

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
March 17, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:07 a.m., Tuesday, March 17, 1981, in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

STAFF MEMBERS PRESENT:

Connie S. Richards, Committee Secretary

SENATE BILL NUMBER 214 (Exhibit C)

Mr. Tom Huddleston, Nevada State Fire Marshal, Chairman of the subcommittee for Senate Bill No. 214 offered to the committee the list of names of the people who make up the subcommittee. (See Exhibit D). Mr. Huddleston presented some proposed amendments to Senate Bill No. 214 for the committee's consideration. (See Exhibit E).

The Chairman asked why sprinkler coverage is not required in theaters.

Mr. Huddleston replied that aisleways are already established in theaters and there is generally no smoking allowed within the theater itself.

Mr. Huddleston explained that actual inspections of property will have to be made to determine how that particular property should comply with the law; after this inspection, the owner(s) of that property should receive formal written notice that he will be required to comply with state law.

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Senator Kosinski asked if these inspections will be made by Mr. Huddleston's office.

Mr. Huddleston said his office will make inspections only in rural areas of the state.

Senator Kosinski asked how long it will take to make the necessary inspections.

Mr. Huddleston replied that it will probably take the better part of one year to complete the inspections.

Senator Kosinski asked Mr. Huddleston whether he can determine the number of man hours that will be required.

Mr. Huddleston said he can only estimate the number of man hours that will be required because he doesn't know the number of buildings in the rural areas of the state that will be required to comply.

The Chairman asked Mr. Huddleston whether the subcommittee had dealt with any provisions for a penalty for lack of compliance.

Mr. Huddleston said if a person(s) fails to comply with the law within the time permitted, this would constitute a misdemeanor and each additional day would constitute an additional misdemeanor.

Senator Bilbray asked whether some buildings may be impossible to be retrofitted.

Mr. Huddleston said the retrofitting for each building will be contingent to some extent on the age and condition of the building itself but application can be made even in older buildings.

Senator Getto inquired as to exemptions for public assembly buildings under 55 feet tall.

Mr. Huddleston replied that the criteria for each public assembly building that may be exempt is defined in the uniform building code.

Senator Kosinski asked Mr. Huddleston whether the subcommittee

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had acquired any estimates as to actual cost for implementation of retrofitting.

Mr. Huddleston said those estimates must come from the industry itself and costs will vary from building to building as the age, construction, architecture, etc. of the building are taken into consideration. He said quotes from the industry have been from \$1.25 per square foot to as much as \$4.00 or \$4.50 per square foot.

Senator Kosinski asked whether the subcommittee had considered a tax credit for those who do retrofit as required under the law.

Mr. Huddleston said he had met with Mr. Frank Daykin of the legal division of the Legislative Counsel Bureau in an effort to draft the legislation to incorporate all the provisions of the commission's report. He said it was beyond the expertise of the commission as well as himself to know how to address that problem and had simply indicated to Mr. Daykin that three things be accomplished within the framework of the legislation:

- 1) consideration be given to tax incentives on state and local levels in whatever form the legislature sees fit.
- 2) consideration be given where spending caps adversely affect enforcement efforts on the local level.
- 3) a resolution be brought out of the legislature addressing Congress and asking that these incentives be given consideration on the national level.

Senator Blakemore asked whether the subcommittee had considered mandatory lowering of insurance rates where retrofitting is implemented.

Mr. Huddleston said he did not know how that would be done. He said there are two factors for the setting of a rate: 1) insurance services offices which sets a broad base on individual buildings, and 2) the individual insurance carrier that underwrites the property based on his inspection of the property and whatever other criteria he may base the rate on.

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Mr. Huddleston added that the potential for rate reduction runs roughly between 3 and 16 percent, depending on how the insurance services offices look at the building once the sprinkler system has been installed. He said they will not give a forecast of rate reduction based on the potential of application of a system until the system is in place and operational at which time the company will return and re-rate the building based on how the application of the system was made.

The Chairman asked how Senate Bill No. 214 compares in terms of sprinkling systems to the governor's recommendations on fire safety.

