

ASSEMBLY BILL NO. 301—ASSEMBLYMEN WILLIAMS, PRICE, GIBBONS, KOIVISTO, MCCLAIN, OHRENSCHALL, SEGERBLOM, NEIGHBORS, CARPENTER, MANENDO, PARKS, FREEMAN, LEE, ARBERRY, ANDERSON, EVANS, GOLDWATER, GIUNCHIGLIANI, COLLINS, CHOWNING, BACHE, TIFFANY, HUMKE, BEERS, BERMAN, BUCKLEY, NOLAN, DE BRAGA AND VON TOBEL

FEBRUARY 22, 1999

JOINT SPONSORS: SENATORS NEAL AND SCHNEIDER

Referred to Concurrent Committees on Health and
Human Services and Ways and Means

SUMMARY—Makes various changes regarding child care. (BDR 38-123)

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

~

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

AN ACT relating to child care; establishing a program to provide loans for the construction and renovation of child care facilities; revising the provision regarding the licensing and regulation of child care facilities; expanding the exemption from the business tax for a business that provides for the care of the children of its employees; prohibiting an insurer from refusing to issue, canceling or refusing to renew a policy for casualty insurance under certain circumstances; making appropriations; 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 432A of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 5, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 5, inclusive, of this act, unless the*
- 4 *context otherwise requires, “program” means the program to provide*
- 5 *loans for child care facilities established pursuant to section 3 of this act.*

1 **Sec. 3. 1. The program to provide loans for child care facilities is**
2 **hereby established.**

3 **2. Money available for the program must be used to provide loans for**
4 **the construction and renovation of child care facilities within this state.**

5 **3. The chief shall administer the program and may consult with any**
6 **public officer or private person in this state who may have an interest in**
7 **child care or in the program.**

8 **4. The chief may:**

9 **(a) Negotiate and accept federal and other money appropriated and**
10 **available to insure loans for the construction and renovation of child**
11 **care facilities pursuant to the program;**

12 **(b) Negotiate and enter into such agreements with other agencies as**
13 **the chief deems proper for the administration and conduct of the**
14 **program; and**

15 **(c) Accept gifts, grants and contributions from any source that will**
16 **facilitate and assist the carrying out of the program.**

17 **5. The chief shall establish policies and may adopt regulations for**
18 **the administration of the program.**

19 **Sec. 4. 1. The money available for the program must be deposited**
20 **in the state treasury for credit to the fund for loans for child care**
21 **facilities which is hereby created as a special revenue fund.**

22 **2. Each expenditure from this fund must be paid as other claims**
23 **against the state are paid.**

24 **Sec. 5. The chief shall:**

25 **1. Certify to the state controller all withdrawals from the fund for**
26 **loans for child care facilities for the purposes of the program. The state**
27 **controller shall issue a warrant to the state treasurer in the amount of the**
28 **certification. The state treasurer shall disburse that amount in**
29 **accordance with the warrant.**

30 **2. Use any money received for the program for that program.**

31 **3. Establish and maintain such records for the program as are**
32 **required by good accounting practices.**

33 **Sec. 6. NRS 432A.131 is hereby amended to read as follows:**

34 432A.131 1. ~~[Child]~~ **Except as otherwise provided in subsection 2,**
35 **child** care facilities in any county or incorporated city ~~[where the~~
36 ~~governing body has established an agency for the licensing of child care~~
37 ~~facilities and enacted an ordinance requiring that child care facilities be~~
38 ~~licensed by the county or city need not]~~ **of this state must** be licensed by
39 the bureau. ~~[The licensing agency shall adopt such standards and other~~
40 ~~regulations as may be necessary for the licensing of child care facilities,~~
41 ~~and the standards and regulations:~~

1 ~~—(a) Must be not less restrictive than those adopted by the board; and~~

2 ~~—(b) Take effect only upon their approval by the bureau.~~

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

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

9 ~~—(b) The waiver does not allow a practice which violates a regulation~~
10 ~~adopted by the board.~~

11 ~~—3.]~~ 2. A governing body *of a county or incorporated city* may adopt
12 such standards and other regulations as may be necessary for the regulation
13 of *child care* facilities *within its jurisdiction* which provide care for fewer
14 than five children. ~~[If the standards so adopted are less restrictive than the~~
15 ~~standards for the licensure of child care facilities which have been adopted~~
16 ~~by the board, the]~~ The governing body shall not issue a license to the
17 smaller facilities, but may register them in accordance with the standards
18 ~~[which are less restrictive.~~

19 ~~—4.] and regulations adopted pursuant to this subsection.~~

20 3. If a governing body intends to amend or repeal an ordinance
21 providing for the ~~[licensing]~~ *regulation* of child care facilities *which*
22 *provide care for fewer than five children* and the effect of that action will
23 be the discontinuance of the governing body's ~~[licensure]~~ *regulation* of
24 *such* child care facilities, the governing body shall notify the bureau of its
25 intention to do so at least 12 months before the amendment or repeal
26 becomes effective.

