

JOURNAL OF THE SENATE
THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 5, 2019

Senate called to order at 11:20 a.m.

President pro Tempore Denis presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Bruce Henderson.

Father, we are glad it is Friday. Those who are superstitious say it is bad luck to get a haircut or move into a new home on Friday, but it has been a long week; we are glad it is Friday. These weeks remind us that we cannot do this on our own. We need Your presence, compassion and endurance. I pray for safe travels and renewed strength because You know how Mondays can be. Help us, O Lord.

In Your precious and loving Name, we pray.

AMEN.

Pledge of Allegiance to the Flag was led by Lincoln Kieckhefer.

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

REPORTS OF COMMITTEE

Mr. President pro Tempore:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 119, 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President pro Tempore:

Your Committee on Education, to which was referred Senate Bill No. 376, 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 were referred Senate Bills Nos. 82, 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MOISES DENIS, *Chair*

Mr. President pro Tempore:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 66, 104, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID R. PARKS, *Chair*

Mr. President pro Tempore:

Your Committee on Growth and Infrastructure, to which were referred Senate Bill No. 394; Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 23, 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

YVANNA D. CANCELA, *Chair*

Mr. President pro Tempore:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 291, 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 115, 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.

JULIA RATTI, *Chair*

Mr. President pro Tempore:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 286, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

NICOLE J. CANNIZZARO, *Chair*

Mr. President pro Tempore:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, 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.

JAMES OHRENSCHALL, *Chair*

Mr. President pro Tempore:

Your Committee on Natural Resources, to which were referred Senate Bill No. 454; Senate Joint Resolutions Nos. 1, 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MELANIE SCHEIBLE, *Chair*

MESSAGES FROM ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 2, 2019

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 381.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 5, 2019

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 194, 285, 289, 295, 313, 314, 317, 325, 349, 351, 384, 402, 404, 415, 421, 448, 490.

MARK KRMPOTIC

Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Resolution read.

Senator Scheible moved the adoption of the resolution.

Remarks by Senator Scheible.

Senate Concurrent Resolution No. 5 expresses support for the critical role of science in preserving the irreplaceable environmental and ecological conditions in the Lake Tahoe Basin.

The resolution also recognizes the role of the Tahoe Bi-State Executive Committee and the Tahoe Science Advisory Council in providing the best available scientific resources to help guide decision-making regarding natural resources and environmental improvement projects in the Basin.

Resolution adopted.

Resolution ordered transmitted to the Assembly.

Pursuant to Senate Standing Rule No. 112.4, Senator Hardy requested his name be removed as a sponsor of Senate Bill No. 389.

Pursuant to Senate Standing Rule No. 112.4, Senator Pickard requested his name be removed as a sponsor of Senate Bill No. 389.

Pursuant to Senate Standing Rule No. 112.4 and the removal of all sponsors' names from Senate Bill No. 389, Madam President declared there be no further action on the bill for the remainder of the 80th Session.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 381.

Senator Ratti moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 13.

Bill read second time.

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

Amendment No. 20.

SUMMARY—Authorizes the board of county commissioners of a county to form a nonprofit corporation to aid the county in providing certain governmental services. (BDR 20-483)

AN ACT relating to counties; authorizing the board of county commissioners of a county to form a nonprofit corporation to aid the county in providing certain services during an emergency; ~~for time of need;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the formation and operation of nonprofit corporations within this State. (Chapter 82 of NRS) Section 3 of this bill authorizes a board of county commissioners to form a nonprofit corporation to aid the county during an emergency ~~for time of need~~ in providing to residents and visitors emergency assistance or any other governmental service such as social services or financial assistance. Section 4 of this bill provides that such a nonprofit corporation has the same powers as other nonprofit corporations except that the nonprofit shall not: (1) borrow money, contract debts or issue bonds, promissory notes, drafts, debentures or other indebtedness; or (2) levy dues, assessments or fees. Section 5 of this bill deems: (1) such a nonprofit corporation to be a political subdivision; and (2) members of the board of

directors to be employees of the political subdivision for purposes of tort liability. Section 6 of this bill requires that the assets of the government nonprofit corporation must be distributed to the county upon the dissolution of the government nonprofit corporation.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *Except as otherwise provided in sections 2 to 6, inclusive, of this act, the provisions of chapter 82 of NRS apply to a nonprofit corporation formed pursuant to section 3 of this act.*

