

## Amendment No. 339

Senate Amendment to Senate Bill No. 462

(BDR 38-178)

**Proposed by:** Committee on Human Resources and Education**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

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"/>	_____

Amend sec. 4, page 2, line 10, by deleting “*Transitional*” and inserting “*Welfare*”.

Amend sec. 8, page 2, line 19, by deleting “*Transitional*” and inserting “*Welfare*”.

Amend the bill as a whole by deleting sec. 19 and inserting:

“**Sec. 19.** (Deleted by amendment.)”.

Amend sec. 21, page 4, line 15, by deleting “*Transitional*” and inserting “*Welfare*”.

Amend sec. 37, page 8, line 33, by deleting “*Transitional*” and inserting “*Welfare*”.

Amend sec. 40, page 9, lines 17, 23 and 31, by deleting “*163*,” and inserting “*163.8*”.

Amend the bill as a whole by deleting sections 59 through 64 and inserting:

“**Secs. 59-64.** (Deleted by amendment.)”.

Amend the bill as a whole by deleting sec. 97 and inserting:

“**Sec. 97.** (Deleted by amendment.)”.

YMG/LH

Date: 4/22/2005

S.B. No. 462—Repeals, reenacts, reorganizes and revises certain provisions relating to Department of Human Resources.

Amend sec. 118, page 37, lines 10, 16 and 24, by deleting “**163**,” and inserting “**163.8**,”.

Amend sec. 149, page 54, line 23, by deleting “**Transitional**” and inserting “**Welfare**”.

Amend the bill as a whole by adding a new section designated sec. 152.5, following sec. 152, to read as follows:

“**Sec. 152.5.** NRS 428.355 is hereby amended to read as follows:

428.355 As used in NRS 428.355 ~~[to 428.395, inclusive,]~~, **428.365 and 428.375**, unless the context otherwise requires:

1. “Community Services Block Grant Act” means the federal act set forth in 42 U.S.C. §§ 9901 et seq.

2. “Director” means the Director of the Department of Human Resources.

3. “Eligible entity” has the meaning ascribed to it in 42 U.S.C. § 9902.”.

Amend sec. 153, page 56, line 6, by deleting “163,” and inserting “163.8,”.

Amend sec. 155, page 57, by deleting lines 11 through 15 and inserting:

***“3. The Bureau of Services for Child Care;***

***4. The Youth Parole Bureau; and***

***5. Within the limits of legislative appropriation, such”.***

Amend sec. 157, page 57, by deleting lines 27 through 32 and inserting:

***“(c) The Chief of the Bureau of Services for Child Care; and***

***(d) The Chief of the Youth Parole Bureau.”.***

Amend sec. 157, page 57, line 34, by deleting “**63, 423**” and inserting “**63**”.

Amend sec. 157, page 57, line 36, by deleting “**163**,” and inserting “**163.8**,”.

Amend sec. 158, page 58, by deleting lines 1 through 3 and inserting:

***“2. The Chief of the Bureau of Services for Child Care and the”.***

Amend sec. 160, page 58, lines 13 and 14, by deleting:

***“subsections 2 and 3”*** and inserting: ***“subsection 2”***.

Amend sec. 160, page 58, by deleting lines 31 through 34 and inserting:

***“2. Fees collected pursuant to this section for services provided”.***

Amend the bill as a whole by adding new sections designated sections 163.2 through 163.8, following sec. 163, to read as follows:

***“Sec. 163.2. 1. All gifts of money that the Division is authorized to accept must be deposited in the Nevada Children’s Gift Account in the Department of Health and Human Services’ Gift Fund.***

***2. Money in the Gift Account may be used to benefit the children to whom shelter and care is provided by the Division. Each gift must be expended in accordance with the terms of the gift.***

***3. The interest and income earned on the money in the Nevada Children’s Gift Account, after deducting any applicable charges, must be credited to the Gift Account.***

***4. The Division may transfer each fiscal year from the Nevada Children’s Gift Account to the Nevada Children’s Gift Revolving Account created pursuant to section 163.4 of this act an amount not to exceed the amount of interest and income earned for that fiscal year on the money in the Nevada Children’s Gift Account.***

***5. Each claim against the Nevada Children’s Gift Account must be approved by the Administrator or his designee before it is paid.***

***Sec. 163.4. 1. The Nevada Children’s Gift Revolving Account is hereby created. All money in the Nevada Children’s Gift Revolving Account must be deposited in a financial institution***