Mr. Huddleston said the requirements advocated by the subcommittee relative to buildings over 55 feet tall, within these proposed amendments for Senate Bill No. 214 are more stringent than the sprinkler requirement application in the governor's commission on fire safety, insomuch as that body's recommendation was in existing buildings over 55 feet sprinkler system applications be strictly in exit corridors with one sprinkler head inside the room of each door that opens onto the corridor. While the subcommittee's proposed amendments to S. B. No. 214 recommend that buildings taller than 55 feet shall be sprinklered throughout the entire premises with sprinkler systems. He added that on application of sprinklers to areas having 5,000 square feet, the governor's commission on fire safety codes recommendations and the suggested amendments are quite close with only a slight difference on the time framing between the conditions report and the recommendations fo the subcommittee for S. B. No. 214 inasmuch as the wording within the commission's recommendations was that the properties have a total of three years to complete the work from the time that the bill or any applicable legislation is signed into law; in this instance of S. B. No. 214 they have advocated that the three year period take place from the date of survey and that there be some consideration given to the allowance of extensions of time beyond the three year period in certain circumstances.

Senator Kosinski asked for a bill draft request for legislation that would attempt to apply national standards for certification of psychologists in the State of Nevada.

(See Exhibit F).

The Chairman presented a request for the drafting of legis-

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lation that would strengthen Senate Bill Number 137 passed in the sixtieth session of the state legislature two years ago; regarding generic equivalency drug list.

Senator Getto moved to have both requests drafted.

Senator Faiss seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 214 (EXHIBIT C)

Senator Kosinski expressed a concern that the time limits on the bill are too great. He suggested the committee pass the bill, and make it effective on passage and approval, requiring surveys be started with implementation mandatory by July 1, 1984. He added that he was not entirely sure that the subcommittee's suggestion that sections 2 through 16 are redundant, but if the subcommittee felt that they are, he would go along with that.

Senator Bilbray moved to "Amend and Do Pass" Senate Bill Number 214 with the amendments suggested by the subcommittee (Exhibit E) and Senator Kosinski's suggestion to make it effective on passage and approval; implemented by July 1, 1984.

Senator Kosinski seconded the motion.

The motion carried unanimously.

SENATE BILL NUMBER 259 (EXHIBIT G)

Senator Blakemore moved to "Amend and Do Pass" Senate Bill No. 259.

Senator Getto seconded the motion.

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:15 a.m.

APPROVED BY:



Senator Joe Neal, Chairman

Respectfully submitted: -



Connie S. Richards, secretary

DATE: 3-30-81

SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 :

Day Tuesday , Date March 17 , Time 8:00 a.m.

Subcommittee report on S. B. No. 214--Requires sprinkler systems for fire protection in hotels and requires fire codes in counties and cities.

S. B. 214

SENATE BILL NO. 214—SENATORS NEAL AND
HERNSTADT

FEBRUARY 11, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires sprinkler systems for fire protection in hotels and requires fire codes in counties and cities. (BDR 40-609)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to protection from fires; requiring sprinkler systems for fire protection in hotels; requiring adoption of fire codes by cities and counties; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 447 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 *Each hotel must be equipped with an approved system of sprinklers*
4 *for protection from fire. The system must be in working order at all*
5 *times, be connected to an alarm which sounds when there is a flow of*
6 *water through the system, and protect persons and property in:*
7 1. *Any area, including individual rooms and suites, where guests and*
8 *the public are permitted or invited to be; and*
9 2. *In any area in which flammable goods or supplies are stored, in*
10 *which heat is generated for any purpose or in which electrical wiring is*
11 *located, including boiler rooms, kitchens, laundries and rooms in which*
12 *linens or cleaning supplies are stored.*
13 SEC. 2. NRS 244.2961 is hereby amended to read as follows:
14 244.2961 1. The board of county commissioners may:
15 [1.] (a) Organize, regulate and maintain a fire department.
16 [2.] (b) Appoint and prescribe the duties of the fire chief.
17 [3.] (c) Regulate or prohibit the storage of any explosive, combusti-
18 ble or inflammable material in or transported through the county, and
19 prescribe the distance from any residential or commercial area where it
20 may be kept.
21 [4.] (d) Establish, by ordinance, [a fire code and other] regulations
22 necessary to carry out the purposes of this section.

