

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), April 8, 2015

Senate called to order at 11:42 a.m.

President Hutchison presiding.

Roll called.

All present.

Prayer by Senator Pat Spearman.

God El-Elohim Strong and Mighty, the one Who gives life; You are Jehovah Rapha; the Lord who gave healing to Senator Debbie Smith, our friend and colleague, who returned to this Chamber today. We thank You for our lives, our liberty secured by the lives of those who fought and have fallen to protect it. We are thankful for the blessings of peace and prosperity. Yet as we bask in Your goodness, let us not be remiss and forget those who toil in sickness and disease. We pray for those who stand by the bedside of loved ones who need to experience the healing virtue provided to so many others and we pray especially for those entering a time of transition from earthly labor into eternal rest.

As we continue to deliberate legislation to improve the lives of all Nevadans, create an environment conducive of economic development and business expansion. Let us be mindful of how these laws will affect the most vulnerable members of our society; as we discuss multiple revenue options to fund education and other urgent essential services let us do so with truth and transparency.

We ask for Your wisdom, counsel, guidance and strength to accomplish all the tasks set before us. Give us the grace and humility to understand the responsibility that co-exists with our assignment as policy makers. Help us resist thoughts of grandiosity and pomposity that could contaminate our motives. If we forget our role to facilitate justice and begin to see ourselves as invincible and insulated by temporary power associated with our titles and positions, remind us of our role as your servants. Guide us by these words ascribed by Mother Teresa of Calcutta:

People are often unreasonable, irrational and self-centered. Forgive them anyway.

If you are kind, people may accuse you of selfish, ulterior motives. Be kind anyway.

If you are successful, you will win some unfaithful friends and some genuine enemies. Succeed anyway.

If you are honest and sincere people may deceive you. Be honest and sincere anyway.

What you spend years creating, others could destroy overnight. Create anyway.

If you find serenity and happiness, some may be jealous. Be happy anyway.

The good you do today, will often be forgotten. Do good anyway.

Give the best you have, and it will never be enough. Give your best anyway.

In the final analysis, it is between you and God. It was never between you and them anyway.

This version is credited to Mother Teresa.

AMEN, SHALOM AND SALLA ALLAHU TA'ALA ALAYHI WA SALLAM

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Commerce, Labor and Energy, to which were referred Senate Bills Nos. 259, 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

JAMES A. SETTELMAYER, *Chair*

Mr. President:

Your Committee on Education, to which was referred Senate Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which was referred Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BECKY HARRIS, *Chair*

Mr. President:

Your Committee on Government Affairs, to which was referred Senate Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PETE GOICOECHEA, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 164, 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Finance.

GREG BROWER, *Chair*

Mr. President:

Your Committee on Natural Resources, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DONALD G. GUSTAVSON, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL ROBERSON, *Chair*

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 8, 2015

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 76, 400, 419.

MARK KRMPOTIC
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Settlemeyer moved that Senate Bill No. 259, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Settlemeyer moved that Senate Bill No. 299, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Brower moved that Senate Bill No. 451, just reported out of Committee, be re-referred to the Committee on Finance.

Motion carried.

Senator Farley moved that, in accordance with Senate Standing Rule No. 50 and the notice to withdraw announced on the previous legislative day, Senate Bill No. 276 be withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Finance.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 25.

SUMMARY—Revises provisions governing the admission of persons with certain mental conditions to and the release of such persons from certain facilities, ~~and programs.~~ (BDR 39-64)

AN ACT relating to mental health; expanding the list of persons authorized to file an application for the emergency admission of a person alleged to be a person with mental illness and a petition for the involuntary court-ordered admission of such a person to certain facilities or programs; expanding the list of persons authorized to complete ~~a certificate stating that certain persons admitted to certain mental health facilities or hospitals are not persons with mental illness;~~ certain certificates concerning the mental condition of another; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "person with mental illness" as a person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others. (NRS 433A.115) Existing law authorizes certain persons to file an application for the emergency admission of a person alleged to be a person with mental illness to certain facilities. (NRS 433A.160) Section ~~1.5~~ 1.5 of this bill expands the list of persons who are authorized to file such an application to include a physician assistant.

With certain exceptions, existing law requires an application for the emergency admission of a person alleged to be a person with a mental illness to be accompanied by a certificate of a psychiatrist or licensed psychologist or, if neither is available, a physician, stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to certain facilities or programs. (NRS 433A.170, 433A.200) Under existing law, a licensed physician on the medical staff of certain facilities may release a person alleged to be a person with mental

illness who has been admitted on an emergency basis if a licensed physician on the medical staff of the facility completes a certificate stating that the person admitted is not a person with a mental illness. (NRS 433A.195) Sections ~~1, 1.7, 2, and~~ 3 and 4 of this bill authorize a physician assistant, ~~or~~ under the supervision of a psychiatrist, a psychologist, a clinical social worker ~~or~~ with certain psychiatric training and experience, an advanced practice registered nurse with certain psychiatric training and experience or an accredited agent of the Department of Health and Human Services to complete such a certificate while still requiring a licensed physician on the medical staff of the facility to release the person. Sections 4.2 and 4.7 of this bill require the State Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary before an advanced practice registered nurse or clinical social worker, as applicable, may complete such a certificate.

Existing law prohibits a person who is related by blood or marriage within the first degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing: (1) an application for the emergency admission of such a person to a mental health facility; (2) a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or (3) a certificate stating that a person is not a person with mental illness. (NRS 433A.197) Section 3 also prohibits a person who is related by blood or marriage within the second degree of consanguinity or affinity to a person alleged to be a person with mental illness from completing such an application or certificate.

Existing law authorizes the spouse or a parent, adult child or legal guardian of a person and certain other persons to file a petition for the involuntary court-ordered admission of a person alleged to be a person with mental illness to a mental health facility or to a program of community-based or outpatient services. (NRS 433A.200) Section 4 ~~of this bill~~ further authorizes a physician assistant to file such a petition.

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

Section 1. NRS 433A.145 is hereby amended to read as follows:

433A.145 1. If a person with mental illness is admitted to a public or private mental health facility or hospital as a voluntary consumer, the facility or hospital shall not change the status of the person to an emergency admission unless the hospital or facility receives, before the change in status is made, an application for an emergency admission pursuant to NRS 433A.160 and the certificate of a psychiatrist, psychologist, ~~or~~ physician, physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department pursuant to NRS 433A.170.

2. A person whose status is changed pursuant to subsection 1 must not be detained in excess of 48 hours after the change in status is made unless,

before the close of the business day on which the 48 hours expires, a written petition is filed with the clerk of the district court pursuant to NRS 433A.200.

3. If the period specified in subsection 2 expires on a day on which the office of the clerk of the district court is not open, the written petition must be filed on or before the close of the business day next following the expiration of that period.

~~Section 1.1~~ Sec. 1.5 NRS 433A.160 is hereby amended to read as follows:

433A.160 1. Except as otherwise provided in subsection 2, an application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, *physician assistant*, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse. The agent, officer, physician, *physician assistant*, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse may:

(a) Without a warrant:

(1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Transport the person alleged to be a person with mental illness to a public or private mental health facility or hospital for that purpose, or arrange for the person to be transported by:

(I) A local law enforcement agency;

(II) A system for the nonemergency medical transportation of persons whose operation is authorized by the Nevada Transportation Authority;

(III) An entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421; or

(IV) If medically necessary, an ambulance service that holds a permit issued pursuant to the provisions of chapter 450B of NRS,

↪ only if the agent, officer, physician, *physician assistant*, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse has, based upon his or her personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

(b) Apply to a district court for an order requiring:

(1) Any peace officer to take a person alleged to be a person with mental illness into custody to allow the applicant for the order to apply for the emergency admission of the person for evaluation, observation and treatment; and

(2) Any agency, system or service described in subparagraph (2) of paragraph (a) to transport the person alleged to be a person with mental

illness to a public or private mental health facility or hospital for that purpose.

↳ The district court may issue such an order only if it is satisfied that there is probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty.

2. An application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may be made by a spouse, parent, adult child or legal guardian of the person. The spouse, parent, adult child or legal guardian and any other person who has a legitimate interest in the person alleged to be a person with mental illness may apply to a district court for an order described in paragraph (b) of subsection 1.

3. The application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment must reveal the circumstances under which the person was taken into custody and the reasons therefor.

4. Except as otherwise provided in this subsection, each person admitted to a public or private mental health facility or hospital under an emergency admission must be evaluated at the time of admission by a psychiatrist or a psychologist. If a psychiatrist or a psychologist is not available to conduct an evaluation at the time of admission, a physician may conduct the evaluation. Each such emergency admission must be approved by a psychiatrist.

5. As used in this section, "an accredited agent of the Department" means any person appointed or designated by the Director of the Department to take into custody and transport to a mental health facility pursuant to subsections 1 and 2 those persons in need of emergency admission.

Sec. 1.7. NRS 433A.170 is hereby amended to read as follows:

433A.170 Except as otherwise provided in this section, the administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission under NRS 433A.160 unless that application is accompanied by a certificate of a ~~psychiatrist or a~~ licensed psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and that he or she has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty. ~~If a psychiatrist or licensed psychologist is not available to conduct an examination, a physician may conduct the examination.~~ The certificate required by this section may be obtained from a

~~psychiatrist,~~ licensed psychologist, ~~or~~ physician, *physician assistant, clinical social worker, advanced practice registered nurse or accredited agent of the Department* who is employed by the public or private mental health facility or hospital to which the application is made.

Sec. 2. NRS 433A.195 is hereby amended to read as follows:

433A.195 A licensed physician on the medical staff of a facility operated by the Division or of any other public or private mental health facility or hospital may release a person admitted pursuant to NRS 433A.160 upon completion of a certificate which meets the requirements of NRS 433A.197 signed by a licensed physician on the medical staff of the facility or hospital, *a physician assistant ~~or~~ under the supervision of a psychiatrist, psychologist, a clinical social worker ~~or~~ who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department* stating that he or she has personally observed and examined the person and that he or she has concluded that the person is not a person with a mental illness.

Sec. 3. NRS 433A.197 is hereby amended to read as follows:

433A.197 1. An application or certificate authorized under subsection 1 of NRS 433A.160 or NRS 433A.170 or 433A.195 must not be considered if made by a ~~psychiatrist,~~ psychologist, ~~or~~ physician, *physician assistant, clinical social worker ~~or~~, advanced practice registered nurse or accredited agent of the Department* who is related by blood or marriage within the ~~first~~ *second* degree of consanguinity or affinity to the person alleged to be a person with mental illness, or who is financially interested in the facility in which the person alleged to be a person with mental illness is to be detained.

2. An application or certificate of any examining person authorized under NRS 433A.170 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by such examining person not more than 72 hours prior to the making of the application or certificate. The certificate required pursuant to NRS 433A.170 must set forth in detail the facts and reasons on which the examining person based his or her opinions and conclusions.

3. A certificate authorized pursuant to NRS 433A.195 must not be considered unless it is based on personal observation and examination of the person alleged to be a person with mental illness made by the examining physician ~~or~~, *physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department.* The certificate authorized pursuant to NRS 433A.195 must ~~set forth~~ *describe* in detail the facts and reasons on which the examining physician, *physician assistant, psychologist, clinical social worker, advanced practice registered nurse or accredited agent of the Department* based his or her opinions and conclusions.

Sec. 4. NRS 433A.200 is hereby amended to read as follows:

433A.200 1. Except as otherwise provided in NRS 432B.6075, a proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, *physician assistant*, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

(a) By a certificate of a physician, ~~psychiatrist or~~ a licensed psychologist, a physician assistant under the supervision of a psychiatrist, a clinical social worker who has the psychiatric training and experience prescribed by the Board of Examiners for Social Workers pursuant to NRS 641B.160, an advanced practice registered nurse who has the psychiatric training and experience prescribed by the State Board of Nursing pursuant to NRS 632.120 or an accredited agent of the Department stating that he or she has examined the person alleged to be a person with mental illness and has concluded that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; or

(b) By a sworn written statement by the petitioner that:

(1) The petitioner has, based upon the petitioner's personal observation of the person alleged to be a person with mental illness, probable cause to believe that the person has a mental illness and, because of that illness, is likely to harm himself or herself or others if allowed his or her liberty or if not required to participate in a program of community-based or outpatient services; and

(2) The person alleged to be a person with mental illness has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. Except as otherwise provided in NRS 432B.6075, if the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 4.2. NRS 632.120 is hereby amended to read as follows:

632.120 1. The Board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to

practice professional or practical nursing or a certificate to practice as a nursing assistant or medication aide - certified.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(4) For the psychiatric training and experience necessary for an advanced practice registered nurse to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

(b) Prepare and administer examinations for the issuance of a license or certificate under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license or certificate under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license or certificate under this chapter.

(b) Standards for the continuing professional competence of licensees or holders of a certificate. The Board may evaluate licensees or holders of a certificate periodically for compliance with those standards.

3. The Board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees or holders of a certificate and applicants for a license or certificate under this chapter;

(b) Evaluating the professional competence of licensees or holders of a certificate;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools of practical nursing, and schools and courses of professional nursing,

↪ and collect the fees established pursuant to this subsection.

4. For the purposes of this chapter, the Board shall, by regulation, define the term "in the process of obtaining accreditation."

5. The Board may adopt such other regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees, nursing assistants and medication aides - certified.

6. The Board may adopt such other regulations, not inconsistent with state or federal law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 4.7. NRS 641B.160 is hereby amended to read as follows:

641B.160 The Board shall adopt ~~such~~ :

1. Such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter ~~+~~; and

2. Regulations establishing reasonable standards for the psychiatric training and experience necessary for a clinical social worker to be authorized to make the certifications described in NRS 433A.170, 433A.195 and 433A.200.

Sec. 5. This act becomes effective upon passage and approval.

Senator Kieckhefer moved the adoption of the amendment.

Remarks by Senator Kieckhefer.

Amendment No. 25 to Senate Bill No. 7 authorizes a physician assistant, under the supervision of a psychiatrist, a clinical social worker with certain psychiatric training and experience, an advanced practice registered nurse, with certain psychiatric training and experience, or an accredited agent of the Department of Health and Human Services, in addition to the professionals already authorized to complete a certificate stating that the person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others, if not admitted to certain facilities or programs. This certificate must accompany an application for the emergency admission of a person alleged to be a person with a mental illness.

Requires the Board of Nursing and the Board of Examiners for Social Workers to adopt regulations prescribing the psychiatric training and experience necessary for the professionals they license to meet the qualifications to complete the certificate.

Clarifies that a physician, which includes a psychiatrist, may complete the necessary certificate.

Prohibits a person who is related by blood or marriage within the second degree, rather than the first degree, of consanguinity or affinity to a person alleged to be a person with mental illness from completing: 1) an application for the emergency admission of such a person to a mental health facility; 2) a certificate stating that a person has a mental illness and, because of that mental illness, is likely to harm himself or herself or others if not admitted to a mental health facility on an emergency basis; or 3) a certificate stating that a person is not a person with mental illness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 15.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 24.

