.]~~ **The fee for reexamination as a hair braider is \$110.**

3. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is \$75.

~~[3.]~~ **4.** Each applicant referred to in subsections 1 and ~~[2.]~~ **3** shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 33. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, **hair braider**, nail technologist, demonstrator of cosmetics or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and
2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 34. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed nail technologist, electrologist, aesthetician, hair designer, **hair braider**, demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his or her place of business, as designated in the records of the Board, notify the Secretary of the Board of the new place of business. Upon receipt of the notification, the Secretary shall make the necessary change in the records.

~~[Sec. 8.]~~ **Sec. 35. NRS 644.310 is hereby amended to read as follows:**

644.310 ~~Upon~~ **Except as otherwise provided in section 8 of this act,** **upon** application to the Board, accompanied by a fee of \$200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 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 successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he or she is licensed.
- ~~[4.]~~ 5. Is currently licensed in another state or territory or the District of Columbia.

Sec. 36. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, **hair braider**, nail technologist, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses, other than initial licenses as a hair braider, issued for less than 1 1/2 years.

3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is \$70. The fee for an initial license as a hair braider issued by the Board for:

(a) At least a portion of 1 month but less than 6 months is \$17.50.

(b) Six months or more but less than 12 months is \$35.00

(c) Twelve months or more but less than 18 months is \$52.50.

Sec. 37. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

- (a) Made on a form prescribed and furnished by the Board;
- (b) Made on or before the date for renewal specified by the Board;
- (c) Accompanied by the fee for renewal; and
- (d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than \$50 and not more than \$100.

(b) **For hair braiders, \$70.**

(c) For instructors, not less than \$60 and not more than \$100.

~~(c)~~ (d) For cosmetological establishments, not less than \$100 and not more than \$200.

~~(d)~~ (e) **For establishments for hair braiding, \$70.**

(f) For schools of cosmetology, not less than \$500 and not more than \$800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of \$50 for a school of cosmetology and \$20 for **an establishment for hair braiding**, a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, **hair braider**, aesthetician, electrologist, nail technologist, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

5. Before a person applies for the renewal of a license on or after January 1, 2011, as a cosmetologist, hair designer, **hair braider**, aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control in a professional course or seminar approved by the Board.

Sec. 38. NRS 644.330 is hereby amended to read as follows:

644.330 1. A nail technologist, electrologist, aesthetician, hair designer, **hair braider,** cosmetologist, demonstrator of cosmetics or instructor whose license has expired may have his or her license renewed only upon payment of all required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, aesthetician, hair designer, **hair braider,** cosmetologist, demonstrator of cosmetics or instructor who retires from practice for more than 1 year may have his or her license restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, aesthetician, hair designer, **hair braider,** cosmetologist, demonstrator of cosmetics or instructor who has retired from practice for more than 4 years may have his or her license restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

~~[Sec. 9.]~~ **Sec. 39. NRS 644.350 is hereby amended to read as follows:**

644.350 1. The license of every cosmetological establishment expires ~~at~~

~~(a) If the last name of the owner begins with the letter "A" through the letter "M," on the date of birth of the owner in the next succeeding odd-numbered year.~~

~~(b) If the last name of the owner begins with the letter "N" through the letter "Z," on the date of birth of the owner in the next succeeding even-numbered year.~~

~~2. If a cosmetological establishment has more than one owner, the Board shall designate one of the owners whose last name will be used for the purpose of determining the date of expiration of the license of the cosmetological establishment.~~

~~3.] 2 years after the date of issuance or renewal of the license.~~

2. If a cosmetological establishment fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 40. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

- (a) A detailed floor plan of the proposed school;
- (b) The name, address and number of the license of the manager or person in charge and of each instructor;
- (c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;
- (d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;
- (e) The annual fee for a license; ~~and~~
- (f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and
- (g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

- (a) Is suitably located.
- (b) Contains at least 5,000 square feet of floor space and adequate equipment.
- (c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.
- (d) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than \$500 and not more than \$800.

4. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

5. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 41. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

- (a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.
- (b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.
- (c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360 and 644.410 ~~[]~~ **and section 13 of this act.**

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Place the licensee on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 42. NRS 644.472 is hereby amended to read as follows:

644.472 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed **establishment for hair braiding or** cosmetological establishment.

2. An aquarium may be maintained on the premises of a licensed **establishment for hair braiding or** cosmetological establishment.

~~[Sec. 40.]~~ **Sec. 43. NRS 644.383 is hereby repealed.**

Sec. 44. The provisions of this act apply to contracts entered into on or after July 1, 2011.

Sec. 45. Each school of cosmetology licensed before July 1, 2011, before entering into a contract for the enrollment of a student in a program at the school of cosmetology, shall obtain the Board's approval of the contract. Thereafter, any revisions to the approved contract must be approved in accordance with section 6 of this act.

Sec. 46. 1. The State Board of Cosmetology shall:

(a) On July 1, 2011, begin issuing licenses:

(1) To practice as a hair braider; and

(2) To operate an establishment for hair braiding.

(b) On or before July 1, 2011, adopt any regulations that the Board determines are necessary to enable the Board to begin issuing the licenses described in paragraph (a) on July 1, 2011.

2. As used in this section:

(a) “Establishment for hair braiding” has the meaning ascribed to it in section 3 of this act.