1 2. *The board of county commissioners shall adopt by ordinance and*
2 *strictly enforce a fire code which is at least as stringent as the code*
3 *adopted by the state fire marshal.*

4 SEC. 3. NRS 266.310 is hereby amended to read as follows:

5 266.310 1. The city council may:

6 [1.] (a) Organize, regulate and maintain a fire department.

7 [2.] (b) Prescribe the duties of the fire chief.

8 [3.] (c) Regulate or prohibit the storage of any explosive, combusti-
9 ble or inflammable material in or transported through the city, and pre-
10 scribe the distance from any residential or commercial area where it may
11 be kept.

12 [4.] (d) Establish, by ordinance, [a fire code and other] regulations
13 necessary to carry out the purposes of this section.

14 2. *The city council shall adopt by ordinance and strictly enforce a*
15 *fire code which is at least as stringent as the code adopted by the state*
16 *fire marshal.*

17 SEC. 4. The charter of Boulder City, as last amended, is hereby
18 amended by adding thereto a new section, to be known as section 23.5,
19 which shall read as follows:

20 *Section 23.5. Fire Code. The city council shall adopt by ordi-*
21 *nance and strictly enforce a fire code which is at least as stringent as*
22 *the code adopted by the state fire marshal.*

23 SEC. 5. Section 2.160 of the charter of the City of Caliente, being
24 chapter 31, Statutes of Nevada 1971, at page 60, is hereby amended to
25 read as follows:

26 Sec. 2.160 Powers of city council: Fire protection; regulation
27 of explosives, inflammable materials; fire codes and regulations.

28 1. The city council may:

29 [1.] (a) Organize, regulate and maintain a fire department.

30 [2.] (b) Provide for the appointment of a fire chief and pre-
31 scribe his duties.

32 [3.] (c) Regulate or prohibit the storage of any explosive, com-
33 bustible or inflammable material in or transported through the city,
34 and prescribe the distance from any residential or commercial area
35 where it may be kept.

36 [4.] (d) Establish, by ordinance, [a fire code and other] regu-
37 lations necessary to carry out the purposes of this section.

38 2. *The city council shall adopt by ordinance and strictly enforce*
39 *a fire code which is at least as stringent as the code adopted by the*
40 *state fire marshal.*

41 SEC. 6. Section 2.170 of the charter of the City of Carlin, being
42 chapter 344, Statutes of Nevada 1971, at page 608, is hereby amended
43 to read as follows:

44 Sec. 2.170 Powers of board of councilmen: Fire protection;
45 regulation of explosives, inflammable materials; fire codes and regu-
46 lations. 1. The board of councilmen may:

47 [1.] (a) Organize, regulate and maintain a fire department.

48 [2.] (b) Provide for the appointment of a fire chief and pre-
49 scribe his duties.

1 **[3.]** (c) Regulate or prohibit the storage of any explosive, com-
2 bustible or inflammable material in or transported through the city,
3 and prescribe the distance from any residential or commercial area
4 where it may be kept.

5 **[4.]** (d) Establish, by ordinance, [a fire code and other] regu-
6 lations necessary to carry out the purposes of this section.

7 2. *The board of councilmen shall adopt by ordinance and*
8 *strictly enforce a fire code which is at least as stringent as the code*
9 *adopted by the state fire marshal.*

10 **SEC. 7.** Section 2.160 of the charter of Carson City, being chapter
11 213, Statutes of Nevada 1969, at page 298, is hereby amended to read
12 as follows:

13 **Sec. 2.160** Power of board: Fire protection; regulation of
14 explosives, inflammable materials; fire codes and regulations. 1.

15 The board may:

16 **[1.]** (a) Organize, regulate, maintain and disband a fire depart-
17 ment.

18 **[2.]** (b) Regulate or prohibit the storage of any explosive, com-
19 bustible or inflammable material within, or transported through,
20 Carson City, and prescribe the distance from any residential or com-
21 mercial area where they may be kept.