2. *To the extent that the provisions of sections 2 to 6, inclusive, of this act conflict with the provisions of chapter 82 of NRS, the provisions of sections 2 to 6, inclusive, of this act control.*

Sec. 3. 1. *The board of county commissioners of a county may form a nonprofit corporation to aid the county during an emergency ~~for a time of need~~ in providing to residents and visitors emergency assistance or any other governmental service, including, without limitation, social services and financial assistance for food and shelter.*

2. *The board of county commissioners shall approve by resolution the articles of incorporation and bylaws of the nonprofit corporation before the articles of incorporation may be filed with the Secretary of State pursuant to NRS 82.081. The bylaws of the nonprofit corporation must:*

(a) Provide that the purpose of the nonprofit corporation is limited to aiding the county during an emergency as provided in subsection 1;

(b) Limit the nonprofit corporation to operating only after a declaration of an emergency by the county; and

(c) Require that all money received by the nonprofit corporation must be used to benefit victims of the emergency.

3. *After adopting a resolution forming a nonprofit corporation pursuant to this section, the board of county commissioners shall appoint the initial members of the board of directors. All subsequent members of the board of directors must be appointed as provided in the bylaws of the nonprofit corporation.*

4. *A person who is appointed to serve as a member of the board of directors who is not otherwise a public officer is not a public officer by virtue of such appointment.*

5. *The board of directors of the nonprofit corporation formed pursuant to subsection 1 shall provide an annual report to the board of county commissioners which must include, without limitation:*

(a) A summary of the activities of the nonprofit corporation during the preceding year;

(b) A statement of the finances of the nonprofit corporation during the preceding year; and

(c) The names of the current members of the board of directors of the nonprofit corporation.

Sec. 4. 1. Except as otherwise provided in subsection 2, a nonprofit corporation formed pursuant to section 3 of this act has the powers set forth in NRS 82.121 and 82.131.

2. A nonprofit corporation formed pursuant to section 3 of this act shall not exercise the powers set forth in subsection 1 or 5 of NRS 82.131.

Sec. 5. Any liability or action against a nonprofit corporation formed pursuant to section 3 of this act must be determined in the same manner and with the same limitations and conditions as provided in NRS 41.0305 to 41.039, inclusive. To this extent, the nonprofit corporation shall be deemed a political subdivision of the State and the members of the board of directors shall be deemed employees of the political subdivision.

Sec. 6. Upon the dissolution of a nonprofit corporation formed pursuant to section 3 of this act, the assets of the nonprofit corporation must be distributed to the county which formed the nonprofit corporation and used in a manner consistent with the purposes of the nonprofit corporation.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 20 to Senate Bill No. 13 relates to the formation of a nonprofit corporation to aid a county during an emergency. The amendment clarifies the bylaws of such a nonprofit corporation must provide that the purpose of the nonprofit corporation is limited to aiding the county during a county-declared emergency, and all money received by the nonprofit corporation must be used to benefit the victims of the emergency. A person who is appointed to serve as a member of board of directors who is not otherwise a public officer is not a public officer by virtue of such an appointment.

Finally, the amendment requires the board of directors of the nonprofit corporation to submit an annual report to the board of county commissioners, which must include a summary of the activities during the preceding year, a statement of its finances during the preceding year and a list of the current members of the board of directors. I encourage your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 18.

Bill read second time.

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

Amendment No. 98.

SUMMARY—Revises provisions relating to ~~persons with intellectual and developmental disabilities;~~ jobs and day training services. (BDR 39-198)

AN ACT relating to services for persons with intellectual and developmental disabilities; revising the financial information that a provider of jobs and day training services is required to submit to be certified to provide such services; ~~revising provision governing assistance provided to certain caregivers;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a partnership, firm, corporation or association that wishes to provide jobs and day training services to persons with intellectual or developmental disabilities to be certified by the Aging and Disability Services Division of the Department of Health and Human Services. (NRS 435.225) Existing law requires such a partnership, firm, corporation or association, before being issued a certificate and annually thereafter as a condition of certification, to: (1) be on file and in good standing with the Secretary of State and organized according to Nevada law; and (2) submit to the Division an annual financial audit and certain additional documentation if the partnership, firm, corporation or association is a nonprofit organization. (NRS 435.227) This bill removes the requirements to submit an annual financial audit and the additional documentation if the partnership, firm, corporation or association is a nonprofit organization. Instead, this bill requires a partnership, firm, corporation or association that provides or wishes to be certified to provide such jobs and day training services to submit any financial documents and statements requested by the Division for the purpose of evaluating the financial solvency of the partnership, firm, corporation or association.