*qualified to receive deposits of public money and must be secured with a depository bond that is satisfactory to the State Board of Examiners, unless it is otherwise secured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.*

*2. The money in the Nevada Children's Gift Revolving Account may be distributed by the Division to foster parents, upon request, on the basis of need, to pay the costs associated with participation by a child in foster care in intramural, recreational, social, school and sports-related activities, including, without limitation, uniforms and equipment, the rental of musical instruments, registration fees and art lessons.*

*3. All requests for distributions of money from the Nevada Children's Gift Revolving Account must be made to the Division in writing. The person making the request must demonstrate that all other resources for money to pay for the activity have been exhausted.*

*4. The Division shall develop policies for the administration of this section.*

*5. Purchases made by the Division pursuant to this section are exempt from the provisions of the State Purchasing Act.*

*6. The balance in the Nevada Children's Gift Revolving Account must be carried forward at the end of each fiscal year.*

**Sec. 163.6. 1. The Account to Assist Persons Formerly in Foster Care is hereby established in the Department of Health and Human Services' Gift Fund.**

**2. The Account must be administered by the Administrator.**

*3. The money in the Account must be used to assist persons who attained the age of 18 years while children in foster care in this State to make the transition from foster care to economic self-sufficiency, and may, consistent with that purpose, be:*

*(a) Disbursed on behalf of such persons, on the basis of need, to obtain goods and services, including, without limitation:*

*(1) Job training;*

*(2) Housing assistance; and*

*(3) Medical insurance;*

*(b) Granted to nonprofit community organizations; or*

*(c) Expended to provide matching money required as a condition of any federal grant.*

*4. A request for the disbursement of money from the Account pursuant to paragraph (a) of subsection 3 must be made to the Division in writing. The request must include information to demonstrate that all other resources for money to pay for the goods and services have been exhausted.*

*5. The Division shall adopt such regulations as necessary for the administration of this section.*

*6. Money in the Account at the end of any fiscal year remains in the Account and does not revert to any other fund.*

**Sec. 163.8. 1.** *The Department may enter into a contract with a person for the provision of shelter and care to children who are placed in the custody of an agency which provides child welfare services.*

*2. The Department may not enter into a contract pursuant to this section unless it is satisfied that the person is qualified and has the necessary facilities and money to provide adequate shelter and care to the children.*

*3. The Department shall adopt such regulations as are necessary to ensure that the person provides adequate shelter and care for the children placed in his care.*

*4. The person shall comply with all regulations adopted pursuant to this section.”.*

Amend sec. 165, page 61, lines 11 and 23, by deleting “**163,**” and inserting “**163.8,**”.

Amend sec. 167, page 62, line 5, by deleting “**163,**” and inserting “**163.8,**”.

Amend sec. 168, page 62, line 12, by deleting “**163,**” and inserting “**163.8,**”.

Amend sec. 168, page 62, line 14, by deleting “**Transitional**” and inserting “**Welfare**”.

Amend sec. 173, page 63, line 18, by deleting “**Transitional**” and inserting “**Welfare**”.

Amend the bill as a whole by adding a new section designated sec. 175.5, following sec. 175, to read as follows:

“**Sec. 175.5.** NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of his parents or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place him in the temporary or permanent custody of a relative or other person who the court finds suitable to receive and care for him with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; *or*

(c) Place him in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Human Resources or a county whose population is 100,000 or more to care for such a child . ~~For~~

~~—(d) Commit him to the custody of the Superintendent of the Northern Nevada Children's Home or the Superintendent of the Southern Nevada Children's Home, in accordance with chapter 423 of NRS.]~~

↪ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of his rights.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative, the court may consider, among other factors, whether the child has resided with a particular relative for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or

legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of his parents or guardian, preference must be given to placing the child:

(a) With any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) If practicable, together with his siblings.

↪ Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of his home. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

6. Within 60 days after the removal of a child from his home, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.”.

Amend the bill as a whole by deleting sections 176 and 177 and inserting:

“**Secs. 176 and 177.** (Deleted by amendment.)”.

Amend sec. 182, page 66, line 29, by deleting “*Transitional*” and inserting “*Welfare*”.

Amend sec. 183, page 66, line 37, by deleting “2,” and inserting “~~{2,}~~ 3,”.

Amend sec. 183, page 66, line 45, by deleting “*Transitional*” and inserting “*Welfare*”.