22 **[3.]** (c) Establish, by ordinance, [a fire code and other] regu-
23 lations necessary to carry out the purposes of this section.

24 2. *The board shall adopt by ordinance and strictly enforce a*
25 *fire code which is at least as stringent as the code adopted by the*
26 *state fire marshal.*

27 **SEC. 8.** Section 2.200 of the charter of the City of Elko, being chap-
28 ter 276, Statutes of Nevada 1971, at page 481, is hereby amended to
29 read as follows:

30 **Sec. 2.200** Powers of board of supervisors: Fire protection; reg-
31 ulation of explosives, inflammable materials; fire codes and regula-
32 tions. 1. The board of supervisors may:

33 **[1.]** (a) Organize, regulate and maintain a fire department.

34 **[2.]** (b) Provide for the appointment of a fire chief and pre-
35 scribe his duties.

36 **[3.]** (c) Regulate or prohibit the storage of any explosive, com-
37 bustible or inflammable material in or transported through the city,
38 and prescribe the distance from any residential or commercial area
39 where it may be kept.

40 **[4.]** (d) Establish, by ordinance, [a fire code and other] regu-
41 lations necessary to carry out the purposes of this section, and to
42 provide for the prevention, suppression and extinguishment of fires
43 and conditions hazardous to life and property from fire, explosion or
44 combustion, and to provide for the enforcement of [all such codes
45 and] the regulations by imposing adequate penalties for violations
46 thereof.

47 2. *The board of supervisors shall adopt by ordinance and*
48 *strictly enforce a fire code which is at least as stringent as the code*
49 *adopted by the state fire marshal.*

1 SEC. 9. Section 2.170 of the charter of the City of Gabbs, being
2 chapter 265, Statutes of Nevada 1971, at page 391, is hereby amended
3 to read as follows:

4 Sec. 2.170 Powers of board of councilmen: Fire protection; reg-
5 ulation of explosives, inflammable materials; fire codes and regula-
6 tions. 1. The board of councilmen may:

7 [1.] (a) Organize, regulate and maintain a fire department.

8 [2.] (b) Provide for the appointment of a fire chief and pre-
9 scribe his duties.

10 [3.] (c) Regulate or prohibit the storage of any explosive, com-
11 bustible or inflammable material in or transported through the city,
12 and prescribe the distance from any residential or commercial area
13 where it may be kept.

14 [4.] (d) Establish, by ordinance, [a fire code and other] reg-
15 ulations necessary to carry out the purposes of this section.

16 2. *The board of councilmen shall adopt by ordinance and*
17 *strictly enforce a fire code which is at least as stringent as the code*
18 *adopted by the state fire marshal.*

19 SEC. 10. Section 2.160 of the charter of the City of Henderson, being
20 chapter 266, Statutes of Nevada 1971, at page 407, is hereby amended
21 to read as follows:

22 Sec. 2.160 Powers of city council: Fire protection; regulation
23 of explosives, inflammable materials; fire codes and regulations.

24 1. The city council may:

25 [1.] (a) Organize, regulate and maintain a fire department.

26 [2.] (b) Regulate or prohibit the storage of any explosive, com-
27 bustible or inflammable material in or transported through the city,
28 and prescribe the distance from any residential or commercial area
29 where it may be kept.

30 [3.] (c) Establish, by ordinance, [a fire code and other] regu-
31 lations necessary to carry out the purposes of this section.

32 2. *The city council shall adopt by ordinance and strictly enforce*
33 *a fire code which is at least as stringent as the code adopted by the*
34 *state fire marshal.*

35 SEC. 11. Section 2.170 of the charter of the City of Las Vegas, being
36 chapter 515, Statutes of Nevada 1971, at page 1070, is hereby amended
37 to read as follows:

38 Sec. 2.170 Powers of board of commissioners: Fire protection;
39 regulation of explosives, inflammable materials; fire codes and regu-
40 lations. 1. The board of commissioners may:

41 [1.] (a) Organize, regulate and maintain a fire department.

42 [2.] (b) Provide for the appointment of a fire chief and pre-
43 scribe his duties.