(b) “Hair braider” has the meaning ascribed to it in section 4 of this act.

(c) “Hair braiding” has the meaning ascribed to it in section 5 of this act.

Sec. 47. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks, including, without limitation, the approval of contracts, as needed to carry out the provisions of this act; and

2. On July 1, 2011, for all other purposes.

TEXT OF REPEALED SECTION

644.383 Surety bond.

1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety. If the license for the school was issued:

(a) On or before June 30, 2005, the bond must be in the amount of \$10,000; or

(b) On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.

2. The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:

(a) The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest \$5,000; and

(b) The amount of the bond required for the school must not be less than \$10,000 or more than \$400,000.

3. Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.

4. If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.

5. Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:

(a) In the amount of \$10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;

(b) In an amount not less than \$10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and

(c) In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.

7. The bond required for a school of cosmetology must be in the amount of \$10,000 if the school:

(a) Is initially licensed on or before June 30, 2005;

(b) Has been continuously licensed since June 30, 2005; and

(c) Is relocated and obtains a license for the new location on or after July 1, 2005.

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board, and every bond must set forth this fact.

9. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. The Board shall adopt regulations defining the terms "minor violation" and "major violation" for the purposes of subsection 6.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 218.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 8.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Aizley.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 491:

YEAS—42.

NAYS—None.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblyman Kirner.

Roll call on Assembly Bill No. 493:

YEAS—42.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority,

Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblyman Hambrick.

Roll call on Senate Bill No. 130:

YEAS—35.

NAYS—Carlton, Ellison, Goedhart, Hansen, Kite, McArthur, Woodbury—7.

Senate Bill No. 130 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Remarks by Assemblymen Diaz, Goicoechea, Goedhart, Ocegüera, Dondero Loop, Anderson, and Conklin.

Roll call on Senate Bill No. 248:

YEAS—34.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hansen, Kite, McArthur, Stewart—8.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Senate Bill No. 406:

YEAS—42.

NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Mello.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Charis Marrin.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Brooks.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Winters and Jenny Smith.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Marty McGarry.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Curtis and Sally Layer.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Darrell Lacy and Gary Hollis.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Brown Elementary School: Kaylee Allen, Isis Atkins, Dylan Black, Max Bowman, Mike Bryan, Jaden Collins, Luc Cote`, Ethan Gail, Latin Gerry, Will Hadley, Sophie Hamrick, Samantha Iacoboni, William Kim, Patrick Kunkel, Christopher "Brody" MacCord, Gabby Miller, Macy Minore, Holly Moore, Jack Moore, Sophia Owen, Hannah Prins, Jason Rathmann, Caden Roelofs, Carah Salinas, Jenna Salivar, Jordan Salivar, Alexa Schnase, Andrew Seiler, Grace Silva, Lily Spicer, Lacey Travens, Abigail Andros, Nicholas Braido, Danniell Brown, Jakob Buschine, Halim Castiblanco-Alvarez, Lilian Darnell, Hannah Edwards, Daniel Fauth, Emily Felt, Hannah Felt, Adam Halsey, Rebecca Harvey, Tyler Hopper, Jayde Hunt, Hudson Kittrell, Tamaio Lagatta, Sophia Le Blanc, Daniel Mendoza, Riley Moore,

Brook Pieters, Juan Rawlins, Stephanie Silvestre, Lorena Sosa, Julia Soukup, Jacob Steimle, Wyatt Virgil, Jacob Weatherill, Jack Weise, Hannah White, Wyatt Goff, Dayna Ayers, Leann Morgan, Sandy Kunkel, Heather Minore, Cyndi Benik, Melissa Neil, Lisa Buschine, and Treena Hopper.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Fritsch Elementary School: Faith Bigelow, Nicholas Brown, Garrett Carel, Danny Escalante, Delaney Fair, Sydney Fields, Kyle Hilliard-Houle, Mikayla Kuhlman, Oscar Lara, Prabhjot Mand, Trinity Medina-Ramirez, Stephanie Melsheimer, Jacob Pettay, Abby Pradere, Trinati Randall, Delsin Roberts, Zach Smith, Victoria Soriano, Lucas Van Brow, Ryan Zusan, Gabriel Morton, Destiny Cox, Samantha Flemming, Ivory DeMar, Alyssa Rowe, Ann Everest, Audrey Breeding, Carter Brown, Chance Sanders, Cory Bill, Dante Cruz, Devon Ryan, Eleanor Sturm, Emily Harper, Grace Berkich, Hannah Gray, Ian Pettersen, Jaden Dyer, Jake Corona-Bale, Lauren Krueger, Luke Bowler, Luis Roque, Micheal Hurlbert, Nick Bird, Samantha Weddell, Susan Fliegler, Tucker Callison, Zoe Stewart, Ethan Bayassee, Susan Flemming, Jackie Miranda, Nicole Melsheimer, Susan Cluff, Diana Easby, Johanna Davis, Ken Gray, Cindi Rowe, Kara Sturm, January Hurlbert, Joette Bale, and Melissa Weddell.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Lynch.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Bachman and Anneliese Puthe.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dashun Jackson.

Assemblyman Conklin moved that the Assembly adjourn until Friday, May 13, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 1:24 p.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG

Chief Clerk of the Assembly