SUMMARY—Requires a mental health professional to ~~notify~~ take certain ~~persons of~~ actions if a patient communicates an explicit ~~threats communicated by a patient~~ threat in certain circumstances. (BDR 54-3)

AN ACT relating to health care professionals; requiring a mental health professional to apply for the emergency admission of his or her patient to a mental health facility or notify certain persons when his or her patient makes explicit threats of imminent serious physical harm or death in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes various requirements and duties on certain health care professionals. (Chapter 629 of NRS) ~~This~~ If a patient communicates a threat of imminent serious physical harm or death to a mental health professional and the mental health professional believes that the patient has the intent and ability to carry out the threat, this bill requires ~~for~~ the mental

health professional to : (1) apply for the emergency admission of the patient to a mental health facility; or (2) notify ~~to~~ the person threatened with imminent serious physical harm or death and the closest law enforcement agency. ~~[if a patient of the mental health professional communicates such a threat to the mental health professional and the mental health professional believes the patient has the intent and ability to carry out the threat.]~~ This bill also provides that a mental health professional who exercises reasonable care in determining whether to apply for the emergency admission of such a patient or communicate such a threat is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a patient communicates to a mental health professional an explicit threat of imminent serious physical harm or death to a clearly identified or identifiable person and, in the judgment of the mental health professional, the patient has the intent and ability to carry out the threat, the mental health professional shall apply for the emergency admission of the patient to a mental health facility pursuant to NRS 433A.160 or make a reasonable effort to communicate the threat in a timely manner to:*

(a) *The person who is the subject of the threat;*

(b) *The law enforcement agency with the closest physical location to the residence of the person; and*

(c) *If the person is a minor, the parent or guardian of the person.*

2. *A mental health professional who exercises reasonable care in determining that he or she:*

(a) *Has a duty to ~~communicate a threat pursuant to~~ take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information.*

(b) *Does not have a duty to ~~communicate a threat pursuant to~~ take an action described in subsection 1 is not subject to civil or criminal liability or disciplinary action by a professional licensing board for any damages caused by the actions of a patient.*

3. *The provisions of this section do not:*

(a) *Limit or affect the duty of the mental health professional to report child abuse or neglect pursuant to NRS 432B.220; or*

(b) *Modify any duty of a mental health professional to take precautions to prevent harm by a patient:*

(1) *Who is in the custody of a hospital or other facility where the mental health professional is employed; or*

(2) *Who is being discharged from such a facility.*

4. As used in this section, "mental health professional" means:

- (a) A ~~psychiatrist~~ physician licensed to practice medicine in this State pursuant to chapter 630 or 633 of NRS;
- (b) A psychologist who is licensed to practice psychology pursuant to chapter 641 of NRS;
- (c) A social worker who:
 - (1) Holds a master's degree in social work ~~for a related field~~; and
 - (2) Is licensed as a clinical social worker pursuant to chapter 641B of NRS; ~~and~~
 - ~~(3) Is employed by the Division of Public and Behavioral Health of the Department of Health and Human Services;~~
- (d) A registered nurse who:
 - (1) Is licensed to practice professional nursing pursuant to chapter 632 of NRS; and
 - (2) Holds a master's degree in psychiatric nursing or a related field;
- (e) A marriage and family therapist licensed pursuant to chapter 641A of NRS; ~~and~~
- (f) A clinical professional counselor licensed pursuant to chapter 641A of NRS; ~~and~~
- (g) An alcohol and drug abuse counselor who is licensed or certified, or a clinical alcohol and drug abuse counselor who is licensed, pursuant to chapter 641C of NRS; and
- (h) A person who is working in this State within the scope of his or her employment by the Federal Government and is:
 - (1) Licensed or certified as a physician, psychologist, marriage and family therapist, clinical professional counselor, alcohol and drug abuse counselor or clinical alcohol and drug abuse counselor in another state;
 - (2) Licensed as a social worker in another state and holds a master's degree in social work; or
 - (3) Licensed to practice professional nursing in another state and holds a master's degree in psychiatric nursing or a related field.

Senator Woodhouse moved the adoption of the amendment.

Remarks by Senator Woodhouse.

Amendment No. 24 to Senate Bill No. 15 does three things. It requires a mental health professional to: 1) apply for the emergency admission of the patient to a mental health facility; or 2) notify the person threatened with imminent serious physical harm or death and the closest law enforcement agency, if a patient communicates a threat of imminent serious physical harm or death to a mental health professional, and the mental health professional believes that the patient has the intent and ability to carry out the threat. The amendment specifies that a mental health professional who applies for the emergency admission of the patient is protected from civil or criminal liability or disciplinary action by a professional licensing board for disclosing confidential or privileged information or for any damages caused by the actions of a patient. It also specifies that the definition of a "mental health professional" includes all physicians, not only psychiatrists.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 23.

SUMMARY—Revises provisions relating to emergency shelters for children. (BDR 38-498)

AN ACT relating to the protection of children; revising provisions relating to the licensure of emergency shelters for children by the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain facilities, including institutions which provide emergency shelter to children who have been placed in protective custody, are required to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 432A.0245, 432A.131) Section 2 of this bill defines the term "emergency shelter," and sections 5 and 6 of this bill exclude emergency shelters from the definitions of a "child care facility" and a "child care institution." Section 9 of this bill requires emergency shelters to be licensed by the Division, and section 8 of this bill requires the State Board of Health to adopt licensing standards for emergency shelters that account for the differences between emergency shelters and child care facilities. Sections 1, 3, 4, 7 and 10-36 of this bill revise various provisions relating to the oversight of child care facilities to also apply to emergency shelters.

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

Section 1. NRS 422A.355 is hereby amended to read as follows:

422A.355 1. Except as otherwise provided in subsection 3, as a condition to the receipt of public assistance, a recipient must:

(a) Ensure that each dependent child for whom the recipient is receiving assistance has received the standard immunizations established for children by the regulations adopted pursuant to NRS 439.550.

(b) Within 6 months after the determination of the eligibility of the recipient for public assistance, submit to the Division, in the manner specified in NRS 432A.230 and 432A.260 for admission to a child care facility ~~or~~ *or emergency shelter*, proof that each dependent child for whom the recipient is receiving assistance has received those standard immunizations.

2. The Division shall advise each recipient of the availability of those standard immunizations through clinics for the immunization of children held pursuant to NRS 439.535.

3. The Division shall waive the requirements of subsection 1 if the failure to immunize a dependent child is because of a religious belief or medical condition and the recipient submits to the Division a written

statement of that fact in the manner specified in NRS 432A.240 or 432A.250 for admission to a child care facility ~~[-]~~ or *emergency shelter*.

4. A head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families who does not comply with the requirements of this section:

(a) Shall be deemed to have failed to comply with the terms of the plan for personal responsibility signed by the head of the household pursuant to NRS 422A.535; and

(b) Is subject to the penalties prescribed by the Division pursuant to NRS 422A.560 for failing to comply with the terms of that plan.

Sec. 2. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

"Emergency shelter" means an establishment that has 16 or more beds and provides emergency shelter to children placed in protective custody pursuant to chapter 432B of NRS. The term includes, without limitation, an establishment that serves as a temporary transitional shelter for children placed into protective custody and provides medical, mental health or educational evaluations and support to the children in the establishment.

Sec. 3. NRS 432A.010 is hereby amended to read as follows:

432A.010 The Legislature finds and declares that it is desirable that children of our state in need of day care services receive adequate and safe care outside their own homes, and it is the intent of state and local governments to assist in meeting such needs through an administrative procedure which will further the following objectives:

1. Safe and responsive child care facilities , *emergency shelters* and services.

2. Adequate methods to pay the costs of child care on an individual basis in already existing child care programs.

3. Proper operation of child care programs.

4. Provision of services by other public agencies on a subcontracted or purchased basis.

5. Full cooperation with the Federal Government in adopting a State Plan for Child Care that is in accordance with the guidelines of the Federal Panel on Early Childhood.

Sec. 4. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, and *section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility;

- (c) A child care institution; or
- (d) An outdoor youth program.

2. "Child care facility" does not include:

- (a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;
- (b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;
- (c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity;
- (d) A location at which an out-of-school-time program is operated;
- (e) A seasonal or temporary recreation program; ~~{or}~~
- (f) An out-of-school recreation program ~~{-}~~; *or*
- (g) *An emergency shelter.*

Sec. 6. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education; *or*
- (b) Services to children who have been diagnosed as ~~{severely emotionally disturbed}~~ *having an emotional disturbance* as defined in NRS 433B.045, including, without limitation, services relating to mental health and education. ~~{-or~~
- ~~{- (c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.}~~

2. *The term does not include an emergency shelter.*

3. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to NRS 432B.594.

Sec. 7. NRS 432A.028 is hereby amended to read as follows:

432A.028 "Outdoor youth program" means a program for the provision of services, while living outdoors, to persons under 18 years of age who have behavioral problems, problems with mental health or problems with the abuse of alcohol or drugs. The term does not include any facility, *emergency shelter*, activity or program:

- 1. Operated by or on behalf of a governmental entity; or
- 2. Licensed by the Division of the Department.

Sec. 8. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

- (a) Licensing standards for child care facilities ~~{-}~~ *and emergency shelters.*

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility *and emergency shelter* and its staff is prepared to respond to emergencies, including, without limitation:

- (1) The conducting of fire drills on a monthly basis;
- (2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and
- (3) The adoption of plans to provide for evacuation of child care facilities *and emergency shelters* in an emergency.

(c) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. *The licensing standards adopted by the Board for emergency shelters must:*

(a) *Specifically address the role of an emergency shelter in the care and shelter of children placed in protective custody pursuant to chapter 432B of NRS;*

(b) *Recognize the different services provided by an emergency shelter from those provided by a child care facility; and*

(c) *Not limit the number of children who may be placed in an emergency shelter but may provide for a ratio establishing the minimum number of staff to children that is based on the age and any special needs of the children.*

3. The Board shall require that the practices and policies of each child care facility *and emergency shelter* provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility ~~[-]~~ *or shelter, as applicable.*

~~[-]~~ 4. If the Board finds that the practices and policies of a child care facility *or emergency shelter* are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility ~~[-]~~ *or shelter, as applicable.*

Sec. 9. NRS 432A.131 is hereby amended to read as follows:

432A.131 1. Child care facilities, other than child care institutions, in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the Division. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

- (a) Must be not less restrictive than those adopted by the Board; and
- (b) Take effect only upon their approval by the Division.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a regulation adopted by the Board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by the Board, the governing body shall not issue a license to the smaller facilities, but may register them in accordance with the standards which are less restrictive.

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the Division of its intention to do so at least 12 months before the amendment or repeal becomes effective.

5. A child care institution must be licensed by the Division.

6. *An emergency shelter must be licensed by the Division.*

Sec. 10. NRS 432A.141 is hereby amended to read as follows:

432A.141 1. If, after investigation, the Division finds that an applicant is in full compliance with the provisions of this chapter and the standards and regulations adopted pursuant to this chapter, the Division shall issue to the applicant the license applied for.

2. The Division shall charge and collect a fee for each license issued for a child care facility *or emergency shelter* in an amount prescribed by regulation of the Board.

3. The initial license issued by the Division may be effective for a period not exceeding 1 year from the date of issuance.

4. A license that is renewed by the Division is effective for 1 year from the date of renewal.

5. A license applies only to the person named therein and is not transferable.

6. A license issued for:

(a) An outdoor youth program is valid only for the area of operation described in the license.

(b) Any other child care facility *or emergency shelter* is valid only for the premises described in the license.

Sec. 11. NRS 432A.150 is hereby amended to read as follows:

432A.150 Each license issued by the Division must contain:

1. The name of the person or persons authorized to operate the licensed facility ~~or~~ *or emergency shelter*;

2. The location of the licensed facility *or emergency shelter* or, if the license is for an outdoor youth program, the area of operation of the program; and

3. The number of beds authorized in the licensed facility ~~or~~ *or emergency shelter*, the nature of services offered and the service delivery capacity.

Sec. 12. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. Except as otherwise provided in this section, the Division may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility *or emergency shelter* which:

(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Division determines that the facility *or shelter* requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Division determines that the facility *or shelter* is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Division determines that the facility *or shelter* requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license in any instance where the Division considers that action necessary for the health and safety of the occupants of any facility *or emergency shelter* or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Division has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 13. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility ~~[]~~ *or emergency shelter*, conduct an investigation into the:

(a) Buildings or premises of the facility *or shelter* and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility ~~[]~~ *or shelter*; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility *or emergency shelter* who is 18 years of age or older, other than

a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

- (a) Murder, voluntary manslaughter or mayhem;
- (b) Any other felony involving the use of a firearm or other deadly weapon;
- (c) Assault with intent to kill or to commit sexual assault or mayhem;
- (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
- (e) Abuse or neglect of a child or contributory delinquency;
- (f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
- (g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or
- (h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility *or emergency shelter, as applicable*, without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 14. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility ~~or~~ *or emergency shelter*, licensee and employee of such an applicant or licensee, and every resident of a child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility *or emergency shelter*, a licensee, or a resident of a child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility *or emergency shelter* or licensee shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee, beginning the residency of a resident who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

4. An applicant for a license to operate a child care facility *or emergency shelter* or licensee shall notify the Division within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 15. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility *or emergency shelter* or a licensee, or a resident of a child care facility *or emergency shelter* who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility *or shelter* or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility *or emergency shelter* or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

Sec. 16. NRS 432A.1757 is hereby amended to read as follows:

432A.1757 1. A licensee that operates a child care facility *or emergency shelter* which occasionally or regularly has physical custody of children pursuant to the order of a court ~~[, including, without limitation, an emergency shelter,]~~ shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

- (b) Administer medication to a child;
 - (c) Store, handle and dispose of medication;
 - (d) Document the administration of medication and any errors in the administration of medication;
 - (e) Minimize errors in the administration of medication; and
 - (f) Address errors in the administration of medication.
2. The licensee shall ensure that each employee of the child care facility *or emergency shelter* who will administer medication to a child at the child care facility *or emergency shelter* receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 17. NRS 432A.177 is hereby amended to read as follows:

432A.177 1. A licensee that operates a child care facility *or emergency shelter* which occasionally or regularly has physical custody of children pursuant to the order of a court ~~[including, without limitation, an emergency shelter]~~ shall ensure that each employee who comes into direct contact with children in the facility *or shelter* receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the facility ~~[]~~ *or shelter*;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the facility ~~[]~~ *or shelter*;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility ~~[]~~ *or shelter*; and
- (h) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

Sec. 18. NRS 432A.1773 is hereby amended to read as follows:

432A.1773 1. A licensee of a child care facility ~~[]~~ *or emergency shelter*, or a person appointed by ~~the~~ *such a* licensee, who is responsible for the daily operation, administration or management of a child care facility *or emergency shelter* must:

- (a) Be at least 21 years of age and:
 - (1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility ~~[]~~ *or emergency shelter, as applicable*;
 - (2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of

verifiable experience in a child care facility ~~or~~ *or emergency shelter, as applicable;*

(3) Hold a high school diploma or, if approved by the Administrator of the Division of Public and Behavioral Health, a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility ~~or~~ *or emergency shelter, as applicable;*

(4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, and have at least 2,000 hours of verifiable experience in a child care facility ~~or~~ *or emergency shelter, as applicable;* or

(5) Have a combination of education and experience which, in the judgment of the Administrator of the Division of Public and Behavioral Health, is equivalent to that required by subparagraph (1), (2), (3) or (4);

(b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and

(c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility ~~or~~ *or emergency shelter, as applicable*, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.