44 [3.] (c) Regulate or prohibit the storage of any explosive, com-
45 bustible or inflammable material in or transported through the city,
46 and prescribe the distance from any residential or commercial area
47 where it may be kept.

48 [4.] (d) Establish, by ordinance, [a fire code and other] reg-
49 ulations necessary to carry out the purposes of this section.

1 2. *The board of commissioners shall adopt by ordinance and*
2 *strictly enforce a fire code which is at least as stringent as the code*
3 *adopted by the state fire marshal.*

4 SEC. 12. Section 2.160 of the charter of the City of North Las Vegas,
5 being chapter 573, Statutes of Nevada 1971, at page 1216, is hereby
6 amended to read as follows:

7 Sec. 2.160 Powers of city council: Fire protection; regulation of
8 explosives, flammable materials; fire codes and regulations. 1. The
9 city council may:

10 [1.] (a) Organize, regulate and maintain a fire department.

11 [2.] (b) Regulate or prohibit the storage of any explosive, com-
12 bustible or flammable material in or transported through the city,
13 and prescribe the distance from any residential or commercial area
14 where it may be kept.

15 [3.] (c) Establish, by ordinance, [a fire code and other] reg-
16 ulations necessary to carry out the purposes of this section.

17 2. *The city council shall adopt by ordinance and strictly enforce*
18 *a fire code which is at least as stringent as the code adopted by the*
19 *state fire marshal.*

20 SEC. 13. The charter of the City of Reno, being chapter 662, Statutes
21 of Nevada 1971, at page 1962, as last amended, is hereby amended by
22 adding a new section, which shall be known as section 2.150, which shall
23 read as follows:

24 Sec. 2.150 *Fire Code* *The city council shall adopt by ordi-*
25 *nance and strictly enforce a fire code which is at least as stringent*
26 *as the code adopted by the state fire marshal.*

27 SEC. 14. The charter of the City of Sparks, being chapter 470, Stat-
28 utes of Nevada 1975, at page 724, as last amended, is hereby amended
29 by adding a new section, which shall be known as section 2.130, which
30 shall read as follows:

31 Sec. 2.130 *Fire Code*. *The city council shall adopt by ordi-*
32 *nance and strictly enforce a fire code which is at least as stringent as*
33 *the code adopted by the state fire marshal.*

34 SEC. 15. Section 2.170 of the charter of the City of Wells, being
35 chapter 275, Statutes of Nevada 1971, at page 463, is hereby amended
36 to read as follows:

37 Sec. 2.170 Powers of board of councilmen: Fire protection;
38 regulation of explosives, inflammable materials; fire codes and regu-
39 lations. 1. The board of councilmen may:

40 [1.] (a) Organize, regulate and maintain a fire department.

41 [2.] (b) Provide for the appointment of a fire chief and pre-
42 scribe his duties.

43 [3.] (c) Regulate or prohibit the storage of any explosive, com-
44 bustible or inflammable material in or transported through the city,
45 and prescribe the distance from any residential or commercial area
46 where it may be kept.

47 [4.] (d) Establish, by ordinance, [a fire code and other] reg-
48 ulations necessary to carry out the purposes of this section.

49 2. *The board of councilmen shall adopt by ordinance and*

1 *strictly enforce a fire code which is at least as stringent as the code*
2 *adopted by the state fire marshal.*

3 SEC. 16. Section 2.160 of the charter of the City of Yerington, being
4 chapter 465, Statutes of Nevada 1971, at page 906, is hereby amended to
5 read as follows:

6 Sec. 2.160 Powers of city council: Fire protection; regulation of
7 explosives, inflammable materials; fire codes and regulations

8 1. The city council may:

9 [1.] (a) Organize, regulate and maintain a fire department.

10 [2.] (b) Provide for the appointment of a fire chief and pre-
11 scribe his duties.

12 [3.] (c) Regulate or prohibit the storage of any explosive, com-
13 bustible or inflammable material in or transported through the city,
14 and prescribe the distance from any residential or commercial area
15 where it may be kept.

