

ASSEMBLY BILL NO. 456—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE SUNSET SUBCOMMITTEE)

MARCH 23, 2015

Referred to Committee on Legislative Operations and Elections

SUMMARY—Abolishes certain committees, boards, funds and panels. (BDR 38-551)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to governmental administration; abolishing the Advisory Committee Concerning the Children's Health Insurance Program, the Fund for the Institutional Care of the Medically Indigent and the Board of Trustees of the Fund, the Rural Advisory Board to Expedite Proceedings for the Placement of Children, the Advisory Board on Water Resources Planning and Development, the Collection Agency Advisory Board and the State and Local Government Panel on Renewable and Efficient Energy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Advisory Committee Concerning the Children's Health Insurance Program to provide advice and recommendations to the Nevada Indian Commission concerning the Children's Health Insurance Program. (NRS 233A.101-233A.107)

Existing law creates the Fund for the Institutional Care of the Medically Indigent and provides for the administration of the Fund by the Board of Trustees of the Fund. The money in the Fund is required to be used to provide assistance to a county which is unable to make a payment required by an interlocal agreement between the Department of Health and Human Services and the county to pay the expenses for the institutional care for the medically indigent pursuant to the State Plan for Medicaid. (NRS 428.410-428.490)

Existing law creates the Rural Advisory Board to Expedite Proceedings for the Placement of Children, within the Division of Child and Family Services of the



Department of Health and Human Services, to expedite and limit the periods for certain procedures involved in proceedings for the placement of children. (NRS 432B.602)

Existing law creates the Advisory Board on Water Resources Planning and Development to advise and make recommendations concerning policies for water planning to the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources. (NRS 540.111)

Existing law creates the Collection Agency Advisory Board to make recommendations to the Legislature concerning legislation relating to collection agencies. (NRS 649.047, 649.049)

Existing law creates the State and Local Government Panel on Renewable and Efficient Energy to advise the Director of the Office of Energy on renewable energy retrofit projects at public buildings and schools. (NRS 701.450-701.465)

As recommended by the Sunset Subcommittee of the Legislative Commission (NRS 232B.210-232B.250), this bill abolishes: (1) the Advisory Committee Concerning the Children's Health Insurance Program; (2) the Fund for the Institutional Care of the Medically Indigent and the Board of Trustees of the Fund; (3) the Rural Advisory Board to Expedite Proceedings for the Placement of Children; (4) the Advisory Board on Water Resources Planning and Development; (5) the Collection Agency Advisory Board; and (6) the State and Local Government Panel on Renewable and Efficient Energy.

Sections 1 and 2 of this bill delete various statutory references to certain advisory boards which are abolished by this bill.

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

Section 1. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.

2. Except as otherwise provided in this section and NRS 432B.165, 432B.175 and 432B.513, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe has been abused or neglected;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe has been abused or neglected and the person requires the information to determine whether to place the child in protective custody;



(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the abuse or neglect of a child;

(e) Except as otherwise provided in paragraph (f), a court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A court as defined in NRS 159.015 to determine whether a guardian or successor guardian of a child should be appointed pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive;

(g) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(h) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(i) A person who files or intends to file a petition for the appointment of a guardian or successor guardian of a child pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(j) The proposed guardian or proposed successor guardian of a child over whom a guardianship is sought pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of the person responsible for reporting the abuse or neglect of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(k) A grand jury upon its determination that access to these records and the information is necessary in the conduct of its official business;

(l) A federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from abuse and neglect;

(m) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to



1 provide assessments or services and that has been trained to make
2 such assessments or provide such services;

3 (n) A team organized pursuant to NRS 432B.350 for the
4 protection of a child;

5 (o) A team organized pursuant to NRS 432B.405 to review the
6 death of a child;

7 (p) A parent or legal guardian of the child and an attorney of a
8 parent or guardian of the child, including, without limitation, the
9 parent or guardian of a child over whom a guardianship is sought
10 pursuant to chapter 159 of NRS or NRS 432B.466 to 432B.468,
11 inclusive, if the identity of the person responsible for reporting the
12 abuse or neglect of the child to a public agency is kept confidential
13 and the information is reasonably necessary to promote the safety,
14 permanency and well-being of the child and is limited to
15 information concerning that parent or guardian;

16 (q) The child over whom a guardianship is sought pursuant to
17 chapter 159 of NRS or NRS 432B.466 to 432B.468, inclusive, if:

18 (1) The child is 14 years of age or older; and

19 (2) The identity of the person responsible for reporting the
20 abuse or neglect of the child to a public agency is kept confidential
21 and the information is reasonably necessary to promote the safety,
22 permanency and well-being of the child;

23 (r) The persons or agent of the persons who are the subject of a
24 report, if the information is reasonably necessary to promote the
25 safety, permanency and well-being of the child and is limited to
26 information concerning those persons;

27 (s) An agency that is authorized by law to license foster homes
28 or facilities for children or to investigate persons applying for
29 approval to adopt a child, if the agency has before it an application
30 for that license or is investigating an applicant to adopt a child;

31 (t) Upon written consent of the parent, any officer of this State
32 or a city or county thereof or Legislator authorized by the agency or
33 department having jurisdiction or by the Legislature, acting within
34 its jurisdiction, to investigate the activities or programs of an agency
35 which provides child welfare services if:

36 (1) The identity of the person making the report is kept
37 confidential; and

38 (2) The officer, Legislator or a member of the family of the
39 officer or Legislator is not the person alleged to have committed the
40 abuse or neglect;

41 (u) The Division of Parole and Probation of the Department of
42 Public Safety for use pursuant to NRS 176.135 in making a
43 presentence investigation and report to the district court or pursuant
44 to NRS 176.151 in making a general investigation and report;



(v) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency;

(w) ~~[The Rural Advisory Board to Expedite Proceedings for the Placement of Children created pursuant to NRS 432B.602 or a]~~ A local advisory board to expedite proceedings for the placement of children created pursuant to NRS 432B.604;

(x) The panel established pursuant to NRS 432B.396 to evaluate agencies which provide child welfare services;

(y) An employer in accordance with subsection 3 of NRS 432.100;

(z) A team organized or sponsored pursuant to NRS 217.475 or 228.495 to review the death of the victim of a crime that constitutes domestic violence; or

(aa) The Committee to Review Suicide Fatalities created by NRS 439.5104.

3. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect or any collateral sources and reporting parties.

4. Except as otherwise provided by subsection 6, before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports child abuse or neglect and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged abuse or neglect of a child or the life or safety of any person.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the



1 agency, the agency determines that such disclosure would cause a
2 specific and material harm to a criminal investigation.

3 6. A person who is the subject of an unsubstantiated report of
4 child abuse or neglect made pursuant to this chapter and who
5 believes that the report was made in bad faith or with malicious
6 intent may petition a district court to order the agency which
7 provides child welfare services to release information maintained by
8 the agency which provides child welfare services. The petition must
9 specifically set forth the reasons supporting the belief that the report
10 was made in bad faith or with malicious intent. The petitioner shall
11 provide notice to the agency which provides child welfare services
12 so that the agency may participate in the action through its counsel.
13 The district court shall review the information which the petitioner
14 requests to be released and the petitioner shall be allowed to present
15 evidence in support of the petition. If the court determines that there
16 is a reasonable question of fact as to whether the report was made in
17 bad faith or with malicious intent and that the disclosure of the
18 identity of the person who made the report would not be likely to
19 endanger the life or safety of the person who made the report, the
20 court shall provide a copy of the information to the petitioner and
21 the original information is subject to discovery in a subsequent civil
22 action regarding the making of the report.

23 7. If an agency which provides child welfare services receives
24 any information that is deemed confidential by law, the agency
25 which provides child welfare services shall maintain the
26 confidentiality of the information as prescribed by applicable law.

27 8. Pursuant to this section, a person may authorize the release
28 of information maintained by an agency which provides child
29 welfare services about himself or herself, but may not waive the
30 confidentiality of such information concerning any other person.

31 9. An agency which provides child welfare services may
32 provide a summary of the outcome of an investigation of the alleged
33 abuse or neglect of a child to the person who reported the suspected
34 abuse or neglect.

35 10. Any person, except for:

36 (a) A district attorney or other law enforcement officer initiating
37 legal proceedings; or

38 (b) An employee of the Division of Parole and Probation of the
39 Department of Public Safety making a presentence investigation and
40 report to the district court pursuant to NRS 176.135 or making a
41 general investigation and report pursuant to NRS 176.151,

42 ➤ who is provided with information maintained by an agency which
43 provides child welfare services and further disseminates this
44 information, or who makes this information public, is guilty of a
45 gross misdemeanor.



11. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

12. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

Sec. 2. NRS 432B.604 is hereby amended to read as follows:

432B.604 1. The district court in each judicial district that includes a county whose population is less than 100,000 shall create a local advisory board to expedite proceedings for the placement of children. The district court shall appoint to the local advisory board:

(a) One member who is representative of foster parents;

(b) One member who is representative of attorneys in public or private practice;

(c) One member who is employed by the Division of Child and Family Services;

(d) One member who is either employed by the public school system and works with children on a regular basis, or works in the field of mental health and works with children on a regular basis; and

(e) One member who is a resident of the judicial district in which the local advisory board is created.

2. The district court shall provide for initial terms of each member of the local advisory board so that the terms are staggered. After the initial terms, the members of the local advisory board shall serve terms of 4 years. Any member of the local advisory board may be reappointed. If a vacancy occurs during the term of a member, the district court shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term. The district court may remove a member from the local advisory board if the member neglects his or her duty or commits malfeasance in office.

~~3. [The district court shall appoint two members of the local advisory board to serve on the Rural Advisory Board created pursuant to NRS 432B.602.]~~

~~—4.]~~ Members of a local advisory board serve without compensation, and necessary travel and per diem expenses may not be reimbursed.

~~[5.]~~ 4. The Division of Child and Family Services shall provide each local advisory board with administrative support and shall provide any information requested by a local advisory board to the local advisory board within 10 working days after receiving the request for information.

~~[6.]~~ 5. Each local advisory board shall:



(a) At its first meeting and annually thereafter, elect a chair from among its members.

(b) Review each case referred to it pursuant to NRS 432B.606, and provide the referring court and the Office of the Attorney General with any recommendations to expedite the completion of the case.

(c) Twice each year, provide a report of its activities and any recommendations to expedite the completion of cases to the district court, the Division of Child and Family Services and the Legislature, or the Legislative Commission when the Legislature is not in regular session.

~~7-1~~ **6.** A local advisory board may review other cases as deemed appropriate by the district court.

Sec. 3. Any balance remaining in the Fund for the Institutional Care of the Medically Indigent must not be committed for expenditure after June 30, 2015, and must be reverted to the State General Fund on or before September 18, 2015.

Sec. 4. 1. Any regulations adopted by the Board of Trustees of the Fund for the Institutional Care of the Medically Indigent pursuant to NRS 428.480 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

2. Any contract or agreement entered into pursuant to NRS 428.480 before the effective date of this section remains in effect in accordance with the provisions of the contract or agreement.

Sec. 5. NRS 233A.101, 233A.102, 233A.103, 233A.104, 233A.106, 233A.107, 428.410, 428.420, 428.430, 428.440, 428.450, 428.460, 428.470, 428.480, 428.490, 432B.602, 540.111, 649.047, 649.049, 701.068, 701.450, 701.455, 701.460 and 701.465 are hereby repealed.

Sec. 6. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

233A.101 Definitions.

233A.102 "Advisory Committee" defined.

233A.103 "Children's Health Insurance Program" defined.

233A.104 Creation; composition; terms of members; vacancies; meetings; Chair.



- 233A.106 Compensation of members.
- 233A.107 Duties; Commission to consider advice and recommendations and provide staff.
- 428.410 Definitions.
- 428.420 “Board” defined.
- 428.430 “Fund” defined.
- 428.440 “Interlocal agreement” defined.
- 428.450 “Payment” defined.
- 428.460 “State Plan” defined.
- 428.470 Fund for the Institutional Care of the Medically Indigent; Board of Trustees of Fund.
- 428.480 Board of Trustees of Fund: Powers.
- 428.490 Transfer of money from Fund: Request by county; action by Board; reports.
- 432B.602 Rural Advisory Board to Expedite Proceedings for Placement of Children: Creation; terms; vacancies; members serve without compensation; duties.
- 540.111 Advisory Board on Water Resources Planning and Development: Creation; members; vacancies; compensation; Chair; meetings; quorum; duties.
- 649.047 Creation; members; terms and compensation of members; Chair; quorum; meetings.
- 649.049 Powers of Board.
- 701.068 “Panel” defined.
- 701.450 Creation; membership.
- 701.455 Chair; meetings; regulations; quorum; terms; members serve without compensation; requirements and restrictions concerning members who are state employees.
- 701.460 Powers and duties.
- 701.465 Support and assistance to be provided by Office of Energy.