~~[Existing law makes it possible for certain relatives who care for a person who has been diagnosed with a profound or severe intellectual disability or with a developmental disability to receive assistance from the Aging and Disability Services Division to the extent that money is available for that purpose. (NRS 435.465) Section 2 of this bill revises this provision to include only caregivers of a person who has been diagnosed with an intellectual disability.]~~

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

Section 1. NRS 435.227 is hereby amended to read as follows:

435.227 Before being issued a certificate by the Division pursuant to NRS 435.225 and annually thereafter as a condition of certification, a partnership, firm, corporation or association, including, without limitation, a nonprofit organization, must:

1. Be on file and in good standing with the Secretary of State and organized pursuant to title 7 of NRS; *and*

2. Submit to the Division ~~[an annual audit of its financial statements that has been conducted by an independent certified public accountant; and~~

~~— 3. If it is a nonprofit organization, submit to the Division the most recent federal tax return of the nonprofit organization, including, without limitation, Form 990, or its successor form, and the Schedule L and Schedule R of such return, or the successor forms of such schedules, which include an itemization of:~~

~~—(a) Any transaction during the federal tax year of the nonprofit organization in which an economic benefit is provided by the nonprofit organization to a director, officer or board member of the nonprofit organization, or any other person who has substantial influence over the nonprofit organization, and in~~

~~which the value of the economic benefit provided by the nonprofit organization exceeds the value of the consideration received by the nonprofit organization;~~

~~—(b) Any loans to or from the nonprofit organization which are received by or from a director, officer or board member of the nonprofit organization, a person who has substantial influence over the nonprofit organization or a family member of such director, officer, board member or person and which remain outstanding at the end of the federal tax year of the nonprofit organization;~~

~~—(c) Any grants or other assistance from the organization during the federal tax year of the nonprofit organization which benefit a director, officer or board member of the nonprofit organization, a person who has substantial influence over the nonprofit organization or a family member of such director, officer, board member or person;~~

~~—(d) Business transactions during the federal tax year of the nonprofit organization between the nonprofit organization and a director, officer or board member of the nonprofit organization, a person who has substantial influence over the nonprofit organization or a family member of such director, officer, board member or person which exceed, in the aggregate, \$100,000, or a single business transaction that exceeds \$10,000; and~~

~~—(e) All related party transactions including, without limitation, the receipt of interest, royalties, annuities or rent, the sale or purchase of assets or services, the sharing of facilities, equipment or employees, and the transfer of cash or property.] any financial documents and statements requested by the Division for the purpose of evaluating the financial solvency of the partnership, firm, corporation or association.~~

Sec. 2. ~~[NRS 435.365 is hereby amended to read as follows:~~

~~435.365 1. To the extent that money is available for that purpose, whenever a person with an intellectual disability [or a person with a developmental disability] is cared for by a parent or other relative with whom the person lives, that parent or relative is eligible to receive assistance on a monthly basis from the Division for each such person who lives and is cared for in the home if the Division finds that:~~

~~—(a) The person with an intellectual disability [or the person with a developmental disability] has been diagnosed as having a profound or severe intellectual disability [or developmental disability] or, if he or she is under 6 years of age, has developmental delays that require support that is equivalent to the support required by a person with a profound or severe intellectual disability; [or a person with a profound or severe developmental disability;]~~

~~—(b) The person with an intellectual disability [or the person with a developmental disability] is receiving adequate care; and~~

~~—(c) The person with an intellectual disability [or the person with a developmental disability] and the parent or other relative with whom the person lives is not reasonably able to pay for his or her care and support.~~

~~The amount of the assistance must be established by legislative appropriation for each fiscal year.~~

~~2. The Administrator shall adopt regulations:~~

~~(a) Which establish a procedure of application for assistance;~~

~~(b) For determining the eligibility of an applicant pursuant to subsection 1; and~~

~~(c) For determining the amount of assistance to be provided to an eligible applicant.~~

~~3. The Administrator shall establish a waiting list for applicants who are eligible for assistance but who are denied assistance because the legislative appropriation is insufficient to provide assistance for all eligible applicants.~~

~~4. The decision of the Administrator regarding eligibility for assistance or the amount of assistance to be provided is a final administrative decision.]~~

(Deleted by amendment.)