2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:

(a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

(b) Establish a professional development system in this State for the field of early childhood care and education;

(c) Approve and track all informal training in the field of early childhood care and education in this State; and

(d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.

Sec. 19. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in *an emergency shelter or in* a child care facility ~~*for emergency shelter*~~ that provides care for more than 12 children, other than in a facility that provides care for ill children, shall complete:

(a) Before January 1, 2014, at least 15 hours of training;

(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;

(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and

(d) On or after January 1, 2016, 24 hours of training each year.

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility ~~or emergency shelter,~~ other than in a facility that provides care for ill children, shall complete at least 15 hours of training each year.

3. At least 2 hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

Sec. 20. NRS 432A.178 is hereby amended to read as follows:

432A.178 1. A child care facility *or emergency shelter* shall maintain a copy of:

(a) The license issued to the facility *or shelter, as applicable*, by the Division or an agency for the licensing of child care facilities established by a county or incorporated city;

(b) Any summaries of complaints provided to the facility *or shelter* pursuant to subsection 3 of NRS 432A.190;

(c) The report of any investigation conducted with respect to the complaints; and

(d) The report of any disciplinary action taken against the facility *or shelter* pursuant to NRS 432A.190.

2. The information maintained pursuant to subsection 1 must be provided in the form prescribed pursuant to subsection 3:

(a) To the parent or guardian of a child who enrolls the child in the facility ~~or shelter,~~ at or before the time of enrollment.

(b) To the parent or guardian of a child, upon request, who is considering enrolling the child in the facility ~~or shelter.~~

(c) In the case of disciplinary action taken pursuant to NRS 432A.190, to the parents or guardians of all children admitted to the facility ~~or shelter.~~ Notice of disciplinary action must be provided to the parents or guardians of the children admitted to the facility *or shelter* within 3 working days after receipt by the licensed child care facility ~~or emergency shelter.~~

3. The Division shall develop a standard form for reporting the information required to be provided pursuant to subsection 2. The information reported on the form must include all required information for the 12-month period ending on the last day of the month immediately preceding the month in which the information is provided.

4. The Division and every agency for the licensing of child care facilities established by a county or incorporated city shall inform persons seeking information concerning child care facilities *or emergency shelters* of their right to information pursuant to this section.

Sec. 21. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility *or emergency shelter* and licensee shall maintain records of the information concerning its employees and any residents of the child care facility *or emergency shelter* who are 18 years of age or older, other than

residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant or licensee submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility *or emergency shelter* or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 22. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility *or emergency shelter* or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility ~~[-]~~ *or emergency shelter* on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

↳ to secure compliance with standards for safety from fire and other emergencies.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility *or emergency shelter* and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility *or emergency shelter* which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility ~~[-]~~ *or emergency shelter*. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 23. NRS 432A.190 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate

a child care facility *or emergency shelter* pursuant to subsection 2. The Division shall provide to a child care facility ~~[-]~~ *or emergency shelter*:

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

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

(c) A report of any disciplinary action taken against the facility ~~[-]~~ *or shelter*.

↪ The facility *or shelter* shall make the information available to the public pursuant to NRS 432A.178.

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

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

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

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

Sec. 24. NRS 432A.200 is hereby amended to read as follows:

432A.200 1. When the Division denies, suspends or revokes a license for a child care facility ~~[-]~~ *or emergency shelter*, the Division shall afford reasonable notice to all parties by certified mail, which notice must contain the legal authority, jurisdiction and reasons for the action taken.

2. The aggrieved person may file notice of appeal with the Administrator of the Division or a designee of the Administrator within 10 calendar days after receipt of notice of action of the Division.

3. Within 20 calendar days after the receipt of the notice of appeal, the Administrator of the Division or a designee of the Administrator shall hold a hearing.

4. Notice of the hearing must be given no less than 5 days before the date set for the hearing.

Sec. 25. NRS 432A.210 is hereby amended to read as follows:

432A.210 1. Except as *otherwise* provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any child care facility ~~[-]~~ *or emergency shelter*:

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Division.

2. It is sufficient in such an action to allege that the defendant did, on a certain date and in a certain place, operate and maintain the facility without a license.

Sec. 26. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility *or emergency shelter* without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, is guilty of a misdemeanor.

Sec. 27. NRS 432A.230 is hereby amended to read as follows:

432A.230 Except as otherwise provided in NRS 432A.235 for accommodation facilities:

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility *or emergency shelter* within this State, including a facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the facility *or shelter* a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his or her designee or a registered nurse or his or her designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility *or emergency shelter* is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility *or emergency shelter* conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility *or shelter* is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility *or emergency shelter* within 15 days after the child was conditionally admitted, the child must be excluded from the facility ~~[-]~~ *or shelter*.

5. Before December 31 of each year, each child care facility *and emergency shelter* shall report to the Division, ~~[of the Department,]~~ on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility ~~[]~~ *or emergency shelter*; and

(b) Completed the immunizations required by this section.

Sec. 28. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 or 432A.235, a written statement of this fact signed by the parents or guardian and presented to the operator of the *child care facility or emergency shelter* exempts the child from the provisions of that section for purposes of admission.

Sec. 29. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 432A.230 or 432A.235, a written statement of this fact signed by a licensed physician and presented to the operator of the *child care facility or emergency shelter* by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 or 432A.235, as the case may be, for purposes of admission.

Sec. 30. NRS 432A.260 is hereby amended to read as follows:

432A.260 If, after a child has been admitted to a child care facility, including a facility licensed by a county or city ~~[]~~ *or an emergency shelter*, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to NRS 432A.235 to the operator of the facility *or shelter* stating that such child has met the new immunization requirements.

Sec. 31. NRS 432A.270 is hereby amended to read as follows:

432A.270 Whenever the State Board of Health or a local board of health determines that there is a dangerous contagious disease in a child care facility *or emergency shelter* attended by a child for whom exemption from immunization is claimed pursuant to the provisions of NRS 432A.240 or 432A.250, the operator of the facility *or shelter* shall require either:

1. That the child be immunized; or
2. That the child remain outside the school environment and the local health officer be notified.

Sec. 32. NRS 432A.280 is hereby amended to read as follows:

432A.280 Any parent or guardian who refuses to remove his or her child from the child care facility *or emergency shelter* to which the child has been admitted when retention in the facility *or shelter* is prohibited under the provisions of NRS 432A.230, 432A.235, 432A.260 or 432A.270 is guilty of a misdemeanor.

Sec. 33. NRS 202.265 is hereby amended to read as follows:

202.265 1. Except as otherwise provided in this section, a person shall not carry or possess while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility:

- (a) An explosive or incendiary device;
- (b) A dirk, dagger or switchblade knife;
- (c) A nunchaku or trefoil;
- (d) A blackjack or billy club or metal knuckles;
- (e) A pistol, revolver or other firearm; or
- (f) Any device used to mark any part of a person with paint or any other substance.

2. Any person who violates subsection 1 is guilty of a gross misdemeanor.

3. This section does not prohibit the possession of a weapon listed in subsection 1 on the property of:

- (a) A private or public school or child care facility by a:

- (1) Peace officer;
- (2) School security guard; or

(3) Person having written permission from the president of a branch or facility of the Nevada System of Higher Education or the principal of the school or the person designated by a child care facility to give permission to carry or possess the weapon.

(b) A child care facility which is located at or in the home of a natural person by the person who owns or operates the facility so long as the person resides in the home and the person complies with any laws governing the possession of such a weapon.

4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) "Child care facility" means any child care facility *or emergency shelter* that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) "Firearm" includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(d) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(e) "Trefoil" has the meaning ascribed to it in NRS 202.350.

(f) "Vehicle" has the meaning ascribed to "school bus" in NRS 484A.230.

Sec. 34. NRS 441A.030 is hereby amended to read as follows:

441A.030 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or

overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

- (b) An on-site child care facility as defined in NRS 432A.0275;
- (c) A child care institution as defined in NRS 432A.0245; ~~or~~
- (d) *An emergency shelter as defined in section 2 of this act; or*
- (e) An outdoor youth program as defined in NRS 432A.028.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.

Sec. 35. NRS 446.941 is hereby amended to read as follows:

446.941 1. Any regulation adopted by the State Board of Health or a local board of health pursuant to NRS 446.940 that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment does not apply to any child care facility that limits its menu to:

(a) Food that does not constitute a potential or actual hazard to the public health; and

(b) Potentially hazardous food that has been:

- (1) Commercially prepared and precooked; or
- (2) Pasteurized,

↪ regardless of whether the child care facility includes a kindergarten.

2. As used in this section:

(a) "Child care facility" includes:

(1) A child care facility *or emergency shelter* licensed pursuant to chapter 432A of NRS; or

(2) A child care facility licensed by a city or county.

(b) "Kindergarten" means a program of education for children who are 5 and 6 years of age which is:

(1) Licensed to operate as such pursuant to chapter 394 of NRS or which is exempt from licensure pursuant to NRS 394.211; and

(2) Located on the premises of a child care facility.

Sec. 36. NRS 597.7122 is hereby amended to read as follows:

597.7122 "Commercial user" means any person, firm, corporation, association or nonprofit corporation, or any agent or employee thereof, including, without limitation, a child care facility *or emergency shelter* licensed and in good standing pursuant to chapter 432A of NRS, who:

1. Deals in cribs of the kind governed by NRS 597.712 to 597.7128, inclusive;

2. By virtue of the person's occupation, purports to have knowledge or skill peculiar to cribs of the kind governed by NRS 597.712 to 597.7128, inclusive; or

3. Is in the business of remanufacturing, retrofitting, selling, leasing, subletting or otherwise placing cribs in the stream of commerce.

Sec. 37. 1. The State Board of Health shall adopt any regulations necessary to carry out the provisions of this act by not later than January 1, 2016.

2. Any regulations adopted by the State Board of Health relating to child care facilities and child care institutions before July 1, 2015, continue to apply to emergency shelters, as defined in section 2 of this act, and may be enforced until the State Board of Health adopts regulations to repeal, revise or replace those regulations as applied to emergency shelters or until January 1, 2016, whichever is sooner.

Sec. 38. This act becomes effective on July 1, 2015.

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 23 to Senate Bill No. 49 deals with emergency shelter and specifies that an "emergency shelter" is an establishment that has 16 or more beds and provides emergency shelter to children placed in protective custody pursuant to chapter 432B of NRS.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 279.

SUMMARY—Makes various changes relating to the Division of Enterprise Information Technology Services of the Department of Administration. (BDR 19-310)

AN ACT relating to information technology; amending the composition and responsibilities of the Division; providing that the Administrator of the Division is the Chief Information Officer of the State; providing that certain policies, standards, guidelines and procedures set forth by the Administrator apply to the Nevada Criminal Justice Information System; amending the membership and duties of the Information Technology Advisory Board; requiring the Department of Public Safety to use the services and equipment of the Division; authorizing the Administrator to accept any money from a public or private source for deposit into the Fund for Information Services; making various other changes relating to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Enterprise Information Technology Services of the Department of Administration to provide various information

services, systems and technology to certain state officers and agencies. (NRS 242.080, 242.131) The Division consists of: (1) the Administrator of the Division; (2) the Enterprise Application Services Unit; (3) the Communication and Computing Unit; and (4) the Office of Information Security. Section 3 of this bill: (1) eliminates the Enterprise Application Services Unit, the Communication and Computing Unit and the Office of Information Security; and (2) provides that the Division consists of the Administrator and such other personnel employed by the Administrator. Sections 5, 14-16, 18, 20-26, 28 and 29 of this bill make conforming changes.

Sections 4 and 19 of this bill provide that the Administrator is the Chief Information Officer of the State.

Existing law requires the Administrator to adopt regulations and develop certain policies, standards, guidelines and procedures relating to information systems of the Executive Branch of Government other than the Nevada System of Higher Education and the Nevada Criminal Justice Information System. (NRS 242.111, 242.115) Sections 6 and 7 of this bill provide that such regulations, policies, standards, guidelines and procedures apply to the Nevada Criminal Justice Information System.

Existing law creates the Information Technology Advisory Board and sets forth the duties of the Board, which include reviewing the Division's standards manual for information technology. (NRS 242.122, 242.124) Section 8 of this bill revises the membership of the Board. Section 10 of this bill eliminates the requirement that the Board review the Division's standards manual and adds a requirement that the Board review the Division's guidelines to assist using agencies in the development of short-term and long-term plans for their information systems.

Existing law requires the Board to meet at least once every 3 months. (NRS 242.123) Section 9 of this bill requires the Board to meet at least three times per calendar year.

Existing law provides, with limited exceptions, that all state agencies and elected state officers use the services and equipment of the Division for information systems. (NRS 242.131) Section 11 of this bill requires the Department of Public Safety to use such services and equipment.

Existing law provides that all equipment of an agency or elected state officer which is owned or leased by the State must be under the control of the Division, with limited exceptions. (NRS 242.161) Section 12 of this bill provides an additional exception if the equipment cannot be under the managerial control of the Division in order to comply with federal law.

Section 13 of this bill provides that the Division is responsible for providing network servers, including, without limitation, mainframe computers, for agencies and officers that use the equipment and services of the Division.

Existing law requires any state agency or elected officer which uses the equipment or services of the Division to adhere to the regulations, standards,

practices, policies and conventions of the Division. (NRS 242.161, 242.181) Sections 12 and 14 of this bill provide that if a state agency or elected officer does not so adhere, the Administrator may prohibit the state agency or elected officer from using the equipment or services of the Division.

Section 15 of this bill requires the Division to investigate and resolve any attempted breach, in addition to an actual breach, of an information system of a state agency or elected officer that uses the equipment or services of the Division.

Existing law creates the Fund for Information Services as an internal service fund. Money in the Fund must be used to pay all operating, maintenance, rental, repair and replacement costs of equipment and all salaries of personnel assigned to the Division. (NRS 242.211) Section 17 of this bill authorizes the Administrator to accept grants, gifts, donations, bequests, devises or other money from a public or private source for deposit in the Fund.

Existing law: (1) provides that certain records which relate to homeland security and are maintained by the Division are confidential; and (2) requires the Administrator to maintain a list of such records and submit an annual report concerning such records to the Director of the Legislative Counsel Bureau. (NRS 242.105) Sections 1 and 29 of this bill eliminate those provisions.

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

Section 1. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, ~~[242.105,]~~ 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335,

338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598.0979, 598.098, 598A.110, 599B.090, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in

any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

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

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

Sec. 2. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the Division of Enterprise Information Technology Services of the Department of Administration is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the Division are:

(a) To perform information services for state agencies ~~and~~, *as directed by the Governor.*

(b) To provide technical advice but not administrative control of the information systems within the state agencies and, as authorized, of local governmental agencies.

Sec. 3. NRS 242.080 is hereby amended to read as follows:

242.080 1. The Division of Enterprise Information Technology Services of the Department is hereby created.

2. The Division consists of the Administrator and ~~the:~~

~~(a) Enterprise Application Services Unit.~~

~~(b) Communication and Computing Unit.~~

~~(c) Office of Information Security.~~

~~3. A Communications Group and a Telecommunications Group are hereby created within the Communication and Computing Unit of the Division.] such other personnel employed by the Administrator to carry out the provisions of this chapter.~~

Sec. 4. NRS 242.090 is hereby amended to read as follows:

242.090 1. The Director of the Department shall appoint the Administrator in the unclassified service of the State.