16 [4.] (d) Establish, by ordinance, [a fire code and other] regu-
17 lations necessary to carry out the purposes of this section.

18 2. *The city council shall adopt by ordinance and strictly enforce*
19 *a fire code which is at least as stringent as the code adopted by the*
20 *state fire marshal.*



EXHIBIT D

The subcommittee appointed by Chairman Joe Neal to review Senate Bill No. 214 met on March 3 and March 10. The members of that subcommittee are as follows:

Mr. Tom Huddleston, State Fire Marshal, (Chairman)

Mr. Roy Parrish, Clark County Fire Chief

Mr. Marty Richard, Fire Marshal, City of Reno

Mr. Don Young, Fire Chief, City of Sparks

Mr. Julius Conigliaro, Assistant Chief, Las Vegas Fire Department

Mr. Bruce Kanoff, Fire Chief, Douglas-Tahoe Fire Protection District

Mr. Jim Harris, Fire Marshal, Truckee Meadows Fire Protection District

Mr. Paul DeLorey, Assistant Chief, Douglas-Tahoe Fire Protection District

Mr. Gene LaBlanc, Fire Chief, Truckee Meadows Fire Department

Mr. A. E. Sweitzer, Fire Protection Consultant to Nevada Resort Assoc. and the Gaming Industry Assoc.

Ms. Barbara Reedy, Nevada Society of Architect Assoc.

Section 1. Chapter 477 of NRS is hereby amended by adding thereto a new section which shall read as follows:

Any building having floors used for human occupancy located more than 55 feet above the lowest level of Fire Department vehicle access shall be equipped throughout such structures with an approved automatic fire sprinkler system installed in accordance with National Fire Protection Association standard number 13.

Exception: 1. Approved alternate extinguishment systems may be substituted in portions of the structure when approved by the authority having jurisdiction.

2. Parking garages that are open on all sides.

All public assembly occupancies as defined in the 1979 edition of the Uniform Building Code having more than 5,000 square feet of floor area including casinos and showrooms shall be equipped throughout such structures with an approved automatic fire sprinkler system installed in accordance with National Fire Protection Association standard number 13.

Exception: 1. Occupiable spaces physically separated by approved fire rated construction from all other portions of the structure when approved by the authority having jurisdiction.

2. Churches and theaters having only fixed seating.

Where retroactive application of sprinkler systems are required by this section, plans to provide such protection shall be submitted to the authority having jurisdiction within six months after the date of survey of the individual building.

All sprinkler protection required by this section shall be completed within a period not to exceed three years after the date of survey of the individual building.

Exception: The authority having enforcement jurisdiction may extend the three year time limit when there is a demonstration of intent to comply on the part of the property in question to the satisfaction of the authority having jurisdiction.

Sections 2 through 16:

The subcommittee appointed by Senator Neal unanimously feels that sections 2 through 16 of S.B. 214 are a redundancy of NRS 477.014 and 477.030 1(d) and should be deleted from the bill.

Library Note:

Exhibits F and G were found filed at the end of the previous (March 16, 1981) meeting. The exhibits have been returned to their proper place at the end of this meeting (March 17, 1981). The Bates numbering at the bottom of the pages will appear out of order.

Research Library
May 2014

EXHBIIT F

641.170 -- section 4

4. HAS RECEIVED A DOCTORATE IN PSYCHOLOGY FROM AN EDUCATIONAL INSTITUTION CHARTERED AND LICENSED BY THE STATE IN WHICH THE DEGREE WAS GRANTED, OR HAS TRAINING DEEMED EQUIVALENT BY THE BOARD IN BOTH SUBJECT MATTER AND EXTENT OF TRAINING.

Omit Section 5 of 641.170

641.180 m -- EXAMINATION

THE PASSING SCORE SHALL BE (1) STANDARD DEVIATION BELOW THE NATIONAL MEAN.

641.190 RECIPROCITY

RECIPROCITY WILL AUTOMATICALLY BE GRANTED UPON VERIFICATION BY THE BOARD THAT SAID APPLICANT HAS BEEN CERTIFIED OR LICENSES IN ANOTHER STATE AND WHO HAS RECEIVED A DOCTORATE IN PSYCHOLOGY FROM AN EDUCATIONAL INSTITUTION CHARTERED AND LICENSES BY THE STATE IN WHICH THE DEGREE WAS GRANTED.