Sec. 3. This act becomes effective:

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

2. On October 1, 2019, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senators Ratti and Hammond.

SENATOR RATTI:

Amendment No. 98 to Senate Bill No. 18 revises the bill to delete sections that would have changed existing law related to assistance provided to caregivers of people with a profound or severe intellectual disability or with a developmental disability.

SENATOR HAMMOND:

We have deleted much of the language of this bill. What is the practical effect of the language on which we are voting? We are taking out protections and audit language from section 1, subsection 2, of the bill. I do not think it is needed, but I want to be sure about the practical applicability of the bill.

SENATOR RATTI:

I agree that a significant portion of this bill was removed and little is left. The one piece that is left reduces the reporting requirement from the providers to the Department. There was broad agreement in the room this was no longer necessary.

SENATOR HAMMOND:

This provides the clarification I needed. Thank you.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

Senate Bill No. 67.

Bill read second time.

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

Amendment No. 28.

SUMMARY—Revises provisions governing local emergency management. (BDR 36-355)

AN ACT relating to emergency management; creating the Nevada Tribal Emergency Coordinating Council; prescribing the membership and duties of the Council; revising provisions governing a local organization for emergency management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Chief of the Division of Emergency Management of the Department of Public Safety to coordinate the activities of all organizations for emergency management within Nevada. (NRS 414.040) Section 1 of this bill creates the Nevada Tribal Emergency Coordinating Council within the Division. Section 1 requires the Chief of the Division to appoint not more than ~~15~~ 27 members to the Council, each of whom must be a member of a different federally recognized Indian tribe or nation which is located within Nevada. Section 1 requires the Council to: (1) advise the Chief regarding emergency management on tribal lands; (2) assist in the coordination of mitigation, preparedness, response and recovery activities relating to an emergency on tribal lands; and (3) submit an annual report to the Chief detailing the Council's activities during the immediately preceding calendar year and recommendations relating to emergency management on tribal lands.

Existing law authorizes each county and city in Nevada to establish a local organization for emergency management. A local organization for emergency management is responsible for performing functions of emergency management within the territorial limits of the political subdivision within which it is organized and, if required, outside those territorial limits. (NRS 414.090) Section 2 of this bill makes it mandatory for a county to establish a local organization for emergency management, but, in lieu of each county establishing its own local organization for emergency management, section 2 authorizes the boards of county commissioners of two or more counties to enter into an interlocal agreement establishing one local organization for emergency management for all the counties that are parties to the agreement.

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

Section 1. Chapter 414 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Nevada Tribal Emergency Coordinating Council, consisting of not more than ~~15~~ 27 members appointed by the Chief, is hereby created within the Division of Emergency Management of the Department of Public Safety. The Chief shall appoint ~~members~~ each member from ~~any~~ a different federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State. Not more than one member of the Council may be from the same federally recognized Indian tribe or nation.*

2. *The term of office of each member of the Council is 2 years.*

3. *The Council shall meet at the call of the Chief and at least once every 3 months.*

4. *The Division of Emergency Management shall provide the Council with administrative support.*

5. *The Council shall:*

(a) *Advise the Chief regarding emergency management on tribal lands;*

(b) *Assist in the coordination of mitigation, preparedness, response and recovery activities related to an emergency on tribal lands; and*

(c) *Submit an annual report to the Chief on or before January 31 of each year which must include, without limitation:*

(1) *A summary of the activities of the Council during the immediately preceding calendar year; and*

(2) *Recommendations relating to emergency management on tribal lands.*

6. *The Attorney General shall enter into any agreements necessary to carry out the provisions of this section.*

Sec. 2. NRS 414.090 is hereby amended to read as follows:

414.090 1. ~~Each political subdivision~~ *Except as otherwise provided in subsection 2, each county of this state shall, and each city of this state may, establish a local organization for emergency management in accordance with the state emergency management plan and program for emergency management. Such a political subdivision may confer or authorize the conferring upon members of the auxiliary police the powers of police officers, subject to such restrictions as it imposes. Each local organization for emergency management must have a director who must be appointed by the executive officer or governing body of the political subdivision, and who has direct responsibility for the organization, administration and operation of the local organization for emergency management subject to the direction and control of the executive officer or governing body. Each local organization for emergency management shall perform functions of emergency management within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of NRS 414.100.*

2. *In lieu of establishing a local organization for emergency management pursuant to subsection 1, the boards of county commissioners of two or more counties may enter into an interlocal agreement that:*

(a) *Establishes a local organization for emergency management for the counties that are parties to the agreement; and*

(b) *Ensures compliance with the requirements of subsection 1.*

3. *In carrying out the provisions of this chapter, each political subdivision in which any emergency or disaster described in NRS 414.020 occurs may enter into contracts and incur obligations necessary to combat such an emergency or disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such an emergency or disaster. Each political subdivision may exercise the powers vested under this*

section in the light of the exigencies of the extreme emergency or disaster without regard to time-consuming procedures and formalities prescribed by law, except constitutional requirements, pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. This act becomes effective upon passage and approval.