2. The Administrator:

(a) Serves at the pleasure of, and is responsible to, the Director of the Department.

(b) Shall not engage in any other gainful employment or occupation.

(c) *Is the Chief Information Officer of the State.*

Sec. 5. NRS 242.101 is hereby amended to read as follows:

242.101 1. The Administrator shall:

(a) ~~Appoint the heads of the Enterprise Application Services Unit and the Communication and Computing Unit of the Division in the unclassified service of the State;~~

~~(b) Appoint the Chief of the Office of Information Security who is in the classified service of the State;~~

~~(c) Administer the provisions of this chapter and other provisions of law relating to the duties of the Division; and~~

~~[(d) Carry]~~

(b) Appoint such personnel as necessary to carry out other duties and exercise other powers specified by law.

2. The Administrator may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 6. NRS 242.111 is hereby amended to read as follows:

242.111 The Administrator shall adopt regulations necessary for the administration of this chapter, including:

1. The policy for the information systems of the Executive Branch of Government, excluding the Nevada System of Higher Education, ~~and the Nevada Criminal Justice Information System,~~ as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of state agencies and officers at the least cost to the State;

2. The procedures of the Division in providing information services, which may include provision for the performance, by an agency which uses the services or equipment of the Division; ~~of preliminary procedures, such as data recording and verification, within the agency;~~

3. The effective administration of the Division, including, without limitation, *management of the state network and data centers*, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;

4. The development of standards to ensure the security of the information systems of the Executive Branch of Government; and

5. Specifications and standards for the employment of all personnel of the Division.

Sec. 7. NRS 242.115 is hereby amended to read as follows:

242.115 1. Except as otherwise provided in subsection 2, the Administrator shall:

- (a) Develop policies and standards for the information systems of the Executive Branch of Government;
- (b) Coordinate the development of a biennial state plan for the information systems of the Executive Branch of Government;
- (c) Develop guidelines to assist state agencies in the development of short- and long-term plans for their information systems; and
- (d) Develop guidelines and procedures for the procurement and maintenance of the information systems of the Executive Branch of Government.

2. This section does not apply to the Nevada System of Higher Education . ~~for the Nevada Criminal Justice Information System used to provide support for the operations of law enforcement agencies in this State.~~

Sec. 8. NRS 242.122 is hereby amended to read as follows:

242.122 1. There is hereby created an Information Technology Advisory Board. The Board consists of:

- (a) One member appointed by the Majority Floor Leader of the Senate from the membership of the Senate Standing Committee on Finance.
- (b) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means.
- (c) ~~Two~~ *Three* representatives of using agencies which are major users of ~~the services of the Division. The Governor shall appoint the two representatives.~~ *information technology appointed by the Governor.* Each such representative serves for a term of 4 years. For the purposes of this paragraph, an agency is a "major user" if it is among the top five users of ~~the information services , of the Division,~~ based on the amount of money paid by each agency for ~~the information services of the Division~~ during the immediately preceding biennium.

(d) The ~~Director of the Department or his or her designee.~~

~~(e) The Attorney General or his or her designee.~~

~~(f) Five~~ *Chief of the Budget Division of the Department.*

(e) *Three* persons appointed by the Governor as follows:

(1) ~~Three persons~~ *One person* who ~~represent~~ *represents* a city or county in this State ~~at least one of whom~~ *and* is engaged in information technology or information security; and

(2) Two persons who represent the information technology industry but who:

(I) Are not employed by this State; *and*

(II) Do not hold any elected or appointed office in State Government .

~~;~~ ~~(III) Do not have an existing contract or other agreement to provide information services, systems or technology to an agency of this State; and~~

~~(IV) Are independent of and have no direct or indirect pecuniary interest in a corporation, association, partnership or other business organization which provides information services, systems or technology to an agency of this State.~~

2. Each person appointed pursuant to paragraph ~~[(f)]~~ (e) of subsection 1 serves for a term of 4 years. No person so appointed may serve more than 2 consecutive terms.

3. At the first regular meeting of each calendar year, the members of the Board shall elect a Chair by majority vote.

Sec. 9. NRS 242.123 is hereby amended to read as follows:

242.123 1. The Board shall meet at least ~~[once every 3 months]~~ *three times per calendar year* and may meet at such further times as deemed necessary by the Chair.

2. Members of the Board who are officers or employees of the Executive Department of State Government serve without additional compensation. Members who are not officers or employees of the Executive Department of State Government are entitled to a salary of \$80 for each day or part of a day spent on the business of the Board. All members of the Board are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 10. NRS 242.124 is hereby amended to read as follows:

242.124 1. The Board shall:

(a) Advise the Division concerning issues relating to information technology, including, without limitation, the development, acquisition, consolidation and integration of, and policies, planning and standards for, information technology.

(b) Periodically review the Division's statewide strategic plans and ~~[standards manual for information technology]~~ *guidelines to assist using agencies in the development of short-term and long-term plans for their information systems.*

(c) Review the Division's proposed budget before its submission to the Budget Division of the Department . ~~[of Administration.]~~

2. The Board may:

(a) With the consent of the Division, recommend goals and objectives for the Division, including periods and deadlines in which to achieve those goals and objectives.

(b) Upon request by a using agency, review issues and policies concerning information technology to resolve disputes with the Division.

(c) Review the plans for information technology of each using agency.

Sec. 11. NRS 242.131 is hereby amended to read as follows:

242.131 1. The Division shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2 ~~[]~~ *and subsection 1 of NRS 242.181.*

2. The following agencies may negotiate with the Division for its services or the use of its equipment, subject to the provisions of this chapter, and the Division shall provide those services and the use of that equipment as may be mutually agreed:

(a) The Court Administrator;

- (b) The Department of Motor Vehicles;
- (c) ~~{The Department of Public Safety;~~
- ~~{(d)}~~ The Department of Transportation;
- ~~{(e)}~~ (d) The Employment Security Division of the Department of Employment, Training and Rehabilitation;
- ~~{(f)}~~ (e) The Department of Wildlife;
- ~~{(g)}~~ (f) The Housing Division of the Department of Business and Industry;
- ~~{(h)}~~ (g) The Legislative Counsel Bureau;
- ~~{(i)}~~ (h) The State Controller;
- ~~{(j)}~~ (i) The State Gaming Control Board and Nevada Gaming Commission; and
- ~~{(k)}~~ (j) The Nevada System of Higher Education.

3. Any state agency or elected state officer *not described in subsection 2* who ~~{uses the services of the Division and}~~ desires to withdraw ~~{substantially}~~ from ~~{that use}~~ *receiving information services or information systems from the Division* must apply to the Administrator for approval. The application must set forth justification for the withdrawal. *The Administrator shall, in consultation with the Governor, determine whether to approve or deny the application.* If the Administrator denies the application, the agency or officer must:

(a) If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

(b) If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The Administrator shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

4. If the demand for services or use of equipment exceeds the capability of the Division to provide them, the ~~{Division}~~ Administrator may *authorize a using agency to contract with other agencies or independent contractors to furnish the required services or use of equipment . and* ~~{The using agency}~~ is responsible for the administration of the contracts.

Sec. 12. NRS 242.161 is hereby amended to read as follows:

242.161 1. All equipment of an agency or elected state officer which is owned or leased by the State must be under the managerial control of the Division ~~{, except}~~ :

(a) Except the equipment of the agencies and officers specified in subsection 2 of NRS 242.131 ~~{,}~~ and subsection 1 of NRS 242.181 ~~{,}~~ ; or

(b) Except as otherwise required to comply with federal law.

2. The Division may permit an agency which is required to use such equipment to operate it on the agency's premises.

Sec. 13. NRS 242.171 is hereby amended to read as follows:

242.171 1. The Division is responsible for:

- (a) The applications of information systems;
- (b) Designing and placing those information systems in operation;
- (c) *Providing network servers, including, without limitation, mainframe computers;*
- (d) Any application of an information system which it furnishes to state agencies and officers after negotiation; and

~~[(d)]~~ (e) The security validation, testing, including, without limitation, penetration testing, and continuous monitoring of information systems, ~~for using agencies and for state agencies and officers which use the equipment or services of the Division pursuant to subsection 2 of NRS 242.131.~~

2. The Administrator shall review and approve or disapprove, pursuant to standards for justifying cost, any application of an information system having an estimated developmental cost of \$50,000 or more. No using agency may commence development work on any such applications until approval and authorization have been obtained from the Administrator.

3. As used in this section, "penetration testing" means a method of evaluating the security of an information system or application of an information system by simulating unauthorized access to the information system or application.

Sec. 14. NRS 242.181 is hereby amended to read as follows:

242.181 1. Any state agency or elected state officer which uses the equipment or services of the Division shall adhere to the regulations, standards, practices, policies and conventions of the Division. *If any such state agency or elected officer does not adhere to the regulations, standards, practices, policies and conventions, the Administrator may prohibit the state agency or elected officer from using the equipment or services of the Division.*

2. Each state agency or elected state officer described in subsection 1 shall report any suspected incident of:

(a) Unauthorized access *or an attempt to gain unauthorized access* to an information system or application of an information system of the Division used by the state agency or elected state officer *or of an information system of the state agency or elected state officer*; and

(b) Noncompliance with the regulations, standards, practices, policies and conventions of the Division that is identified by the Division as security-related,

~~to the [Office of Information Security of the Division] Administrator, or his or her designee, within 24 hours after discovery of the suspected incident. [If the Office determines that an incident of unauthorized access or noncompliance occurred, the Office shall immediately report the incident to the Administrator.]~~ The Administrator, *or his or her designee*, shall assist in the investigation and resolution of any such incident.

3. The Division shall provide services to each state agency and elected state officer described in subsection 1 uniformly with respect to degree of service, priority of service, availability of service and cost of service.

Sec. 15. NRS 242.183 is hereby amended to read as follows:

242.183 1. The ~~{Chief of the Office of Information Security}~~ *Division* shall investigate and resolve any breach *or attempted breach* of an information system of a state agency or elected officer that uses the equipment or services of the Division or an application of such an information system or unauthorized acquisition of computerized data that materially compromises *or could have materially compromised* the security, confidentiality or integrity of such an information system.

2. The Administrator or ~~{Chief of the Office of Information Security, at}~~ his or her *designee, at the Administrator's* discretion, may inform members of the Technological Crime Advisory Board created by NRS 205A.040, the Nevada Commission on Homeland Security created by NRS 239C.120 and the Information Technology Advisory Board created by NRS 242.122 of any breach *or attempted breach* of an information system of a state agency or elected officer or application of such an information system or unauthorized acquisition of computerized data that materially compromises *or could have materially compromised* the security, confidentiality or integrity of such an information system.

Sec. 16. NRS 242.191 is hereby amended to read as follows:

242.191 1. Except as otherwise provided in subsection 3, the amount receivable from a state agency or officer or local governmental agency which uses the services of the Division must be determined by the Administrator in each case and include:

(a) The annual expense, including depreciation, of operating and maintaining the ~~{Communication and Computing Unit}~~ *Division*, distributed among the agencies *or officers* in proportion to the services performed for each agency ~~{}~~ *or officer*.

(b) A service charge in an amount determined by distributing the monthly installment for the construction costs of the computer facility among the agencies *or officers* in proportion to the services performed for each agency ~~{}~~ *or officer*.

2. The Administrator shall prepare and submit monthly to the state agencies and officers and local governmental agencies for which services of the Division have been performed an itemized statement of the amount receivable from each state agency or officer or local governmental agency.

3. The Administrator may authorize, if in his or her judgment the circumstances warrant, a fixed cost billing, including a factor for depreciation, for services rendered to a state agency or officer or local governmental agency.

Sec. 17. NRS 242.211 is hereby amended to read as follows:

242.211 1. The Fund for Information Services is hereby created as an internal service fund. Money from the Fund must be paid out on claims as

other claims against the State are paid. The claims must be made in accordance with budget allotments and are subject to postaudit examination and approval. *The Administrator may accept grants, gifts, donations, bequests, devises or other money from a public or private source for deposit in the Fund.*

2. All operating, maintenance, rental, repair and replacement costs of equipment and all salaries of personnel assigned to the Division must be paid from the Fund.

3. Each agency using the services of the Division shall pay a fee for that use to the Fund, which must be set by the Administrator in an amount sufficient to reimburse the Division for the entire cost of providing those services, including overhead. Each using agency shall budget for those services. All fees, proceeds from the sale of equipment and any other money received by the Division must be deposited with the State Treasurer for credit to the Fund.

Sec. 18. NRS 205.4765 is hereby amended to read as follows:

205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Modifies;
- (b) Damages;
- (c) Destroys;
- (d) Discloses;
- (e) Uses;
- (f) Transfers;
- (g) Conceals;
- (h) Takes;
- (i) Retains possession of;
- (j) Copies;
- (k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,
 ↪ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Modifies;
- (b) Destroys;
- (c) Uses;
- (d) Takes;
- (e) Damages;
- (f) Transfers;
- (g) Conceals;
- (h) Copies;
- (i) Retains possession of; or

(j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↪ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Destroys;
- (b) Damages;
- (c) Takes;
- (d) Alters;
- (e) Transfers;
- (f) Discloses;
- (g) Conceals;
- (h) Copies;
- (i) Uses;
- (j) Retains possession of; or
- (k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↪ a computer, system or network is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Obtains and discloses;
- (b) Publishes;
- (c) Transfers; or
- (d) Uses,

↪ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of \$500;
or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

↪ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information

system of an agency that uses the equipment or services of the Division of Enterprise Information Technology Services *of the Department of Administration* that is authorized by the Administrator of the ~~{Division of Enterprise Information Technology Services or the head of the Office of Information Security of the}~~ Division. As used in this subsection:

- (a) "Information system" has the meaning ascribed to it in NRS 242.057.
- (b) "Penetration testing" has the meaning ascribed to it in NRS 242.171.

Sec. 19. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Science, Innovation and Technology and the Governor's mansion. Any such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor.

2. The Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

~~{3.—The Governor may:~~

~~—(a) Appoint a Chief Information Officer of the State; or~~

~~—(b) Designate the Administrator as the Chief Information Officer of the State.~~

~~→ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.~~

~~—4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.~~

Sec. 20. NRS 233F.010 is hereby amended to read as follows:

233F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233F.015 to ~~{233F.065,}~~ 233F.060, inclusive, have the meanings ascribed to them in those sections.

Sec. 21. NRS 233F.117 is hereby amended to read as follows:

233F.117 If a state agency other than the ~~{Communications Group}~~ *Division* adds equipment which extends the state communications system to another location, the extension, if approved by the Administrator, becomes part of the state communications system. An approved extension of the system is subject to the provisions of this chapter relating to the system.

Sec. 22. NRS 233F.260 is hereby amended to read as follows:

233F.260 The Board shall provide advice to the ~~{Telecommunications Group}~~ *Division* on the use of telecommunications by the State Government, including:

- 1. The development of policies, standards, plans and designs;

2. The procurement of systems, facilities and services;
3. The integration of telecommunications systems with other state and local governmental systems; and
4. New technology that may become or is available.