27 **Sec. 7.** NRS 432A.210 is hereby amended to read as follows:

28 432A.210 1. Except as *otherwise* provided in subsection ~~[1]~~ 2 of
29 NRS 432A.131, the bureau may bring an action in the name of the state to
30 enjoin any person, state or local government unit or agency thereof from
31 operating or maintaining any child care facility:

32 (a) Without first obtaining a license therefor; or

33 (b) After his license has been revoked or suspended by the bureau.

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

37 **Sec. 8.** NRS 364A.150 is hereby amended to read as follows:

38 364A.150 1. The total number of equivalent full-time employees
39 employed by a business in a quarter must be calculated by dividing the
40 total number of hours all employees have worked during the quarter by
41 468.

42 2. To determine the total number of hours all employees have worked
43 during the quarter, the business must add the total number of hours worked

1 by full-time employees based in this state during the quarter to the total
2 number of hours worked by part-time employees based in this state during
3 the quarter and to the total number of hours worked in this state by
4 employees described in subsection 6. A “full-time employee” is a person
5 who is employed to work at least 36 hours per week. All other employees
6 are part-time employees. An occasional reduction in the number of hours
7 actually worked in any week by a particular employee, as the result of
8 sickness, vacation or other compensated absence, does not affect his status
9 for the purposes of this section if his regular hours of work are 36 or more
10 per week. All hours for which a part-time employee is paid must be
11 included.

12 3. Except as otherwise provided in subsection 7, the total number of
13 hours worked by full-time employees of a business during the quarter may
14 be calculated by:

15 (a) Determining from the records of the business the number of hours
16 each full-time employee has worked during the quarter up to a maximum
17 of 468 hours per quarter and totaling the results; or

18 (b) Multiplying 7.2 hours by the number of days each full-time
19 employee was employed by the business up to a maximum of 65 days per
20 quarter and totaling the results.

21 4. Except as otherwise provided in subsection 7, the total number of
22 hours worked by part-time employees of a business during the quarter
23 must be calculated by determining from the records of the business the
24 number of hours each part-time employee has worked during the quarter
25 and totaling the results.

26 5. The total number of hours all employees have worked during the
27 quarter must be calculated excluding the hours worked by a sole proprietor
28 or one natural person in any unincorporated business, who shall be deemed
29 the owner of the business rather than an employee.

30 6. To determine the total number of hours all employees have worked
31 during the quarter, in the case of a business which employs a natural
32 person at a base or business location outside *the State of* Nevada, but
33 directs that person to perform at least some of his duties in Nevada, the
34 calculation must include the total number of hours actually worked by that
35 person in Nevada during the quarter. To calculate the number of hours
36 worked in Nevada, the formula in paragraph (b) of subsection 3 must be
37 used for full-time employees, and the formula in subsection 4 must be used
38 for part-time employees.

39 ~~7. Except as otherwise provided in subsection 8, if a business~~
40 ~~employs in a calendar quarter a person whose monthly income for that~~
41 ~~calendar quarter is 150 percent or less of the federally designated level~~
42 ~~signifying poverty, the~~ A business may exclude the total number of hours
43 which

~~{the}~~

1 **an** employee worked during ~~[that]~~ **a** calendar quarter in calculating the
2 total number of hours worked by employees of the business during the
3 quarter if the business provided to the employee for the whole calendar
4 quarter ~~[-~~:

5 ~~—(a) Free]~~ child care for the children of the employee ~~[at an on-site child~~
6 ~~care facility; or~~

7 ~~—(b) One or more vouchers for use by the employee to pay the total cost~~
8 ~~of child care for the calendar quarter at a licensed child care facility that is~~
9 ~~within a reasonable distance from the business.~~

10 ~~—8.— The number of hours excluded pursuant to subsection 7 must not~~
11 ~~reduce the total tax liability of the business by more than 50 percent.~~

12 ~~—9.— As used in this section, the term “on-site child care facility” has the~~
13 ~~meaning ascribed to it in NRS 432A.0275.]~~ **pursuant to a program that**
14 **meets the requirements set forth in 26 U.S.C. § 129(d).**

15 **Sec. 9.** Chapter 687B of NRS is hereby amended by adding thereto a
16 new section to read as follows:

17 **1. An insurer shall not refuse to issue, cancel or refuse to renew a**
18 **policy of casualty insurance solely because the person who is insured or**
19 **is applying for such coverage operates a child care facility in his home.**

20 **2. As used in this section:**

21 **(a) “Child care facility” has the meaning ascribed to it in NRS**
22 **432A.024.**

23 **(b) “Home” has the meaning ascribed to it in NRS 690B.100.**

24 **Sec. 10.** There is hereby appropriated from the state general fund to
25 the City of Las Vegas the sum of \$350,000 for continued support of the
26 child care training program currently operated by the City of Las Vegas.

27 **Sec. 11.** There is hereby appropriated from the state general fund to
28 the fund for loans for **child care facilities** created pursuant to section 4 of
29 this act the sum of \$150,000.

30 **Sec. 12.** Any remaining balance of the appropriations made by
31 sections 10 and 11 of this act must not be committed for expenditure after
32 June 30, 2001, and reverts to the state general fund as soon as all payments
33 of money committed have been made.

34 **Sec. 13.** 1. This section and sections 10, 11 and 12 of this act
35 become effective upon passage and approval.

36 2. Sections 1 to 9, inclusive, of this act become effective on July 1,
37 1999.