Senator Parks moved the adoption of the amendment.

Remarks by Senator Parks.

Amendment No. 28 to Senate Bill No. 67 relates to emergency management and increases the number of members on the Nevada Tribal Emergency Coordinating Council from not more than 15 to not more than 27 members. This will allow each federally recognized tribe in Nevada the ability to have no more than one member represent them on the Council. I urge your support.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 126.

Bill read second time and ordered to third reading.

Senate Bill No. 216.

Bill read second time.

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

Amendment No. 106.

SUMMARY—Revises provisions relating to autism spectrum disorders. (BDR 38-33)

AN ACT relating to persons with disabilities; requiring agencies that oversee programs that provide services to persons with autism spectrum disorders to report certain information concerning such programs to the Commission; establishing the Nevada Commission on Autism Spectrum Disorders to review data and information and advise the Governor regarding the needs of persons with autism spectrum disorders and their families; ~~revising requirements concerning the assessment to determine whether a person has an autism spectrum disorder;~~ revising the required contents of a plan of treatment for a participant in the Autism Treatment Assistance Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2007, the Legislature created the Nevada Autism Task Force to study and make recommendations to the Governor and the Legislature regarding the growing incidence of autism and ways to improve the delivery and coordination of autism services in this State. The Task Force was required to complete its review on or before August 1, 2008. (Section 40 of Assembly Bill No. 629, chapter 348, Statutes of Nevada 2007, at page 1674) Upon the

expiration of the Task Force, the Governor issued an executive order establishing the Commission on Autism Spectrum Disorder to continue the work of the Task Force. (Executive Order Establishing the Commission on Autism Spectrum Disorder (11-19-2008)) The Governor has issued three additional executive orders extending the Commission through June 30, 2019. (Executive Orders 2011-21 (11-28-2011), 2015-26 (10-9-2015), 2018-29 (11-9-2018)) Sections 5 and 6 of this bill establish the Nevada Commission on Autism Spectrum Disorders in statute. Section 5 establishes the membership of the Commission and sets the terms of members at 3 years. Members serve without compensation. Section 6 requires the Commission to perform certain duties relating to autism spectrum disorders, including: (1) advising the Governor concerning services for persons with autism spectrum disorders and their families in this State; and (2) monitoring programs operated by governmental agencies that serve such persons. Sections 1 and 7 of this bill require the Division of Health Care Financing and Policy of the Department of Health and Human Services and the Aging and Disability Services Division of the Department to report to the Commission certain information relating to services for persons with autism spectrum disorders administered by those agencies.

~~[Existing law requires the Aging and Disability Services Division to prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government. Existing law requires those regulations to designate a protocol which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder. (NRS 427A.872) Section 9 of this bill removes the requirement that such an assessment must be standardized.]~~

Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division to serve as the primary autism program within the Department and to provide and coordinate services to persons under 20 years of age with autism spectrum disorders. The policies of the Program and any services provided by the Program must be developed in cooperation with and approved by the Task Force or its successor organization. (NRS 427A.875) Section 10 of this bill instead requires such policies and services to be developed in cooperation with the Commission. Sections 9 and 12 of this bill update certain other references to the Task Force to refer to the Commission. Sections 2-4, 8 and 11 of this bill make other conforming changes.

Existing law requires the Autism Treatment Assistance Program to develop a plan of treatment for a person who participates in the program. (NRS 427A.875) Section 10 of this bill requires such a plan to ensure that the person receives appropriate services after the person reaches 20 years of age and is thus no longer eligible to participate in the Program.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

The Division shall submit to the Nevada Commission on Autism Spectrum Disorders created by section 5 of this act upon the request of the Commission a report containing the most current information available concerning:

- 1. The number of persons receiving services for persons with autism spectrum disorders through the Medicaid program;*
- 2. The outcomes of persons with autism spectrum disorders who receive services through the Medicaid program;*
- 3. The expenditures made on behalf of the Medicaid program related to the provision of services for persons with autism spectrum disorders; and*
- 4. The number of hours billed to the Medicaid program per week for each service provided to persons with autism spectrum disorders through the Medicaid program and the number of hours per week that each such service was actually provided to recipients of Medicaid.*

Sec. 2. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. "Commission" means the Nevada Commission on Autism Spectrum Disorders created by section 5 of this act.