Sec. 23. NRS 233F.270 is hereby amended to read as follows:

233F.270 1. The ~~{Telecommunications Group,}~~ *Division*, with the advice of the Board, shall:

(a) Plan, carry out and administer a state telecommunications system. When available at a competitive cost, the ~~{Telecommunications Group}~~ *Division* shall use the facilities of telephone companies providing local exchange service.

(b) Make arrangements for the installation of a central telephone switchboard or switchboards to serve the state offices in one or more buildings as may be practical or feasible.

2. The system must be integrated and may include services between the State and any cities, counties and schools.

3. The Division may consider for the system all the telecommunications requirements of the State and its political subdivisions.

Sec. 24. NRS 459.742 is hereby amended to read as follows:

459.742 The Commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

1. Enter into contracts, leases or other agreements or transactions;
2. Provide grants of money to local emergency planning committees to improve their ability to respond to emergencies involving hazardous materials;
3. Assist with the development of comprehensive plans for responding to such emergencies in this State;
4. Provide technical assistance and administrative support to the ~~{Telecommunications Group of the Communication and Computing Unit of the}~~ Division of Enterprise Information Technology Services of the Department of Administration for the development of systems for communication during such emergencies;
5. Provide technical and administrative support and assistance for training programs;
6. Develop a system to provide public access to data relating to hazardous materials;
7. Support any activity or program eligible to receive money from the Contingency Account for Hazardous Materials;
8. Adopt regulations setting forth the manner in which the Division of Emergency Management of the Department shall:
 - (a) Allocate money received by the Division which relates to hazardous materials or is received pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq.; and
 - (b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and

9. Coordinate the activities administered by state agencies to carry out the provisions of this chapter, 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.

Sec. 25. NRS 603A.215 is hereby amended to read as follows:

603A.215 1. If a data collector doing business in this State accepts a payment card in connection with a sale of goods or services, the data collector shall comply with the current version of the Payment Card Industry (PCI) Data Security Standard, as adopted by the PCI Security Standards Council or its successor organization, with respect to those transactions, not later than the date for compliance set forth in the Payment Card Industry (PCI) Data Security Standard or by the PCI Security Standards Council or its successor organization.

2. A data collector doing business in this State to whom subsection 1 does not apply shall not:

(a) Transfer any personal information through an electronic, nonvoice transmission other than a facsimile to a person outside of the secure system of the data collector unless the data collector uses encryption to ensure the security of electronic transmission; or

(b) Move any data storage device containing personal information beyond the logical or physical controls of the data collector, its data storage contractor or, if the data storage device is used by or is a component of a multifunctional device, a person who assumes the obligation of the data collector to protect personal information, unless the data collector uses encryption to ensure the security of the information.

3. A data collector shall not be liable for damages for a breach of the security of the system data if:

(a) The data collector is in compliance with this section; and

(b) The breach is not caused by the gross negligence or intentional misconduct of the data collector, its officers, employees or agents.

4. The requirements of this section do not apply to:

(a) A telecommunication provider acting solely in the role of conveying the communications of other persons, regardless of the mode of conveyance used, including, without limitation:

(1) Optical, wire line and wireless facilities;

(2) Analog transmission; and

(3) Digital subscriber line transmission, voice over Internet protocol and other digital transmission technology.

(b) Data transmission over a secure, private communication channel for:

(1) Approval or processing of negotiable instruments, electronic fund transfers or similar payment methods; or

(2) Issuance of reports regarding account closures due to fraud, substantial overdrafts, abuse of automatic teller machines or related information regarding a customer.

5. As used in this section:

(a) "Data storage device" means any device that stores information or data from any electronic or optical medium, including, but not limited to, computers, cellular telephones, magnetic tape, electronic computer drives and optical computer drives, and the medium itself.

(b) "Encryption" means the protection of data in electronic or optical form, in storage or in transit, using:

(1) An encryption technology that has been adopted by an established standards setting body, including, but not limited to, the Federal Information Processing Standards issued by the National Institute of Standards and Technology, which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data;

(2) Appropriate management and safeguards of cryptographic keys to protect the integrity of the encryption using guidelines promulgated by an established standards setting body, including, but not limited to, the National Institute of Standards and Technology; and

(3) Any other technology or method identified by the ~~{Office of Information Security of the}~~ Division of Enterprise Information Technology Services of the Department of Administration in regulations adopted pursuant to NRS 603A.217.

(c) "Facsimile" means an electronic transmission between two dedicated fax machines using Group 3 or Group 4 digital formats that conform to the International Telecommunications Union T.4 or T.38 standards or computer modems that conform to the International Telecommunications Union T.31 or T.32 standards. The term does not include onward transmission to a third device after protocol conversion, including, but not limited to, any data storage device.

(d) "Multifunctional device" means a machine that incorporates the functionality of devices, which may include, without limitation, a printer, copier, scanner, facsimile machine or electronic mail terminal, to provide for the centralized management, distribution or production of documents.

(e) "Payment card" has the meaning ascribed to it in NRS 205.602.

(f) "Telecommunication provider" has the meaning ascribed to it in NRS 704.027.

Sec. 26. NRS 603A.217 is hereby amended to read as follows:

603A.217 Upon receipt of a well-founded petition, the ~~{Office of Information Security of the}~~ Division of Enterprise Information Technology Services of the Department of Administration may, pursuant to chapter 233B of NRS, adopt regulations which identify alternative methods or technologies which may be used to encrypt data pursuant to NRS 603A.215.

Sec. 27. 1. Notwithstanding any provision of law to the contrary, the terms of office of the existing members of the Information Technology Advisory Board appointed pursuant to paragraphs (c) to (f), inclusive, of subsection 1 of NRS 242.122, expire on June 30, 2015.

2. On or before July 1, 2015, the Governor shall appoint members to the Information Technology Advisory Board that meet the requirements set forth

in paragraphs (c) and (e) of subsection 1 of NRS 242.122, as amended by section 8 of this act.

3. The terms of office of the members appointed pursuant to this section is 4 years.

Sec. 28. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to any officer, agency or other entity:

1. Whose name is changed pursuant to the provisions of this act; or
2. Whose responsibilities have been transferred pursuant to the provisions of this act, to refer to the appropriate officer, agency or other entity.

Sec. 29. NRS 233F.045, 233F.065, 242.105, 242.135 and 242.151 are hereby repealed.

Sec. 30. 1. This section and section 27 of this act become effective upon passage and approval.

2. Sections 1 to 26, inclusive, and sections 28 and 29 of this act become effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

233F.045 "Communications Group" defined.

233F.065 "Telecommunications Group" defined.

242.105 Confidentiality of certain documents relating to homeland security: List; biennial review; annual report.

242.135 Employment of one or more persons to provide information services for agency or elected officer of State.

242.151 Administrator to advise agencies.

Senator Goicoechea moved the adoption of the amendment.

Remarks by Senator Goicoechea.

The amendment addresses a concern brought forward by the Department of Public Safety that some of its equipment may not be under the managerial control of the Division of Enterprise Information Technology Services in order to comply with federal requirements and regulations.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 111.

SUMMARY—Allows a person to designate a caregiver when admitted to a hospital, ~~for in an advance directive.~~ (BDR 40-512)

AN ACT relating to public health; authorizing certain persons to designate a caregiver for a ~~person~~ patient in certain circumstances; requiring a hospital to provide an opportunity for a patient who is admitted as an inpatient or certain other persons to designate a caregiver for the patient; requiring a hospital to attempt to provide certain notification, information

and training to a caregiver before taking certain actions concerning a patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law establishes various forms of declarations and advance directives that a person may use to set forth his or her wishes concerning end-of-life care. (NRS 162A.700-162A.860, 449.535-449.697, 450B.400-450B.475) Sections 7 and 15-19 of this bill authorize~~ authorizes a [person,] patient, a legal representative of a [person,] patient who is incompetent or a parent or guardian of a [person,] patient who is a minor to designate [one or more caregivers,] a caregiver for the [person: (1) in an advance directive; or (2)] patient upon admission of the [person,] patient to a hospital as an inpatient. Section 7 authorizes the designation of another caregiver if the person originally designated is unable or unwilling to perform his or her duties. Section 7 also provides that a person is under no obligation to a patient solely because the person has been designated as a caregiver for ~~[another person,] the patient.~~

Section 8 of this bill requires a hospital to provide the opportunity to designate ~~[one or more caregivers,] a caregiver for [] the patient to:~~ (1) a patient who is admitted to the hospital as an inpatient; ~~[and has not previously designated a caregiver in an advance directive;]~~ (2) a legal representative of such a patient who is incompetent; or (3) a parent or guardian of such a patient who is a minor. Section 8 also requires a hospital to provide a patient who was unconscious or otherwise incompetent upon admission but regains competence while an inpatient at the hospital with an opportunity to designate ~~[or change his or her,] a caregiver.~~ Section 9 of this bill requires a hospital to record the designation of a caregiver or declination to do so in the medical record of the patient.

Federal regulations provide that certain health information concerning a patient can only be released by a health care facility in certain circumstances. (45 C.F.R. § 164.502(a)) Federal regulations authorize the release of health information relevant to the care of a patient to a person designated by the patient or the patient's representative. (45 C.F.R. § 164.510(b)(1)(i)) If a patient has a designated caregiver, section 9 requires a hospital to request the written consent of the patient, the representative of the patient or the parent or guardian of the patient, as applicable, to release medical information to the caregiver ~~[] if such consent is required by federal or state law.~~

If a patient provides such consent, sections 10 and 11 of this bill require a hospital to attempt to notify a caregiver of the planned discharge or transfer of the patient and attempt to provide the caregiver with certain information and training concerning aftercare for the patient. Section 12 of this bill requires a hospital to proceed with the planned discharge or transfer of the patient if the hospital is not successful in providing this notification, information and training to the caregiver. Section 13 of this bill provides that a hospital is not liable for aftercare provided improperly or not provided by the caregiver.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

Sec. 2. *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. ~~["Advance directive" has the meaning ascribed to it in NRS 449.905.] (Deleted by amendment.)~~

Sec. 4. "Aftercare" means care or assistance that is provided to a patient after the patient is discharged following inpatient treatment at a hospital.

Sec. 5. "Caregiver" means a person designated as such pursuant to section 7 of this act, including, without limitation, a relative, spouse, partner, foster parent, friend or neighbor.

Sec. 6. "Representative of the patient" means a legal guardian of the patient, a person designated by the patient to make decisions governing the withholding or withdrawal of life-sustaining treatment pursuant to NRS 449.600 or a person given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.860, inclusive.

Sec. 7. 1. ~~One or more caregivers.] A caregiver may be designated for a person] patient by:~~

(a) The ~~person] patient~~ if he or she is 18 years of age or older and of sound mind;

(b) The representative of the ~~person] patient~~ if the ~~person] patient~~ is 18 years of age or older and incompetent; or

(c) The parent or legal guardian of the ~~person] patient~~ if the ~~person] patient~~ is less than 18 years of age.

2. A ~~person] patient~~ described in subsection 1 may have a caregiver designated for him or her ~~one or more caregivers:~~

~~(a) Upon the] upon admission [of the person] to a hospital as an inpatient in the manner described in section 8 of this act .] ; or~~

~~(b) In an advance directive.]~~

3. ~~[4] If a caregiver [may be changed or] is unable or unwilling to perform the duties of a caregiver, the designation of that person as a caregiver may be removed and a new caregiver may be [added at any time] designated by:~~

(a) The ~~person] patient~~ if he or she is 18 years of age or older and of sound mind;

(b) The representative of the ~~person] patient~~ if the ~~person] patient~~ is 18 years of age or older and incompetent; or

(c) The parent or legal guardian of the ~~person] patient~~ if the ~~person] patient~~ is less than 18 years of age.

4. A caregiver is under no obligation to a ~~person~~ patient solely because the ~~person~~ patient, the representative of the ~~person~~ patient or the parent or guardian of the ~~person~~ patient has designated the caregiver pursuant to this section.

~~5. As used in this section, "representative of the person" means a legal guardian of the person, a person designated by the person to make decisions governing the withholding or withdrawal of life sustaining treatment pursuant to NRS 119.600 or a person given power of attorney to make decisions concerning health care for the person pursuant to NRS 162A.700 to 162A.860, inclusive.~~

Sec. 8. 1. After admitting a patient ~~for whom a caregiver has not been designated in an advance directive~~ as an inpatient and before discharging the patient, a hospital shall provide the opportunity to designate ~~one or more caregivers~~ a caregiver for the patient to:

- (a) The patient if he or she is 18 years of age or older and of sound mind;
- (b) The representative of the patient if the patient is 18 years of age or older and incompetent; or
- (c) The parent or legal guardian of the patient if the patient is less than 18 years of age.

2. If a patient ~~for whom a caregiver has not been designated in an advance directive~~ is unconscious or otherwise incompetent upon admission to a hospital as an inpatient and later regains competence while he or she is an inpatient at the hospital, the hospital shall, after the patient regains competence, provide the patient with the opportunity to designate ~~one or more caregivers or, if~~ a caregiver ~~has been designated by the representative of the patient, to remove or change his or her caregiver.~~

Sec. 9. 1. If a ~~caregiver has been designated in an advance directive for a patient who is admitted to a hospital as an inpatient or the~~ patient, the representative of ~~the~~ a patient or the parent or guardian of ~~such~~ a patient designates ~~for changes~~ a caregiver pursuant to section 8 of this act ~~or changes a caregiver pursuant to section 7 of this act~~, the hospital shall:

(a) Record the designation or change of the caregiver, the relationship of the caregiver to the patient and the name, telephone number and address of the caregiver in the medical record of the patient; and

(b) ~~Request~~ If required by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any regulations adopted pursuant thereto or any other federal or state law, request the written consent of the patient, the representative of the patient or the parent or guardian of the patient, as applicable, to release medical information to the caregiver in ~~compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 and the regulations adopted pursuant thereto~~ a manner that complies with the applicable laws.

2. If a patient, the representative of a patient or the parent or guardian of a patient declines to designate a caregiver after being given the

opportunity to do so pursuant to section 8 of this act, the hospital shall record the declination in the medical record of the patient.

Sec. 10. If a patient, the representative of a patient or the parent or guardian of a patient has provided consent for the hospital to release medical information to a caregiver pursuant to subsection 1 of section 9 of this act, the hospital shall, before the patient is discharged or transferred to another facility, attempt to notify the caregiver of the planned discharge or transfer.

Sec. 11. If a patient, the representative of a patient or the parent or guardian of a patient has provided consent for a hospital to release medical information to a caregiver pursuant to subsection 1 of section 9 of this act, the hospital shall, before the patient is discharged other than to a facility licensed pursuant to this chapter:

1. Attempt to provide the caregiver with a discharge plan. A discharge plan must include, without limitation:

(a) The name and contact information of the caregiver;

(b) A description of all necessary aftercare, including, without limitation, any requirements to maintain the ability of the patient to reside at home; and

(c) Contact information for:

(1) Any providers of health care, community resources or other providers of services necessary to carry out the discharge plan; and

(2) An employee of the hospital who will be available before the patient is discharged to answer questions concerning the discharge plan; ~~and~~

~~(d) Any additional information required by the Board.~~

2. Attempt to consult with the caregiver, in person or using video technology, ~~[at the option of the caregiver,]~~ concerning the aftercare set forth in the discharge plan. Such consultation must include, without limitation:

(a) A demonstration of the aftercare set forth in the discharge plan, performed by ~~fa person designated by~~ an appropriate member of the hospital; ~~f~~

~~(1) For whom the aftercare is within the scope of the person's license or certificate; and~~

~~(2) Who can perform the demonstration~~ staff in a culturally and linguistically appropriate manner; and

(b) An opportunity for the caregiver to ask questions concerning the aftercare; ~~f; and~~

~~(c) Any additional information required by the Board.~~

Sec. 12. 1. A hospital shall document in the medical record of the patient:

(a) The attempt or completion of any actions required pursuant to section 10 or 11 of this act;

(b) Any instructions given pursuant to section 11 of this act; and

(c) The date and time at which such instructions were given.

