

**Amendment No. 301**

Assembly Amendment to Assembly Bill No. 197 (BDR 38-506)

**Proposed by:** Assembly Committee on Health and Human Services

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 197.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

MKM/RBL



Date: 4/13/2015

A.B. No. 197—Revises provisions governing out-of-school-time and seasonal or temporary recreation programs. (BDR 38-506)



ASSEMBLY BILL NO. 197—ASSEMBLYMEN DIAZ, SWANK, CARRILLO, ELLIOT  
ANDERSON; BENITEZ-THOMPSON; BUSTAMANTE ADAMS AND NEAL

FEBRUARY 26, 2015

Referred to Committee on Health and Human Services

SUMMARY—~~[Revises provisions governing out of school time and]~~ Establishes certain requirements for the operation of seasonal or temporary recreation programs. (BDR 38-506)

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

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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 care of children; ~~[requiring certain out of school time and seasonal or temporary recreation programs to obtain a permit, imposing a fee for the issuance of such a permit;]~~ establishing certain requirements for the operation of ~~[an out of school time or]~~ a seasonal or temporary recreation program; providing a civil penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[Existing law requires a local government to obtain a permit from the Division of Public and Behavioral Health of the Department of Health and Human Services to operate an out of school recreation program. To obtain a permit, the provider must complete an application, pay a fee and meet certain requirements. (NRS 432A.600). Existing law [also] requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants in the program. (NRS 432A.610) Certain requirements for the staff of an out-of-school recreation program are set forth in existing law, [which also limits the number of participants in such a program and establishes certain components that must be included in the program.] (NRS 432A.620) Existing law further requires an out-of-school recreation program to maintain certain records regarding participants in the program, [and to provide copies of certain inspection reports of the facility where the program is conducted according to a schedule established by the Division.] (NRS 432A.630) [432A.640) If such inspection reports are provided, existing law prohibits the Division from conducting any additional on-site inspections of the facility. (NRS 432A.640) The Division is also required to adopt any regulations necessary to carry out the provisions relating to out of school recreation programs. (NRS 432A.650)]~~

~~[This]~~ Sections 11-13 of this bill ~~[makes the same]~~ make such requirements imposed on an out-of-school recreation program applicable to ~~[all recreation programs which are defined in section 2 of this bill to include an out of school recreation program, an out of school time program and]~~ a nongovernmental person or entity that operates a seasonal or temporary recreation program. Section 14 of this bill imposes a civil penalty not to exceed \$500 on a person who operates a seasonal or temporary recreation program for failure to comply with such requirements.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3 and 4~~ 11 to 14, inclusive, of this act.

Sec. 2. ~~As used in NRS 432A.600 to 432A.650, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 3. ~~“Recreation program” means:~~

- ~~1. An out of school recreation program;~~
- ~~2. An out of school time program; and~~
- ~~3. A seasonal or temporary recreation program.~~

(Deleted by amendment.)

Sec. 4. ~~“Provider” means the person or local government responsible for the operation of a recreation program.~~ (Deleted by amendment.)

Sec. 5. ~~NRS 432A.600 is hereby amended to read as follows:~~

~~432A.600 1. To operate [an out of school] a recreation program, a [local government] provider must obtain a permit. The [local government] provider may apply for the issuance or renewal of a permit by submitting an application on a form prescribed by the Division. The Division shall issue a permit to operate [an out of school] a recreation program to the [local government] provider upon payment of the fee prescribed in subsection 2 and upon satisfaction that the program complies with the requirements set forth in NRS 432A.600 to 432A.650, inclusive, and sections 2, 3 and 4 of this act and any regulations adopted pursuant thereto.~~

~~2. The Division shall charge a fee for a permit to operate [an out of school] a recreation program based upon the number of sites operated by the [out of school] recreation program. If the [out of school] recreation program has:~~

- ~~(a) At least 1 but not more than 5 sites, the Division shall charge a fee of \$100.~~
- ~~(b) At least 6 but not more than 20 sites, the Division shall charge a fee of \$250.~~
- ~~(c) At least 21 but not more than 40 sites, the Division shall charge a fee of \$500.~~
- ~~(d) At least 41 but not more than 60 sites, the Division shall charge a fee of \$750.~~
- ~~(e) At least 61 but not more than 80 sites, the Division shall charge a fee of \$1,000.~~
- ~~(f) At least 81 sites, the Division shall charge a fee of \$1,250.~~

~~3. A permit issued pursuant to this section is nontransferable and is valid:~~

- ~~(a) For 3 years from the date of issuance; and~~
  - ~~(b) Only as to a site specifically identified on the permit.~~
- (Deleted by amendment.)

Sec. 6. ~~NRS 432A.610 is hereby amended to read as follows:~~

~~432A.610 A [local government] provider that operates [an out of school] a recreation program shall ensure that each site:~~

- ~~1. Complies with applicable laws and regulations concerning safety standards;~~
- ~~2. Complies with applicable laws and regulations concerning health standards;~~
- ~~3. Has a complete first aid kit accessible on site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;~~
- ~~4. Has an emergency exit plan posted on site in a conspicuous place; and~~

~~5. Has not less than two staff members on site and available during the hours of operation who are certified and receive annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.~~ **(Deleted by amendment.)**

**Sec. 7.** ~~NRS 432A.620 is hereby amended to read as follows:~~

~~432A.620 A [local government] **provider** that operates [an out of school] **a** recreation program shall:~~

~~1. Complete, for each member of the staff of the [out of school] recreation program:~~

~~(a) A background and personal history check; and~~

~~(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.~~

~~2. Ensure that each member of the staff of the [out of school] recreation program:~~

~~(a) Meets the minimum requirements that have been established for the position; and~~

~~(b) Receives an orientation and training concerning the abuse and neglect of children.~~

~~3. Ensure that the number of participants in the [out of school] recreation program:~~

~~(a) Does not exceed a ratio of one person supervising every 20 participants; and~~

~~(b) Will not cause the facility where the program is operated to exceed the maximum occupancy as determined by the State Fire Marshal or the local governmental entity that has the authority to determine the maximum occupancy of the facility.~~

~~4. Ensure that the [out of school] recreation program includes, without limitation:~~

~~(a) An inclusion component for participants who qualify under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;~~

~~(b) Structured activities, including, without limitation, arts and crafts, games and sports;~~

~~(c) Nonstructured activities, which may include, without limitation, free time for playing;~~

~~(d) Regular restroom breaks; and~~

~~(e) Nutrition breaks.~~ **(Deleted by amendment.)**

**Sec. 8.** ~~NRS 432A.630 is hereby amended to read as follows:~~

~~432A.630 1. The [out of school] recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:~~

~~(a) The full legal name of the child and the preferred name of the child;~~

~~(b) The date of birth of the child;~~

~~(c) The current address where the child resides;~~

~~(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;~~

~~(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and~~

~~(f) Any other information requested by the Division.~~

~~2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.~~ **(Deleted by amendment.)**

1        **Sec. 9.** ~~NRS 432A.640 is hereby amended to read as follows:~~

2        ~~432A.640 1. A [local government] provider that operates [an out of school]~~  
3 ~~a recreation program shall provide the Division with a copy of each report of an~~  
4 ~~inspection conducted by a governmental entity that is authorized to conduct an~~  
5 ~~inspection of the facility where the program is operated, including, without~~  
6 ~~limitation, the report of an inspection by a local building department, a fire~~  
7 ~~department, the State Fire Marshal or a district board of health.~~

8        ~~2. The Division shall establish a schedule for the submission of such reports~~  
9 ~~which requires submission of a report of an on site inspection once every 2 years~~  
10 ~~and shall provide a checklist to the [local government] provider which identifies the~~  
11 ~~reports that must be submitted to the Division.~~

12        ~~3. The Division shall not require any additional inspections of the facility of~~  
13 ~~[an out of school] a recreation program which complies with the provisions of this~~  
14 ~~section. (Deleted by amendment.)~~

15        **Sec. 10.** ~~NRS 432A.650 is hereby amended to read as follows:~~

16        ~~432A.650 The Division shall adopt any regulations necessary to carry out the~~  
17 ~~provisions of NRS 432A.600 to 432A.650, inclusive [ ], and sections 2, 3 and 4 of~~  
18 ~~this act. (Deleted by amendment.)~~

19        **Sec. 11.** A person who operates a seasonal or temporary recreation  
20 program shall ensure that each site upon which the program is conducted:

21        1. Complies with applicable federal, state and local laws and regulations  
22 concerning safety standards;

23        2. Complies with applicable federal, state and local laws and regulations  
24 concerning health standards;

25        3. Has a complete first-aid kit accessible on-site that complies with the  
26 requirements of the Occupational Safety and Health Administration of the United  
27 States Department of Labor;

28        4. Has an emergency exit plan posted on-site in a conspicuous place; and

29        5. Has at least one staff member on-site and available during the hours of  
30 operation who is certified and receives annual training in the use and  
31 administration of first aid, including, without limitation, cardiopulmonary  
32 resuscitation.

33        **Sec. 12.** A person who operates a seasonal or temporary recreation  
34 program shall complete, for each member of the staff of the program:

35        1. A background and personal history check; and

36        2. A child abuse and neglect screening through the Statewide Central  
37 Registry for the Collection of Information Concerning the Abuse or Neglect of a  
38 Child established by NRS 432.100 to determine whether there has been a  
39 substantiated report of child abuse or neglect made against the staff member.

40        **Sec. 13.** 1. The person who operates a seasonal or temporary recreation  
41 program shall maintain records containing pertinent information regarding each  
42 participant in the program. Such information must include, without limitation:

43        (a) The full legal name of the child and the preferred name of the child;

44        (b) The date of birth of the child;

45        (c) The current address where the child resides;

46        (d) The name, address and telephone number of each parent or legal  
47 guardian of the child and any special instructions for contacting the parent or  
48 legal guardian during the hours when the child participates in the program;

49        (e) Information concerning the health of the child, including, without  
50 limitation, any special needs of the child; and

51        (f) Any other information requested by the Division.

52        2. The distribution of any information maintained pursuant to this section  
53 is subject to the limitations set forth in NRS 239.0105.

1        *Sec. 14. A person who operates a seasonal or temporary recreation*  
2 *program and who fails to comply with any provision of section 11, 12 or 13 of this*  
3 *act is subject to a civil penalty not to exceed \$500 for each failure to comply. The*  
4 *Attorney General or any district attorney of this State may recover the penalty in*  
5 *a civil action brought in the name of the State of Nevada in any court of*  
6 *competent jurisdiction.*