Sec. 4. "Early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.

Sec. 5. 1. *The Nevada Commission on Autism Spectrum Disorders is hereby created within the Division. The Commission consists of seven members appointed by the Governor. The Governor shall appoint to the Commission:*

- (a) Two members who are representatives of school districts in this State;*
- (b) One member who is a behavior analyst;*
- (c) One member who is the parent of a person with an autism spectrum disorder who is over 12 years of age;*
- (d) One member who is the parent of a child with autism who is under 5 years of age;*
- (e) One member who is the parent of a child with autism who resides in a county with a population of less than 100,000; and*
- (f) One member who is a representative of the public at large.*

2. *After the initial term, the term of each member is 3 years. A member may be reappointed.*

3. *Members of the Commission serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally. Each member of the Commission who is an officer or employee of a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable.*

A local government shall not require an officer or employee who is a member of the Commission to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

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

5. The Governor shall annually designate the Chair and Vice Chair of the Commission.

6. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of the members of a quorum present at any meeting is sufficient for any official action taken by the Commission.

7. As used in this section, "behavior analyst" has the meaning ascribed to it in NRS 437.010.

Sec. 6. 1. The Commission shall meet at least eight times each year at the call of the Governor or the Chair or a majority of its members.

2. The Commission may establish subcommittees consisting of members of the Commission or other persons to assist the Commission in the performance of its duties.

3. The Division shall provide such administrative support to the Commission and any subcommittee thereof as is necessary to carry out the duties of the Commission.

4. The Commission shall:

(a) Advise and make recommendations to the Governor regarding the needs of persons with autism spectrum disorders and their families and the availability, delivery and coordination of services for such persons in this State;

(b) Review available data concerning autism spectrum disorders, including, without limitation, data concerning the ages of persons served by public programs for persons with autism spectrum disorders, the number of persons on waiting lists for such programs and the outcomes for persons receiving services through such programs, and monitor programs operated by state and local agencies that serve persons with autism spectrum disorders and their families; and

(c) Submit to the Governor an annual report concerning the activities of the Commission.

Sec. 7. The Division shall submit to the Commission upon request a report containing the most current information available relating to:

1. The number of persons receiving early intervention services from the Division and services from the Autism Treatment Assistance Program created by NRS 427A.875;

2. The outcomes of early intervention services and services provided by the Program; and

3. The expenditures of the Division related to early intervention services and the Program.

Sec. 8. NRS 427A.871 is hereby amended to read as follows:

427A.871 As used in NRS 427A.871 to 427A.880, inclusive, ~~["early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.] and sections 3 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meaning ascribed to them in those sections.~~

Sec. 9. NRS 427A.872 is hereby amended to read as follows:

427A.872 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the ~~["Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization,"] Commission,~~ shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.

2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to NRS 388.451 and 615.205. Except as otherwise provided in NRS 388.451, the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the Family

Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to NRS 388.451 and 615.205 and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

Sec. 10. NRS 427A.875 is hereby amended to read as follows:

427A.875 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons diagnosed or determined, including, without limitation, through the use of a standardized assessment, to have autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation ~~[, preparations]~~ :

(1) *Preparations* for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years ~~[,]~~ ; and

(2) *Measures to ensure that, to the extent practicable, the person receives appropriate services from another entity after the person reaches 20 years of age.*

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the ~~[Nevada Autism Task Force created by section 40 of~~

~~chapter 348, Statutes of Nevada 2007, or its successor organization.]
Commission.~~

5. As used in this section, "autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

Sec. 11. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.621 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than the State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 12. NRS 391A.265 is hereby amended to read as follows:

391A.265 To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism spectrum disorder in making decisions about the services and programs available for the pupil receive the appropriate preparation and training:

1. On using the 2008 Report of the Nevada Autism Task Force and any subsequent report issued by the Nevada Autism Task Force created pursuant to chapter 348, Statutes of Nevada 2007, ~~or~~ its successor organization ~~+~~ or the Nevada Commission on Autism Spectrum Disorders created by section 5 of this act to determine best practices in the development of programs for pupils with autism spectrum disorders; and

2. To provide the parent or legal guardian with information on all options for treatment and intervention that may assist the pupil in the pupil's development and advancement.