PSYCHOLOGISTS

EXHIBIT F
641.170

applicants, the granting, refusal, revocation or suspension of certificates, and the practice of psychology.
(Added to NRS by 1963, 189)

641.110 General powers of board. The board may, under the provisions of this chapter:

1. Examine and pass upon the qualifications of the applicants for certification.
 2. Certify qualified applicants.
 3. Revoke or suspend certificates.
 4. Collect all fees and make disbursements pursuant to this chapter.
- (Added to NRS by 1963, 189)

641.120 Evaluation of schools, courses of study. The board shall determine which schools in and out of this state do or do not have courses of study for the preparation of psychologists which are sufficient and thorough for certification purposes. Published lists of educational institutions accredited by recognized accrediting organizations may be used in the evaluation of such courses of study.
(Added to NRS by 1963, 189)

641.130 Board may administer oaths, take testimony. The board may administer oaths and take testimony in connection with the exercise of other powers conferred upon it in this chapter.
(Added to NRS by 1963, 189)

641.140 Compensation, expenses of members.

1. A member of the board shall be entitled to receive as compensation the sum of \$40 for each day actually spent in the performance of his duties as such, and shall also be entitled to receive his necessary actual expenses in going to, attending and returning from meetings.
 2. Compensation and expenses of members shall be payable out of the funds derived from fees, fines and penalties paid or transmitted to the board under provisions of this chapter, and no part thereof shall ever be paid out of the state treasury.
- (Added to NRS by 1963, 189; A 1975, 305)

CERTIFICATION

641.160 Application for certification. Each person desiring a certificate shall make application to the board upon a form, and in a manner, prescribed by the board. The application shall be accompanied by the application fee prescribed by the board.
(Added to NRS by 1963, 191)

641.170 Applicant's qualifications. Each applicant shall furnish evidence satisfactory to the board that he:

1. Is at least 21 years of age.

2. Is of good moral character.
3. Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.
4. Has received a doctorate in psychology from an educational institution approved by the board, or has training deemed equivalent by the board in both subject matter and extent of training.
5. Has at least 1 year of postdoctoral experience satisfactory to the board.

(Added to NRS by 1963, 191; A 1971, 221; 1977, 1567)

641.180 Examinations. The board shall give each applicant for a certificate a written examination on his knowledge of psychology. In addition, the board may require an oral examination. The examination must be given at least once a year, and may be given more often if deemed necessary by the board. The examination must be given at a time and place, and under such supervision, as the board may determine. A grade of 75 percent is a passing grade. The board may examine in whatever applied or theoretical fields it deems appropriate.

(Added to NRS by 1963, 191; A 1979, 1352)

641.190 Reciprocity. The board may grant a certificate without any examination to any person certified or licensed by a board of psychological examiners of another state if the board determines that the requirements in such state are at least equivalent to the requirements of this chapter.

(Added to NRS by 1963, 191)

641.220 Form, fee requirements following certification. Every person certified by the board shall be required to submit biennially a completed registration form and pay the biennial registration fee provided for in this chapter.

(Added to NRS by 1963, 192)

DENIAL, SUSPENSION AND REVOCATION OF CERTIFICATES

641.230 Causes for disciplinary action. The board shall refuse to grant a certificate, or shall suspend or revoke a certificate, for any of the following reasons:

1. Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof. The board may inquire into the circumstances surrounding the commission of the offense in order to fix the degree of discipline advisable, or to determine if such a conviction is an offense involving moral turpitude.
2. Habitual drunkenness or addiction to the use of morphine, opium, cocaine or other drugs having a similar effect.
3. Impersonating a certified psychologist or allowing another person to use his certificate.

S. B. 259

**SENATE BILL NO. 259—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES**

FEBRUARY 18, 1981

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires notice and opportunity for a hearing before transfer of a mentally ill or mentally retarded person from one facility to another. (BDR 39-533)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to rights of mentally ill and mentally retarded persons; providing a procedure whereby such a person in a facility of the mental hygiene and mental retardation division of the department of human resources must be given notice and opportunity for a hearing before he is transferred from one facility to another; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 **SECTION 1.** Chapter 433 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:
3 1. *The administrator may transfer any client from one division facil-*
4 *ity to another, whether the client was admitted voluntarily or involuntar-*
5 *ily.*
6 2. *Whenever the administrator, or medical director where authorized*
7 *by law, determines that any client should be transferred from one division*
8 *facility to another, to a facility in another state or to a United States*
9 *Veterans' Administration hospital or other facility of the United States*
10 *Government, he shall give the client or his guardian or other legal repre-*
11 *sentative at least 20 days' written notice of the proposed transfer. The*
12 *notice must inform the client or his guardian or other legal representative*
13 *of the following rights:*
14 (a) *The client has 20 calendar days within which to request a hearing*
15 *in district court to determine whether the transfer should be approved. If*
16 *the client does not make the request within the period, the transfer shall*
17 *be deemed approved and may be effected without court order.*
18 (b) *If the client requests a hearing, he may be represented by counsel.*
19 *If he fails or is unable to obtain counsel, the court may appoint counsel*
20 *to represent him, to be compensated in the same manner as counsel are*

1 compensated in proceedings for involuntary court-ordered admissions of
2 mentally ill persons pursuant to NRS 433A.270.

3 (c) If the court finds, after hearing and considering all relevant evi-
4 dence:

5 (1) That the proposed transfer is appropriate, the court shall enter
6 an order approving the transfer.

7 (2) That the proposed transfer is inappropriate, the court shall
8 enter an order prohibiting the transfer or, with the consent of the parties,
9 approving a modified plan.

10 SEC. 2. NRS 433A.420 is hereby amended to read as follows:

11 433A.420 The medical director of a division facility may authorize
12 the transfer to a United States Veterans' Administration hospital or other
13 facility of the United States Government any admitted client eligible for
14 treatment therein [.] , but the transfer may not take place unless the
15 procedures set forth in section 1 of this act have been followed.

16 SEC. 3. NRS 433A.430 is hereby amended to read as follows:

17 433A.430 1. Whenever the administrator determines that [state]
18 division facilities within the state are inadequate for the care of any men-
19 tally ill person, he may designate two physicians, licensed under the [pro-
20 vision] provisions of chapter 630 of NRS, and familiar with the field of
21 psychiatry, to examine [such] that person. If the two physicians concur
22 [in] with the opinion of the administrator, the administrator shall follow
23 the procedures set forth in section 1 of this act, and if the proposed trans-
24 fer is approved, he may contract with appropriate corresponding authori-
25 ties in any other state of the United States having adequate facilities for
26 such purposes, for the reception, detention, care or treatment of [such
27 persons.] that person. The two physicians so designated [shall receive]
28 are entitled to a reasonable fee for their services based upon rates set by
29 the Nevada industrial commission for similar services, which fee [shall]
30 must be paid by the county of the person's last-known residence.

31 2. [Moneys] Money to carry out the provisions of this section
32 [shall] must be provided by direct legislative appropriation.

33 SEC. 4. NRS 435.077 is hereby amended to read as follows:

34 435.077 1. The administrator shall establish regulations for the
35 transfer of mentally retarded persons from one facility to another facility
36 operated by the division.

37 2. [Any mentally retarded person committed by court order or vol-
38 untarily admitted to a facility operated by the division may be transferred
39 from one facility to another at the discretion of the administrator without
40 court order.

41 3.] Subject to the provisions of subsection [4.] 3, when the asso-
42 ciate administrator for mental retardation determines that it is in the best
43 interest of the person, he may discharge, or place on convalescent leave,
44 any mentally retarded person in a facility operated by the division.

45 [4.] 3. When a mentally retarded person is committed to a division
46 facility by court order, the committing court [shall] must be given 10
47 days' notice [prior to] before the discharge of [such] that person.

48 SEC. 5. NRS 433A.410 is hereby repealed.