Amend sec. 183, page 67, line 7, by deleting “423,” and inserting “[~~423,~~]”.

Amend sec. 183, page 67, line 12, by deleting “**163,**” and inserting “**163.8,**”.

Amend sec. 183, page 68, line 2, after “2.” by inserting:

***“Notwithstanding any other provision of law, the Director, or his designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:***

***(a) An employee of the Division of Mental Health and Developmental Services; and***

***(b) A commissioner or employee of the Nevada Indian Commission created pursuant to NRS***

***233A.020.***

***3.”.***

Amend the bill as a whole by adding new sections designated sections 185.3 through 185.7, following sec. 185, to read as follows:

**“Sec. 185.3.** NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise county recorders shall charge and collect the following fees:

For recording any document, for the first page .....	\$10
For each additional page .....	1
For recording each portion of a document which must be separately indexed, after the first indexing.....	3
For copying any record, for each page .....	1
For certifying, including certificate and seal.....	4

For a certified copy of a certificate of marriage.....	10
For a certified abstract of a certificate of marriage .....	10

2. Except as otherwise provided in this subsection, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed \$3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay to the county treasurer the amount of fees collected by him pursuant to this subsection. On or before the 15th day of each month, the county treasurer shall remit the money received by him pursuant to this subsection to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to ~~[NRS 423.137.]~~ **section 163.6 of this act.**

4. Except as otherwise provided in this subsection, subsection 5 or by specific statute, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of \$25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

5. Except as otherwise provided in subsection 6, a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by him to:

(a) The county in which his office is located.

(b) The State of Nevada or any city or town within the county in which his office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

6. A county recorder shall charge and collect the fees specified in this section for copying of any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his certificate and seal upon the copy, the county recorder shall charge the regular fee.

7. For purposes of this section, “State of Nevada,” “county,” “city” and “town” include any department or agency thereof and any officer thereof in his official capacity.

8. Except as otherwise provided in subsection 2 or 3 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

**Sec. 185.5.** NRS 435.010 is hereby amended to read as follows:

435.010 1. The boards of county commissioners of the various counties shall make provision for the support, education and care of the mentally retarded children and children with related conditions of their respective counties.

2. For that purpose they are empowered to make all necessary contracts and agreements to carry out the provisions of NRS 435.010 ~~[to 435.040, inclusive,]~~, **435.020 and 435.030**. Any such contract or agreement may be made with any responsible person or facility in or without the State of Nevada.

3. The provisions of NRS 435.010 ~~[to 435.040, inclusive,]~~, **435.020 and 435.030** supplement the services which other political subdivisions or agencies of the State are required by law to provide, and do not supersede or relieve the responsibilities of such political subdivisions or agencies.

**Sec. 185.7.** NRS 435.020 is hereby amended to read as follows:

435.020 All mentally retarded children and children with related conditions are entitled to benefits under NRS 435.010 ~~[to 435.040, inclusive,]~~ **435.020 and 435.030:**

1. Who are unable to pay for their support and care;
2. Whose parents, relatives or guardians are unable to pay for their support and care; and
3. If division facilities are to be utilized, whom the Division recognizes as proper subjects for services within such division facilities.”.

Amend the bill as a whole by adding a new section designated sec. 188.5, following sec. 188, to read as follows:

“**Sec. 188.5.** NRS 444.330 is hereby amended to read as follows:

444.330 1. The Health Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

- (a) Institutions and facilities of the Department of Corrections.
- (b) Northern Nevada Adult Mental Health Services.
- (c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(d) ~~Northern Nevada Children's Home.~~

~~—(e) Southern Nevada Children's Home.~~

~~—(f) University and Community College System of Nevada.~~

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The State Health Officer or his authorized agent shall inspect those institutions at least once each calendar year and whenever he deems an inspection necessary to carry out the provisions of this section.

4. The State Health Officer may publish reports of the inspections.

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The State Health Officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.”.

Amend the bill as a whole by adding a new section designated sec. 190.5, following sec. 190, to read as follows:

“**Sec. 190.5.** 1. The Legislative Committee on Health Care shall conduct an interim study of the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State.

2. The study must include, without limitation:

(a) An evaluation of the manner in which the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State may be improved so that the services are provided in the most effective manner for the residents of this State;

(b) An analysis of the services for the treatment and prevention of substance abuse that are currently funded or provided by public agencies in this State to determine whether any of these services are overlapping or duplicative, and whether any of these services could successfully be integrated;

(c) An analysis of the utilization of services for the treatment and prevention of substance abuse in this State and of projections for the future needs for such services in this State, including, without limitation:

(1) An examination of the barriers that persons diagnosed with both a mental illness and a substance abuse problem encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(2) An examination of the barriers that pregnant women encounter in attempting to receive appropriate services for the treatment of substance abuse in this State;

(3) An examination of the collaboration of the different divisions of the Department of Human Resources in the provision of services to persons with substance abuse problems in this State, and an examination of whether that collaboration is focused on the best interests of the persons receiving the services; and

(4) An examination of the provision of services for the prevention of substance abuse in this State, and an examination of whether these services are effective at preventing or reducing the incidence of substance abuse problems in this State.

3. The Legislative Committee on Health Care shall submit a report of the results of the study and any recommendations for legislation to the 74th Session of the Nevada Legislature.”.

Amend sec. 191, page 72, line 12, after “3.” by inserting:

“NRS 423.010, 423.020, 423.030, 423.050, 423.065, 423.070, 423.080, 423.085, 423.090, 423.095, 423.100, 423.110, 423.120, 423.130, 423.135, 423.137, 423.140, 423.145, 423.147, 423.150, 423.160, 423.170, 423.180, 423.190, 423.200, 423.210, 423.220, 423.225, 423.230, 423.233, 423.235 and 423.250 are hereby repealed.

4. NRS 428.385 and 428.395 are hereby repealed.

5. NRS 435.040 is hereby repealed.

6.”.

Amend sec. 195, page 73, line 11, by deleting “and 422.392” and inserting:

“422.392, 423.010, 423.130, 423.135, 423.137 and 423.147”.

Amend sec. 196, page 73, lines 18 and 19, by deleting:

“422.392 and 422.600,” and inserting:

“422.392, 423.010, 423.130, 423.135, 423.137 and 423.147,”.

Amend sec. 196, page 73, line 31, by deleting:

“422.392 and 422.600” and inserting:

“422.392, 423.010, 423.130, 423.135, 423.137 and 423.147”.

Amend sec. 197, page 74, line 1, by deleting:

“422.392, and 422.600” and inserting:

“422.392, 423.010, 423.130, 423.135, 423.137 and 423.147”.

Amend sec. 197, page 74, line 10, by deleting:

“422.392 and 422.600” and inserting:

“422.392, 423.010, 423.130, 423.135, 423.137 and 423.147”.

Amend sec. 197, page 74, lines 23 and 24, by deleting:

“422.392 and 422.600” and inserting:

“422.392, 423.010, 423.130, 423.135, 423.137 and 423.147”.

Amend the leadlines of repealed sections by adding the leadlines of NRS 423.010, 423.020, 423.030, 423.050, 423.065, 423.070, 423.080, 423.085, 423.090, 423.095, 423.100, 423.110, 423.120, 423.130, 423.135, 423.137, 423.140, 423.145, 423.147, 423.150, 423.160, 423.170, 423.180, 423.190, 423.200, 423.210, 423.220, 423.225, 423.230, 423.233, 423.235, 423.250, 428.385, 428.395 and 435.040.



Amend the title of the bill to read as follows:

“AN ACT relating to public welfare; repealing, reenacting, reorganizing and revising certain provisions relating to the Welfare Division, the Division of Health Care Financing and Policy and the Division of Child and Family Services of the Department of Human Resources; revising certain provisions relating to property tax assistance for senior citizens; revising certain provisions relating to the Chief Research and Statistical Analyst of the Health Division of the Department of Human Resources; providing that the Director of the Department or his designee is responsible for appointing and removing certain employees of the Department; repealing certain provisions which require the Department of Employment, Training and Rehabilitation to employ job development coordinators to promote employment for persons who receive public assistance; repealing certain provisions concerning community service block grants; changing the name of the Department of Human Resources to the Department of Health and Human Services; changing the name of the Welfare Division of the Department of Human Resources to the Division of Welfare and Supportive Services of the Department of Health and Human Services; requiring the Legislative Committee on Health Care to conduct an interim study concerning the organizational and delivery structure of services for the treatment and prevention of substance abuse in this State; reenacting certain penalties; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Repeals, reenacts, reorganizes and revises provisions relating to Department of Human Resources and Department of Employment, Training and Rehabilitation. (BDR 38-178)”.