Sec. 13. As soon as practicable after the effective date of this act, the Governor shall appoint the members of the Nevada Commission on Autism Spectrum Disorders created by section 5 of this act as follows:

1. Three members to terms that expire on July 1, 2020;
2. Two members to terms that expire on July 1, 2021; and
3. Two members to terms that expire on July 1, 2022.

Sec. 14. This act becomes effective:

1. Upon passage and approval for the purpose of appointing members of the Nevada Commission on Autism Spectrum Disorders created by section 5

of this act and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

Senator Ratti moved the adoption of the amendment.

Remarks by Senator Ratti.

Amendment No. 106 revises Senate Bill No. 216 to keep the standardized assessment the Aging and Disabilities Services Division must prescribe under existing law to measure outcomes and assess and evaluate people with autism spectrum disorder through 21 years of age.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

Senate Bill No. 479.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Woodhouse moved that Senate Bill No. 216 be taken from the General File and re-referred to the Committee on Finance, upon return from reprint.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 54.

Bill read third time.

Remarks by Senator Brooks.

Senate Bill No. 54 changes from January 31 to February 28 the deadline for the Tahoe Regional Planning Agency to submit its annual independent audit report and information regarding the Agency's expenditures to the Governor and Director of the Legislative Counsel Bureau. The bill also changes the period for which information concerning the Agency's expenditures must be submitted from the preceding calendar year to the preceding fiscal year. Finally, the bill requires the Agency to include a copy of its most recently-published annual report in its submission.

Roll call on Senate Bill No. 54:

YEAS—21.

NAYS—None.

Senate Bill No. 54 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 62.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 62 makes various changes to chapter 370 of the *Nevada Revised Statutes*, by revising provisions related to brand families of cigarettes to also include "styles of cigarettes," for the purpose of enforcing the Tobacco Master Settlement Agreement.

These changes include revising the definition of contraband tobacco products to include any style of cigarette that is not listed in the Nevada Tobacco Directory. It requires a manufacturer of tobacco products to indicate its styles of cigarettes in the certification submitted to the Department

of Taxation and the Attorney General under current law; requires the Department of Taxation to include styles of cigarettes in the Nevada Tobacco Directory. It also specifies the authority of the Attorney General to seek a civil penalty for certain violations under current law. It also applies to any violations of the regulations adopted pursuant thereto; specifies that certain unlawful acts related to a brand family of cigarettes also applies to a style of cigarettes, and specifies that both participating manufacturers and nonparticipating manufacturers in the Tobacco Master Settlement Agreement are subject to civil penalties for the failure to comply with the provisions of chapter 370 or 370A of the *Nevada Revised Statutes*.

Roll call on Senate Bill No. 62:

YEAS—21.

NAYS—None.

Senate Bill No. 62 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 95.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 95 requires a medical facility to take any actions necessary to adhere to a diet that is ordered or prescribed for a patient, and it authorizes a licensed dietitian to order a diet or nutritional supplement for a patient.

The bill also authorizes a hospital to grant clinical privileges to a licensed dietitian for the purposes of ordering diets, ordering laboratory tests to monitor the effectiveness of the diets and making modifications to diets based on laboratory tests.

Roll call on Senate Bill No. 95:

YEAS—21.

NAYS—None.

Senate Bill No. 95 having received a constitutional majority, Mr. President pro Tempore declared it passed.

Bill ordered transmitted to the Assembly.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to Nikki Real.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Doral Academy of Northern Nevada.

On request of Senator Kieckhefer, the privilege of the floor of the Senate Chamber for this day was extended to Lincoln Kieckhefer.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to R.J. Gourrier and Ricky Gourrier.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Taylor Russon and Ann Silver.

On request of Senator Woodhouse, the privilege of the floor of the Senate Chamber for this day was extended to Rick Carter.

Senator Cannizzaro moved that the Senate adjourn until Monday, April 8, 2019, at 11:00 a.m.

Motion carried.

Senate adjourned at 11:51 a.m.

Approved:

MOISES DENIS
President pro Tempore of the Senate

Attest: CLAIRE J. CLIFT
Secretary of the Senate