2. If a hospital is unable to reach a caregiver after attempting to provide any information pursuant to section 10 or 11 of this act, the hospital must proceed with the discharge or transfer of the patient as scheduled.

Sec. 13. A hospital or an employee or contractor of a hospital that acts in compliance with sections 2 to 14, inclusive, of this act is not liable for any aftercare that is provided improperly or not provided by a caregiver.

Sec. 14. ~~[The Board may adopt regulations to carry out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, regulations prescribing additional requirements for a discharge plan or a consultation pursuant to section 11 of this act.] (Deleted by amendment.)~~

Sec. 15. ~~[NRS 449.600 is hereby amended to read as follows:
—449.600— 1. A person of sound mind and 18 or more years of age may execute at any time a declaration governing the withholding or withdrawal of life sustaining treatment. The declarant may designate another natural person of sound mind and 18 or more years of age to make decisions governing the withholding or withdrawal of life sustaining treatment. The declaration must be signed by the declarant, or another at the declarant's direction, and attested by two witnesses.~~

~~—2. A person who executes a declaration governing the withholding or withdrawal of life sustaining treatment may designate a caregiver pursuant to section 7 of this act in the same document.~~

~~—3. A physician or other provider of health care who is furnished a copy of the declaration shall make it a part of the declarant's medical record and, if unwilling to comply with the declaration, promptly so advise the declarant and any person designated to act for the declarant.] (Deleted by amendment.)~~

Sec. 16. ~~[NRS 449.694 is hereby amended to read as follows:
—449.694— The Board shall prescribe a standardized Physician Order for Life Sustaining Treatment form, commonly known as a POLST form, which:~~

~~—1. Is uniquely identifiable and has a uniform color;~~

~~—2. Provides a means by which to indicate whether the patient has made an anatomical gift pursuant to NRS 451.500 to 451.508, inclusive;~~

~~—3. Gives direction to a provider of health care or health care facility regarding the use of emergency care and life sustaining treatment;~~

~~—4. Is intended to be honored by any provider of health care who treats the patient in any health care setting, including, without limitation, the patient's residence, a health care facility or the scene of a medical emergency; [and]~~

~~—5. Provides a means by which the patient may designate a caregiver pursuant to section 7 of this act; and~~

~~—6. Includes such other features and information as the Board may deem advisable.] (Deleted by amendment.)~~

Sec. 17. ~~[NRS 450B.520 is hereby amended to read as follows:~~

~~—450B.520— Except as otherwise provided in NRS 450B.525:~~

~~—1. A qualified patient may apply to the health authority for a do not resuscitate identification by submitting an application on a form provided by the health authority. To obtain a do not resuscitate~~

~~identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.~~

~~2. An application must include, without limitation:~~

~~(a) Certification by the patient's attending physician that the patient suffers from a terminal condition;~~

~~(b) Certification by the patient's attending physician that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:~~

~~(1) Executed:~~

~~(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;~~

~~(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.860, inclusive; or~~

~~(III) A Physician Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or~~

~~(2) Was issued a do not resuscitate order pursuant to NRS 450B.510;~~

~~(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;~~

~~(d) The name, signature and telephone number of the patient's attending physician; and~~

~~(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.~~

~~3. A form provided by the health authority pursuant to subsection 1 must provide a means by which a patient may designate a caregiver pursuant to section 7 of this act. (Deleted by amendment.)~~

Sec. 18. ~~[NRS 450B.525 is hereby amended to read as follows:~~

~~450B.525 1. A parent or legal guardian of a minor may apply to the health authority for a do not resuscitate identification on behalf of the minor if the minor has been:~~

~~(a) Determined by his or her attending physician to be in a terminal condition; and~~

~~(b) Issued a do not resuscitate order pursuant to NRS 450B.510.~~

~~2. To obtain such a do not resuscitate identification, the parent or legal guardian must:~~

~~(a) Submit an application on a form provided by the health authority; and~~

~~(b) Comply with the requirements prescribed by the board.~~

~~3. An application submitted pursuant to subsection 2 must include, without limitation:~~

~~— (a) Certification by the minor's attending physician that the minor:~~

~~— (1) Suffers from a terminal condition; and~~

~~— (2) Has executed a Physician Order for Life-Sustaining Treatment form pursuant to NRS 449.691 to 449.697, inclusive, if the form provides that the minor is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510;~~

~~— (b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;~~

~~— (c) The name of the minor;~~

~~— (d) The name, signature and telephone number of the minor's attending physician; and~~

~~— (e) The name, signature and telephone number of the minor's parent or legal guardian.~~

~~4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.~~

~~5. If, in the opinion of the attending physician, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:~~

~~— (a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.~~

~~— (b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.~~

~~6. A form provided by the health authority pursuant to subsection 2 must provide a means by which a parent or legal guardian of a minor may designate a caregiver for the minor pursuant to section 7 of this act.]~~

~~(Deleted by amendment.)~~

Sec. 19. ~~[NRS 162A.790 is hereby amended to read as follows:~~

~~162A.790 1. Any adult person may execute a power of attorney enabling the agent named in the power of attorney to make decisions concerning health care for the principal if that principal becomes incapable of giving informed consent concerning such decisions.~~

~~2. A power of attorney for health care must be signed by the principal. The principal's signature on the power of attorney for health care must be:~~

~~— (a) Acknowledged before a notary public; or~~

~~— (b) Witnessed by two adult witnesses who know the principal personally.~~

~~3. Neither of the witnesses to a principal's signature may be:~~

~~— (a) A provider of health care;~~

~~— (b) An employee of a provider of health care;~~

~~— (c) An operator of a health care facility;~~

~~—(d) An employee of a health care facility; or~~

~~—(e) The agent.~~

~~4. At least one of the witnesses to a principal's signature must be a person who is:~~

~~—(a) Not related to the principal by blood, marriage or adoption; and~~

~~—(b) To the best of the witnesses' knowledge, not entitled to any part of the estate of the principal upon the death of the principal.~~

~~5. If the principal resides in a hospital, residential facility for groups, facility for skilled nursing or home for individual residential care, at the time of the execution of the power of attorney, a certification of competency of the principal from a physician, psychologist or psychiatrist must be attached to the power of attorney.~~

~~6. A power of attorney executed in a jurisdiction outside of this State is valid in this State if, when the power of attorney was executed, the execution complied with the laws of that jurisdiction or the requirements for a military power of attorney pursuant to 10 U.S.C. § 1044b.~~

~~7. A person who executes a power of attorney may designate a caregiver pursuant to section 7 of this act in the same document.~~

~~8. As used in this section:~~

~~—(a) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.~~

~~—(b) "Home for individual residential care" has the meaning ascribed to it in NRS 449.0105.~~

~~—(c) "Hospital" has the meaning ascribed to it in NRS 449.012.~~

~~—(d) "Residential facility for groups" has the meaning ascribed to it in NRS 449.017.] (Deleted by amendment.)~~

Sec. 20. ~~[This act becomes effective:~~

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

~~2. On January 1, 2016, for all other purposes.] (Deleted by amendment.)~~

Senator Hardy moved the adoption of the amendment.

Remarks by Senator Hardy.

Amendment No. 111 to Senate Bill No. 177 removes the provisions related to an advance directive. Clarifies the ability for a patient, a legal representative of a patient who is incompetent or a parent or guardian of a patient who is a minor to designate a caregiver for the patient upon an inpatient admission to a hospital. Authorizes the designation of another caregiver if the person originally designated is unable or unwilling to perform his or her duties. And, specifies that written consent to release medical information to the caregiver must be received from the patient, representative or parent or guardian of the patient, as such, consent is required by federal or state law.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 128.

SUMMARY—Makes various changes concerning health care. (BDR 40-84)

AN ACT relating to health care; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to establish the Stroke Registry; providing for the inclusion of comprehensive stroke centers on the list of stroke centers maintained by the Division; requiring a hospital on the list of stroke centers to report certain data to the Registry; revising provisions governing continuing education requirements for certain providers of health care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 6 of this bill requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish and maintain the Stroke Registry to compile information and statistics concerning the treatment of patients who suffer from strokes. Section 7 of this bill requires the Division to encourage and facilitate the sharing of information and data concerning the treatment of patients who suffer from strokes. Section 8 of this bill requires the Division to: (1) adopt and carry out procedures for using the Registry to improve the quality of care provided to patients who suffer from strokes in this State; and (2) compile an annual report concerning the Registry and, on or before June 1 of each year, post the report on the Division's Internet website and submit the report to the Governor and the Legislative Committee on Health Care.

Existing law requires any provision that adds or revises a requirement to submit a report to the Legislature to: (1) expire by limitation after 5 years; or (2) contain a statement by the Legislature setting forth the justification for continuing the requirement for more than 5 years. (NRS 218D.380) To comply with this requirement, section 11 of this bill provides for the expiration by limitation after 5 years of the requirement that the Division submit the report concerning the Registry to the Legislative Committee on Health Care.

Existing law requires the Division to establish a list of hospitals that are certified as primary stroke centers by the Joint Commission. (NRS 449.203) Section 9 of this bill provides for this list to include hospitals that are certified as comprehensive stroke centers by the Joint Commission as well. Section 9 also requires each hospital included on this list to report to the Registry certain data ~~[prescribed by the Division]~~ concerning treatment of patients who suffer from strokes.

Section 10 of this bill authorizes a provider of health care to use credit earned for continuing education relating to Alzheimer's disease in place of not more than 2 hours each year of the requirements for continuing education, other than any requirements for continuing education relating to

ethics. Section 10 also provides an exception for a specific statute or regulation that requires or authorizes a provider of health care to use a greater number of credits earned for continuing education relating to Alzheimer's disease to satisfy such requirements.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Provider of emergency medical services" means each operator of an ambulance or air ambulance and each fire-fighting agency that has a permit to operate pursuant to chapter 450B of NRS and provides transportation to hospitals for persons in need of emergency services and care.*

Sec. 4. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 5. *"Registry" means the Stroke Registry established pursuant to section 6 of this act.*

Sec. 6. 1. *The Division shall:*

(a) *Establish and maintain the Stroke Registry to compile information and statistics concerning the treatment of patients who suffer from strokes. The information and statistics must align with the ~~stroke~~ consensus ~~metrics~~ developed and approved by the American Heart Association, the Centers for Disease Control and Prevention and ~~measures prescribed by the Paul Coverdell National Acute Stroke Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Joint Commission ~~f~~~~, the American Heart Association and the American Stroke Association. The Division may request the input, advice and assistance of the Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease established pursuant to NRS 439.518 concerning the establishment and maintenance of the Registry.*

(b) *Use, as the data platform for the Registry, the Get With The Guidelines-Stroke data management platform established by the American Heart Association and American Stroke Association or a similar data management platform with substantially equivalent security standards for data.*

(c) *To the extent practicable to avoid redundancy, coordinate with nonprofit organizations involved in stroke treatment and research concerning the collection and maintenance of data in the Registry.*

(d) *Encourage the reporting of data to the Registry by medical facilities, including, without limitation, hospitals certified as acute stroke-ready hospitals by the Joint Commission, providers of health care and providers of emergency medical services that treat patients who suffer from strokes,*

including, without limitation, those that are not required to submit information to the Registry pursuant to NRS 449.203.

(e) Using guidelines prescribed by a nationally recognized organization involved in stroke treatment and research, ~~adopt regulations setting forth the types of~~ determine which data ~~that~~ may be reported to the Registry. ~~and the manner in which that data must be reported.~~ Such data must include, without limitation, the consensus measures prescribed by the Paul Coverdell National Acute Stroke Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Joint Commission, the American Heart Association and the American Stroke Association.

(f) Make aggregated data from the Registry available to each medical facility, provider of health care and provider of emergency medical services that treats patients who suffer from strokes in this State.

2. The Division may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of sections 2 to 8, inclusive, of this act.

3. As used in this section, "data management platform" means a centralized computing system for collecting, integrating and managing data.

Sec. 7. The Division shall:

1. Encourage medical facilities, providers of health care and providers of emergency medical services to share information and data concerning the treatment of patients who suffer from strokes to improve the quality of care for those patients in this State; and

2. Facilitate the sharing and analysis of the information and data specified in subsection 1.

Sec. 8. 1. The Division shall adopt and carry out procedures for using the Registry. The procedures must include, without limitation:

(a) Analyzing data in the Registry concerning the response to and treatment of strokes; and

(b) Identifying potential solutions for improving the treatment of patients who have suffered strokes in particular geographic areas of this State and in this State as a whole.

2. The Division shall compile an annual report concerning the operation and use of the Registry and the data collected by the Registry. On or before June 1 of each year, the Division shall post the report on its Internet website, if any, and submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care. The report must include, without limitation:

(a) Aggregated data from the Registry; and

(b) Any recommendations for legislation designed to improve the quality of care provided to patients who suffer from strokes in this State.

Sec. 9. NRS 449.203 is hereby amended to read as follows:

449.203 1. A hospital licensed pursuant to NRS 449.030 to 449.2428, inclusive, may submit to the Division proof that the hospital is certified as a

comprehensive or primary stroke center by the Joint Commission, its successor organization or an equivalent organization approved by the Division. Upon receiving proof that a hospital is certified as a *comprehensive or* primary stroke center, the Division shall include the hospital on the list established pursuant to subsection 2.

2. On or before July 1 of each year, the Division shall post a list of the hospitals designated as *comprehensive or* primary stroke centers on an Internet website maintained by the Division.

3. If a hospital wishes to be included as a *comprehensive or* primary stroke center on the list established pursuant to subsection 2, the hospital must annually resubmit the proof required pursuant to this section.

4. The Division may remove a hospital from the list established pursuant to subsection 2 if the certificate recognizing the hospital as a *comprehensive or* primary stroke center issued by the Joint Commission, its successor organization or an equivalent organization, as applicable, is suspended or revoked.

5. A hospital that is not included on the list established pursuant to subsection 2 as a *comprehensive or* primary stroke center shall not represent, advertise or imply that the hospital is designated as a *comprehensive or* primary stroke center.

6. *A hospital that is included on the list established pursuant to subsection 2 as a comprehensive or primary stroke center shall report to the Stroke Registry all ~~data prescribed in the regulations adopted pursuant to section 6 of this act.~~ consensus measures prescribed by the Paul Coverdell National Acute Stroke Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Joint Commission, the American Heart Association and the American Stroke Association.*

7. The provisions of this section do not prohibit a hospital that is licensed pursuant to NRS 449.030 to 449.2428, inclusive, from providing care to a victim of stroke if the hospital does not have a designation as a *comprehensive or* primary stroke center.

~~{7}~~ 8. The Board may adopt regulations to carry out the provisions of this section and to designate hospitals with similar certifications which are recognized by the Joint Commission, its successor organization or an equivalent organization.

9. *As used in this section, "Stroke Registry" means the Stroke Registry established pursuant to section 6 of this act.*

Sec. 10. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care may use credit earned for continuing education relating to Alzheimer's disease in place of not more than 2 hours each year of the continuing education that the provider of

health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

Sec. 11. Section 8 of this act is hereby amended to read as follows:

Sec. 8. 1. The Division shall adopt and carry out procedures for using the Registry. The procedures must include, without limitation:

(a) Analyzing data in the Registry concerning the response to and treatment of strokes; and

(b) Identifying potential solutions for improving the treatment of patients who have suffered strokes in particular geographic areas of this State and in this State as a whole.

2. The Division shall compile an annual report concerning the operation and use of the Registry and the data collected by the Registry. On or before June 1 of each year, the Division shall post the report on its Internet website, if any, and submit the report to the Governor . ~~and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care.~~ The report must include, without limitation:

(a) Aggregated data from the Registry; and

(b) Any recommendations for legislation designed to improve the quality of care provided to patients who suffer from strokes in this State.

Sec. 12. 1. This section and sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

(b) On January 1, 2016, for all other purposes.

2. Section 11 of this act becomes effective on January 1, 2021.

Senator Lipparelli moved the adoption of the amendment.

Remarks by Senator Lipparelli.

Amendment No. 128 to Senate Bill No. 196 does two things. First, it specifies that the data reported to and contained in the Stroke Registry align with the consensus measures prescribed by the Paul Coverdell National Acute Stroke Registry of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the Joint Commission, the American Heart Association and the American Stroke Association. Secondly, authorizes the Division to apply for and accept any gift, donation, bequest, grant or other source of money to establish and maintain the Stroke Registry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 307.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 20.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Kieckhefer moved that Senate Bills Nos. 49, 72 be re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 29.

Bill read third time.

Remarks by Senator Lipparelli.

Senate Bill No. 29 provides that a board of county commissioners may exercise any power it has to the extent that power is not expressly denied by the *Nevada Constitution*, the *United States Constitution*, and the laws of Nevada or granted to another entity for the effective operation of county government. The bill clarifies that if there is a constitutional or statutory provision requiring a specific manner for exercising a power, a board of county commissioners must adhere to that provision. Furthermore, if a board of county commissioners wants to exercise a particular power that is not addressed in law, it must adopt an ordinance setting forth the manner for exercising that power.

Senate Bill No. 29 also provides a list of powers a board of county commissioners cannot do without being expressly authorized by law. These powers include: 1) limiting a local government's civil liability; 2) setting laws governing civil actions between persons; 3) imposing duties on another governmental entity; 4) imposing taxes; 5) ordering or conducting an election; 6) imposing a service charge or user fee; and 7) regulating business conduct that is subject to substantial regulation by a federal or State agency. The bill is effective on July 1, 2015.

Roll call on Senate Bill No. 29:

YEAS—21.

NAYS—None.

Senate Bill No. 29 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 53.

Bill read third time.

Remarks by Senator Brower.

Senate Bill No. 53 requires a person convicted of a crime who claims that his or her time served has been computed incorrectly to exhaust all administrative remedies available to resolve the matter prior to filing a petition for a writ of habeas corpus with the court. It also requires the Department of Corrections to develop an expedited process for resolving a challenge brought by a convicted person regarding the computation if the challenge is brought within 180 days before that person's projected discharge date. A court is required to dismiss such a petition if it determines that a petitioner has filed without having exhausted all administrative remedies.

Roll call on Senate Bill No. 53:

YEAS—21.

NAYS—None.

Senate Bill No. 53 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 86.

Bill read third time.

Remarks by Senator Settelmeyer.

Senate Bill No. 86 increases the maximum amount of a civil penalty that may be imposed by the Public Utilities Commission of Nevada for a violation of regulations adopted by the Commission in conformity with the Natural Gas Pipeline Safety Act of 1968. The new penalty is not to exceed \$200,000 for each violation for each day that the violation persists, with a maximum civil penalty not to exceed \$2 million. The measure also increases the maximum civil penalty for a single willful or repeated violation of provisions governing excavation or demolition near subsurface installations to not more than \$2,500 per day, and increases the maximum civil penalty for any related series of willful or repeated violations within a calendar year to not more than \$250,000. The measure provides additional factors for the Commission to consider when determining the amount of the penalty or the amount agreed upon in a settlement or compromise. Finally, S.B. No. 86 authorizes the Commission to triple the maximum civil penalty that may be imposed for each violation that involves contact with or near certain high consequence subsurface installations such as petroleum, gas, sewage and hazardous materials pipelines; electric supply lines and cables; and optical carrier level communications lines.

Roll call on Senate Bill No. 86:

YEAS—21.

NAYS—None.

Senate Bill No. 86 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 93.

Bill read third time.

Remarks by Senator Lipparelli.

Senate Bill No. 93, provides for the Office of Economic Development to grant a partial abatement of property taxes and sales-and-use-taxes for up to 20 years for qualified new and existing aircraft related businesses, if the business meets certain employment requirements and eligibility criteria as set forth in the bill. The amount of the sales-and-use-tax abatement is equal to all sales and use taxes except for the State 2-percent rate, and the property tax abatement is equal all personal property taxes.

The sales-and-use and property-tax abatements are for tangible personal property used to operate, manufacture, service, maintain, test, repair, overhaul or assemble an aircraft of any component of an aircraft. However, the sales-and-use-tax abatement does not apply to the actual sales and use tax due on the purchase of an aircraft.

Senate Bill No. 93 also repeals provisions of current law that authorize a sales-and-use-tax exemption for aircraft and major components of aircraft under certain circumstances, which the Nevada Supreme Court has ruled as unconstitutional.

Roll call on Senate Bill No. 93:

YEAS—21.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 129.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 129 provides immunity from civil liability to a sponsor, veterinarian, equine professional or any other person, for the injury or death of a participant resulting from risks

inherent in certain equine activities. The bill also specifies both the behavior necessary on the part of a participant in an equine activity and instances in which a sponsor or other equine professional is not immune from civil liability, including if a person fails to act responsibly while conducting an equine activity or maintaining an equine. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 129:

YEAS—21.

NAYS—None.

Senate Bill No. 129 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 147.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 147, requires each law enforcement agency to evaluate the job descriptions, work environments and duties of its peace officers to determine if they work in areas where dogs are present and adopt policies that identify when peace officers should be trained in responding to incidents involving dogs. Peace officers required to participate in this training would be educated on the role of local animal control agencies and taught how to identify aggressive dogs and handle them using nonlethal methods. The Peace Officers' Standards and Training Commission would adopt regulations regarding the minimum standards for training peace officers in responding to incidents involving dogs. Senate Bill No. 147, becomes effective on October 1, 2015.

Roll call on Senate Bill No. 147:

YEAS—21.

NAYS—None.

Senate Bill No. 147 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 151.

Bill read third time.

Remarks by Senator Atkinson.

Senate Bill No. 151 requires the Public Utilities Commission of Nevada (PUCN) to adopt regulations authorizing a public utility that purchases natural gas for resale to expand its infrastructure in a manner consistent with an economic development program proposed by the public utility and approved by the PUCN. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 151:

YEAS—21.

NAYS—None.

Senate Bill No. 151 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 170.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 170, repeals the current definition of data centers contained in NRS 274.025 and deletes various provisions of current law related to a partial abatement of sales and use taxes and property taxes for up to 15 years for a data center that invests a minimum of \$100 million and locates in certain designated economic development areas.

This bill creates a new definition of data centers and enacts provisions which provide for the Office of Economic Development to grant a partial abatement of personal property taxes or sales and use taxes for up to 20 years for qualified new and existing data centers and any colocated businesses within a qualified data center, if the data center and the colocated businesses meet certain requirements as set forth in the bill. Senate Bill No. 170 establishes abatements of two different lengths and capital investment: not more than 10 years and not more than 20 years. For both abatement periods, the amount of the property tax abatement is limited to 75 percent of the personal property taxes imposed on property located at the data center. The amount of the sales and use tax abatement is equal to all sales-and-use-taxes except the State 2 percent rate.

Eligibility for the 10-year partial abatement requires a minimum of 25 full-time jobs and \$50 million in capital investment within 5 years of the abatement's effective date. The 20-year partial abatement requires a minimum of 50 jobs and \$100 million in capital investment, also within the 5-year period.

The bill requires employees of the data center to be paid at least 100 percent of the statewide average wage and be provided a health insurance plan that includes an option for coverage of dependents within 2 years of the abatement being effective.

Roll call on Senate Bill No. 170:

YEAS—21.

NAYS—None.

Senate Bill No. 170 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 176.

Bill read third time.

Remarks by Senator Settlemeyer.

Senate Bill No. 176 repeals provisions authorizing a sheriff to issue a permit for the manufacture or sale of switchblade knives. The bill also removes integrated belt buckle and switchblade knives from the list of weapons that may not legally be manufactured, imported, sold, given, lent or possessed in Nevada. Additionally, Senate Bill No. 176 removes dirks, daggers and integrated belt buckle knives from the list of weapons that may not be carried in a concealed manner without a permit.

The bill also adds pneumatic guns, such as certain pellet guns and paint ball guns, to the list of weapons that are prohibited on the property of the Nevada System of Higher Education, a public or private school, or child care facility or in a vehicle of a school or child care facility. Finally, the bill prohibits carrying a concealed pneumatic gun. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 176:

YEAS—21.

NAYS—None.

Senate Bill No. 176 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 191.

Bill read third time.

Remarks by Senators Brower, Ford and Atkinson.

SENATOR BROWER:

Senate Bill No. 191 establishes procedures by which a person aggrieved by an unlawful search and seizure, or by the deprivation of property, may move a court for the return of the property. The measure also sets forth the conditions under which such property will be inadmissible as evidence or is to remain accessible to the court for use in future proceedings. This bill is effective on October 1, 2015.

SENATOR FORD:

This is a good bill, and I urge your support.

SENATOR ATKINSON:

Thank you, Mr. President. I would like to know if this bill had unanimous support from the Committee?

SENATOR BROWER:

Thank you, Mr. President. I can say to my colleague from Senate District 4 that we can assume every bill that comes out of the Judiciary Committee has unanimous support unless it is clarified on the floor to not be the case. I want to thank the Committee for its outstanding efforts so far.

Roll call on Senate Bill No. 191:

YEAS—21.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 205.

Bill read third time.

Remarks by Senator Harris.

Senate Bill No. 205 requires the Department of Education to develop a model plan for the management of a crisis or an emergency involving a public or private school. This model plan must include certain procedures, plans and information, including threats or hazards listed in the local county hazard mitigation plan, and be utilized by each school district, charter school and private school in the development of local plans.

This measure removes the requirement that district and school plans be submitted to the State Board of Education, and instead requires that notices of plan review completion be filed with the Department. It also requires that any approved deviations to school emergency plans be distributed to all relevant entities as soon as practicable. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 205:

YEAS—21.

NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 238.

Bill read third time.

Remarks by Senators Goicoechea and Kieckhefer.

SENATOR GOICOECHEA:

Senate Bill No. 238 places a question on the ballot to approve the disincorporation of the City of Ely for the general city election to be held on June 6, 2017. If the question is approved by the voters: 1) the Board of County Commissioners of White Pine County becomes the governing body of the newly formed Town of Ely; and 2) all money, property, assets, liabilities and indebtedness of the City of Ely transfer to the Town of Ely on July 1, 2018.

This measure is effective upon passage and approval for the purpose of placing a question on the ballot. Only if the ballot question is approved by the voters, do all other sections become effective on June 7, 2017, for implementation purposes, or July 1, 2018, for the transfer of governance and certain assets, liabilities and indebtedness.

SENATOR KIECKHEFER:

Why did we choose the primary date instead of the general election date?

SENATOR GOICOECHEA:

It is when a city election occurs. This vote is only cast by the voters within the City of Ely. They are the only ones who can disincorporate themselves. Therefore, it is not the primary date. It is the city election date.

Roll call on Senate Bill No. 238:

YEAS—21.

NAYS—None.

Senate Bill No. 238 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 239.

Bill read third time.

Remarks by Senator Roberson.

Senate Bill No. 239 provides a mechanism whereby a lender, upon written request from a title agent, title insurer or escrow agency, can, with proper notice to a borrower, terminate a home equity line of credit and ensure that any money paid by or on the borrower's behalf after the termination will be credited to the home equity line or a related deed of trust until it is paid in full.

The bill grants a trustee who has been named as a defendant in an action solely because he or she is a trustee, and not because of any wrongdoing on the part of the trustee, the ability to file a declaration of nonmonetary status in the action. It additionally sets forth a process whereby any party to the action may, within reasonable time limits, object to the trustee's declaration and have the court decide the matter.

If no objection is raised, or if the court determines that an objection is invalid, the trustee is not required to participate and is not subject to any damages, equitable relief or attorney's fees or costs. Should new information come to light at any point during the proceedings indicating that the trustee should be made a participant, the parties may move to amend the pleadings to include the trustee.

Finally, the measure allows a beneficiary to substitute as a trustee in order to fully or partially reconvey a deed of trust, and provides that once time has expired to commence an action against a trustee, the rights of a bona fide purchaser in the matter will not be affected. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 239:

YEAS—15.

NAYS—Ford, Parks, Segerblom, Smith, Spearman, Woodhouse—6.

Senate Bill No. 239 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249.

Bill read third time.

Remarks by Senator Lipparelli.

Senate Bill No. 249 requires the owner of an indebtedness of a county to demand payment within one year after the date of the original allowance. The county may allow payment of an indebtedness that is demanded more than one year after the original allowance, but is not required to allow the payment. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 249:

YEAS—21.

NAYS—None.

Senate Bill No. 249 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 256.

Bill read third time.

Remarks by Senator Farley.

Senate Bill No. 256 limits the liability of an innkeeper for the loss of or damage to a motor vehicle brought by a patron onto the premises of the innkeeper. This bill is effective on July 1, 2015.

Roll call on Senate Bill No. 256:

YEAS—21.

NAYS—None.

Senate Bill No. 256 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 294.

Bill read third time.

Remarks by Senator Parks.

Senate Bill No. 294 allows the Department of Corrections to enter into a contract with an offender granting the offender use of telecommunication devices for the purposes of employment and education. An offender who resides at a Department of Corrections' restitution center or transitional housing facility, which has approved the offender's use of the device, may access a network for the purpose of obtaining approved educational or vocational training, looking or applying for work, performing essential job functions or for other purposes required by an employer to perform essential job functions. This bill is effective upon passage and approval.

Roll call on Senate Bill No. 294:

YEAS—21.

NAYS—None.

Senate Bill No. 294 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 339.

Bill read third time.

Remarks by Senator Smith.

Senate Bill No. 339 grants the Nevada System of Higher Education the same authority to impose restrictions on tobacco and tobacco products that are currently granted to school districts in the State. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 339:

YEAS—21.

NAYS—None.

Senate Bill No. 339 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 340.

Bill read third time.

Remarks by Senator Smith.

Senate Bill No. 340 provides that, if a contractor is excluded for a period of time from receiving contracts from the federal government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the longer of: 1) four years from the date on which the Labor Commissioner becomes aware of the exclusion; or 2) the length of the term of debarment. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 340:

YEAS—21.

NAYS—None.

Senate Bill No. 340 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 389.

Bill read third time.

Remarks by Senator Ford.

Senate Bill No. 389 revises various provisions governing condominium hotels. Among other provisions, the bill allows for the use of electronic mail to deliver certain notices to a unit owner; provides that an officer of an association or a member of an executive board is subject to provisions governing the behavior of an officer or director of a nonprofit organization in Nevada; revises the means by which a declarant may end the period of control over an association; provides that, unless an association's bylaws call for a lower number, an election for the removal of a member of an executive board may be called by at least 10 percent of the voting members of the association; establishes that the members of an executive board are not personally liable to victims of crimes occurring on the premises of a condominium hotel; and provides that punitive damages may not be awarded against an association, or against the

members of an executive board or officers of an association for acts or omissions that are taken in that capacity. This bill is effective on October 1, 2015.

Roll call on Senate Bill No. 389:

YEAS—21.

NAYS—None.

Senate Bill No. 389 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 482.

Bill read third time.

Remarks by Senator Hardy.

Senate Bill No. 482 eliminates the authority of boards of county commissioners to set the annual salaries of their members and establishes those salaries by statute. The bill provides that those salaries increase by 3 percent in each fiscal year for each of the next four fiscal years beginning with Fiscal Year 2015–2016. Likewise, the annual salaries for district attorneys, sheriffs, county clerks, county assessors, county recorders, county treasurers and public administrators are increased by 3 percent each fiscal year over the same period. Finally, S.B. No. 482 authorizes an elected officer, including a county commissioner, to elect not to receive any part of the salary to which he or she is entitled. This measure is effective on July 1, 2015.

Roll call on Senate Bill No. 482:

YEAS—21.

NAYS—None.

Senate Bill No. 482 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Goicoechea moved that Senate Bill No. 485 be taken from General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Senator Hammond.

Senate Joint Resolution No. 11 proposes to amend the *Nevada Constitution* by adding a new section that preserves the right to hunt, trap and fish and provides that these activities are integral components of wildlife management. The measure further provides that the right to hunt, trap and fish does not: 1) create a right to trespass on private property; 2) affect existing rights to water management or use; 3) diminish any other private right; 4) diminish the authority of a local government to regulate the use of real property it owns, occupies or leases; or 5) prohibit the enactment or enforcement of any statute or regulation that requires a person to obtain a hunting, trapping or fishing license or requires its revocation or suspension. If approved in identical form during the 2017 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2018 General Election.

Roll call on Senate Joint Resolution No. 11:

YEAS—16.

NAYS—Ford, Manendo, Parks, Spearman, Woodhouse—5.

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. President declared it passed, as amended.

Resolution ordered transmitted to the Assembly.

Senator Roberson moved that the Senate recess until 4:45 p.m.

Motion carried.

Senate in recess at 1:01 p.m.

SENATE IN SESSION

At 5:11 p.m.

President Hutchison presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. President:

Your Committee on Finance, to which was re-referred Senate Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Finance.

BEN KIECKHEFER, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

The Sergeant at Arms announced that Assemblywomen Woodbury and Neal were at the bar of the Senate. Assemblywoman Woodbury invited the Senate to meet in Joint Session with the Assembly to hear Representative Crescent Hardy.

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

Senate in recess at 5:12 p.m.

IN JOINT SESSION

At 5:15 p.m.

President Hutchison presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Segerblom and Smith, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

Mr. President appointed a Committee on Escort consisting of Senator Settlemeyer and Assemblywoman Kirkpatrick to wait upon the Honorable Representative Crescent Hardy and escort him to the Assembly Chamber.

Representative Hardy delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-EIGHTH SESSION, 2015

It is great to be here. Thank you for being here yourself. I know how tough it can be to come and listen to somebody from Washington, D.C.

First, I would like to thank the Governor for being here as well as the Speaker and the Minority Leader. I think this is a great opportunity, and I really feel privileged to be here. I do not see the Chief Justice here, but I want to welcome him and the other constitutional officers, too. Ms. Carlton, great to see you, and it is good to be seen.

I have had the opportunity of serving at all levels of government. I have served at the local level, I have served at the county level, I have served at the state level, and now I am grateful for the opportunity to serve at the federal level. I can tell you that none of those positions is more special to me than being right here in this house with you folks. I could say I would like to be back here, and I probably truly would, but I believe that right now—for my beliefs and where I would so much like to go in life and the direction I would like to see things happen—I am in the right spot at the right time for me. That is because I believe in the value of our Constitution so much; it has the greatest value and has given us the greatest gifts over the years.

The government closest to the people is the best government. That is what your job is right here: to make sure that you do what is best for the State, right down to the local level. The federal government has the tendency of liking to make one size fit all, and in my personal opinion, that does not work at all—not in this State or any other state. I think over the years, states have lost the right, opportunity, and privilege to be the laboratories of industry that will help us compete. This Body here and the Governor have done a great job of creating an economic environment. You have done that without the help of the federal government, but I can guarantee you the federal government always wants to take a little more from you as you go through life and have success. That should not happen.

One of the first bills I introduced was about an issue that is really important to me. There is not a lot you can do as an individual back there in D.C. in a house of 435 people. A business would never create that type of environment; it would have probably five or ten people in a committee. I think that and the political divide are some of the reasons we get a little bit dysfunctional back there. The first bill I had the opportunity to introduce was called the LAND Act. It actually restricts the federal government, the Department of Interior, from acquiring any more lands unless the budget is balanced. I think it is important that the government learn to live within its means. This bill does not mean they cannot continue to obtain from other entities lands that are important for environmental reasons and for parks and recreation. What it requests is if the government is going to try to do that and the budget is not balanced, then how about giving the states back lands that have potential for economic development. I think that is important for us to be able to compete at all state and national levels—to have our lands for taxation for education, for taxation for infrastructure, and others. That is one of those issues that is very important to me, so this bill is my way of hopefully accomplishing something.

Now I would like to talk about an issue that I seem to get a lot of publicity about, Yucca Mountain. You know, Nevadans may never want Yucca Mountain, and that is fine. We certainly will not let it be forced upon us. As long as this debate is limited to whether or not the feds are going to shove it down our throats, I will stand in strong opposition. But, there is a larger issue that I wanted to talk about when I highlighted this in my opinion in the [Las Vegas] Review Journal. I wanted to talk about Yucca Mountain being the way that, in Congress, things are so polarized. We pick sides. We get our beliefs to where we think that we are right on all sides, for or against. That is what I believe has happened with Yucca Mountain. I believe that we need to take those opportunities to have that open discussion. Let us let the scientists come together and have their discussion, an open discussion. I have had the opportunity to meet with the Nuclear Regulatory Commission. I have had the opportunity today to meet with the Governor's staff. Both sides have fantastic arguments, and they need to be heard from all sides so the public can be educated.

That is what needs to happen in Washington, D.C. For too long, the middle ground has been missing in what we do. I hope that is not happening here. I think that we need to make sure that we always try to engage and take the opportunity to do what we think is best, not just for today,

but for the future of Nevada, for our children and our grandchildren. That is important. I had the opportunity to serve here for two terms. As you know, one Session was pretty divisive, and the last Session I thought that we accomplished a lot because we did one thing: We got to know each other, thanks to the then-Speaker and her professional way of handling things. We came together to work on issues that were good for the State. I do not believe we could have accomplished what we did if she had not helped entice the opportunity for the southern Nevada caucus. Now, that should not be offensive to anybody. When we came together as a Body, I was amazed after our first meeting how many issues we agreed on, and she did everything she could to make sure that we stayed away from those issues that neither side was going to agree on. It did not happen all the time, but she tried. That is what needs to happen here. We need to evaluate the issues. There are many tough issues that you need to deal with here in this house. I do not envy the opportunities you have, but it is the right place to have it happen. If I had my way, I would turn back to the State a whole lot more of the money that comes from our State so that you would not have to deal with some of these issues that you have to deal with. I think we can better allocate that money as a State and in our communities.

As an individual, to go back to Washington and not really be the chosen one—and then to have the opportunity to serve on committees that could not fit me better—is amazing. To be on the House Committee on Transportation and Infrastructure—I have been a builder all my life, that is what I have done: roads, highways, bridges, dams, underground utilities, treatment facilities—and to be selected to be Vice Chairman of the Subcommittee on Highways and Transit is amazing. I think it is a real privilege, and I look forward to working on a long-term funding bill that will help ensure that we continue to improve our infrastructure. It is very important that we have strong infrastructure not only throughout our State, but also across the Country for safety and many other reasons.

I am also on the Subcommittee on Railroads, Pipelines and Hazardous Materials and the Subcommittee on Water Resources and Environment. Those are issues that all fit Nevada, all issues that I think I have some good expertise on. I also serve on the House Committee on Natural Resources and the Subcommittee on Energy and Mineral Resources. What state produces more minerals and energy opportunities than any other? It is right here in Nevada. And public lands—what other state has more federal land than the State of Nevada? As a businessperson for over 20 years, it was a privilege to be selected to the House Small Business Committee and to be the Chairman of the Subcommittee on Investigations, Oversight, and Regulations. I know first-hand what regulations can do to small businesses. They can encumber us so we cannot grow, we cannot expand. Ninety-five percent of this State is employed by small businesses; that is how important small businesses are.

On Monday, we had a groundbreaking on a very important project. I believe the I-11 corridor is one of the most important projects that will happen in quite some time, maybe in my lifetime. As you know, the Governor was there for the groundbreaking as well as the rest of the delegation; that is how important it was. Once the project is complete, it will increase our economic opportunities within gaming, small businesses, and large businesses that may be looking here now because of some of the actions that I have had the opportunity to work with you on, such as Tesla. I think people are now looking at the State of Nevada as a real place to come, grow their businesses, and create those business opportunities.

So with that being said, why am I here? I want to focus on long-term issues; I want to fix job opportunities. I believe you want to do the same. Our children and grandchildren should be our focus, not just those short-term fixes that solve things today. We always need to look at the long term and where it works and how it is coming down the road.

National debt is one of those issues that I ran on. Fortunately, the State of Nevada has a balanced budget amendment that requires we live within our budget. I wish the federal government had the same. Today in our federal government, every man, woman, and child owes in debt \$154,000 per taxpayer. That is huge. Some people might take five or six years to obtain \$154,000. What can we do together? I believe that my obligation is to work for you, we the people. I want to know what I can do to help the federal government get out of your way, to let you perform the way you need to. I want to know the pros and cons of all your issues. I do not care what side of the aisle you are from—I want to know.

I have proven that I can work with both sides of the aisle in this house. I think that was the reason for some of the success we had last Session—working both sides of the aisle. It is my hope that I can teach that a little bit back in Washington. I have already begun to meet with people on the other side of the aisle; it is important that I do. We may not agree, but we should never take things personally in this house. We should always make sure we retain those friendships and grow those friendships. This was an opportunity to have friendships that I will enjoy forever on both sides of the House, even with the lobbyists out there. I think there are some lifelong friendships out there. If you have taken this personally, that is your fault. It is an issue that we need to work on. Do not be offended, because I am a firm believer that you can only be offended if you choose to. With that, my commitment to you is that I will always have an open door, always listen to both sides, and I want to make sure my staff is available for you at any time to discuss those issues moving forward.

In closing, I have two very important people in my life who I would like to recognize. They each served here for six terms, for almost six terms; this will be their last. I would like to start with the gentleman—and by the way, Harvey, I am glad you made it here on time; I appreciate that. Assemblyman Munford has been a real advocate for his district. That is why he has been back here all six times. The people in his district love him. I have gotten to know the folks in his district. I have had the opportunity to be at his house at events, and it is amazing the turnout and the relationships he has developed. That is important. That is what our obligation is: to get out, work with our constituents, and expand that opportunity. I think we would be remiss if we did not give him a thank you and a round of applause for all he has done here in this House.

You can probably guess who the other one is going to be. You know, Assemblywoman Kirkpatrick and I developed a pretty good relationship. I am not so sure my wife is not sometimes jealous of our relationship. But we enjoy our time together. I think this lady was inspiring to me in getting to know her over the past four years. I like how she always takes the freshmen under her arm and makes sure they understand the policies and procedures. She always wants to get them to know. We could use a little of that back in Washington—teaching people how to move forward. Marilyn and I engaged in a little bit of loud vocabulary from time to time, but we are kind of kindred spirits. Both of us have a lack of vocabulary—we like to think it is a special one, call it rancher or farmer whatever you want—but if you only had the opportunity to be a fly on the wall some of the times during those discussions. But she is always listening. Ms. Kirkpatrick was a good Speaker of the House last Session. I think she is a great Minority Leader this time. I think she is willing to work so long as everyone else is willing to work. It is important that we continue to work together. I would like to recognize her. I hope she actually gets the opportunity to use the spurs, the whip, and all that other stuff that we provided her last Session. I appreciate her very much, and I think she deserves a wealth of recognition also.

If I could take a minute to have Assemblywoman Kirkpatrick and Assemblyman Munford come forward, I have a little token of my appreciation to give them. Congress has not been in Session the last couple of weeks, so I have not been able to get this on the congressional record, but it will be. I really appreciate all they have done. They have both been Statesmen. They have been good examples. The best we can do is leave office when it is time—I am not saying they are leaving office; maybe they want to run for another office—is to be the best Statesman you can be; the best representative you can be; that example, that leader who brings people together.

I thank you for the opportunity to be here. Go to work, stop listening to these people from Congress, get your work done, and let us work together.

Senator Gustavson moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Hardy for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted Representative Hardy to the bar of the Assembly.

Assemblywoman Spiegel moved that the Joint Session be dissolved.
Motion carried.

Joint Session dissolved at 5:40 p.m.

SENATE IN SESSION

At 5:43 p.m.

President Hutchison presiding.

Quorum present.

REMARKS FROM THE FLOOR

Senator Ford requested that his remarks be entered in the Journal.

If I were writing you a letter, it would begin with "Dear Senator Smith." We would cross out the "Senator Smith," and would write Debbie. We would do that to signify that you are more than just a stranger on the other side of the letter; you are a friend; you are our family, and we missed you. You are fantastic—irreplaceable. You are strong, and you are a survivor. We will pray for you. Welcome back, Debbie.

President Hutchison requested that his remarks be entered in the Journal.

Debbie, and I know I am not supposed to call you that, but as Senator Ford said, we love and appreciate you as a friend, not just as a colleague. Very few things you take back to heaven with you. One of those things is relationships with family and friends. As Senator Ford so eloquently said, you have family and friends here.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Farley, the privilege of the floor of the Senate Chamber for this day was extended to Roxy Christensen.

On request of Senator Ford, the privilege of the floor of the Senate Chamber for this day was extended to Paul Catha.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Sarah Sever and Petra Sever.

On request of Senator Kihuen, the privilege of the floor of the Senate Chamber for this day was extended to Latino Lobbyists.

On request of Senator Smith, the privilege of the floor of the Senate Chamber for this day was extended to Erin Marlon and Greg Smith.

On request of President Hutchison, the privilege of the floor of the Senate Chamber for this day was extended to Cole Christensen, Cooper Christensen, Race Christensen, Reed Christensen and Mariangel Hernandez.

Senator Roberson moved that the Senate adjourn until Thursday, April 9, 2015, at 11:00 a.m.

Motion carried.

Senate adjourned at 5:44 p.m.

Approved:

MARK A. HUTCHISON
President of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate