

Amendment No. 265

Assembly Amendment to Assembly Bill No. 544

(BDR 20-675)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed 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 that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MSM/BJE



Date: 4/21/2011

A.B. No. 544—Provides for uniformity in the definitions of group homes and similar facilities. (BDR 20-675)



ASSEMBLY BILL NO. 544—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
COMMITTEE TO STUDY GROUP HOMES)

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Provides for uniformity in the ~~definitions~~ namings of group homes and similar facilities. (BDR 20-675)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 group homes; requiring, under certain circumstances, that local governments adopt ~~definitions~~ names for group homes and similar facilities which are the same as ~~for substantially similar to~~ the ~~definitions~~ names used in state law; ~~requiring, under certain circumstances, the use of the terms so defined;~~ clarifying that the names so adopted are solely for purposes of reference and are not definitions for regulatory purposes; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing state law defines the terms “child care institution,” “facility for transitional living for released offenders,” “group foster home,” “halfway house for recovering alcohol and drug abusers,” “home for individual residential care” and “residential facility for groups.” (NRS 424.015, 432A.0245, 449.0055, 449.008, 449.0105, 449.017) Existing county and city ordinances do not necessarily use the same terms or define them in the same way.

This bill requires that each county and city ~~to~~ (1) adopt ~~definitions for~~ an ordinance using the preceding terms ~~which are the same as, or substantially similar to, the definitions of those terms as set forth in state law; and (2) use the terms so defined;~~ to describe the applicable facilities, homes, houses and institutions. However, a county or city is not required to ~~adopt or use a definition for~~ include a specified term in the ordinance if no facility of the type corresponding to the term exists in the county or city, or if the county’s or city’s ordinances do not otherwise, by whatever name, refer to a facility of the type corresponding to the term.

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 a new section to read as follows:

1. Except as otherwise provided in ~~subsection 2,~~ subsections 2 and 3, each board of county commissioners shall ~~for consistency with state law~~

~~(a) Adopt~~ adopt an ordinance ~~defining~~ using the following terms ~~in the following manner, or in a manner substantially similar thereto:~~

~~(1) to describe the following types of facilities, homes, houses and institutions:~~

~~(a) Child care institution, as that term is defined~~ used in NRS 432A.0245.

~~(2) (b) Facility for transitional living for released offenders, as that term is defined~~ used in NRS 449.0055.

~~(3) (c) Group foster home, as that term is defined~~ used in NRS 424.015.

~~(4) (d) Halfway house for recovering alcohol and drug abusers, as that term is defined~~ used in NRS 449.008.

~~(5) (e) Home for individual residential care, as that term is defined~~ used in NRS 449.0105.

~~(6) (f) Residential facility for groups, as that term is defined~~ used in NRS 449.017.

~~(b) If it defines a term pursuant to paragraph (a), ensure that the county government and the ordinances of the county use the term when referring to the type of facility, home, house or institution so defined.~~

2. Subsection 1 requires the board of county commissioners to use the specified terms solely for the purpose of referring to the named facilities, homes, houses and institutions and does not require the board to adopt the State's definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. A board of county commissioners is not required to ~~define or use~~ include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the county; or

(b) The county's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~subsection 2,~~ subsections 2 and 3, the governing body of each city shall ~~for consistency with state law~~

~~(a) Adopt~~ adopt an ordinance ~~defining~~ using the following terms ~~in the following manner, or in a manner substantially similar thereto:~~

~~(1) to describe the following types of facilities, homes, houses and institutions:~~

~~(a) Child care institution, as that term is defined~~ used in NRS 432A.0245.

~~(2) (b) Facility for transitional living for released offenders, as that term is defined~~ used in NRS 449.0055.

~~(3) (c) Group foster home, as that term is defined~~ used in NRS 424.015.

~~(4) (d) Halfway house for recovering alcohol and drug abusers, as that term is defined~~ used in NRS 449.008.

~~1~~ ~~(5)~~ (e) Home for individual residential care, as that term is ~~defined~~
2 used in NRS 449.0105.

~~3~~ ~~(6)~~ (f) Residential facility for groups, as that term is ~~defined~~ used in
4 NRS 449.017.

~~5~~ ~~(b) If it defines a term pursuant to paragraph (a), ensure that the city~~
6 ~~government and the ordinances of the city use the term when referring to the type~~
7 ~~of facility, home, house or institution so defined.~~

8 2. Subsection 1 requires the governing body of the city to use the specified
9 terms solely for the purpose of referring to the named facilities, homes, houses
10 and institutions and does not require the governing body to use the State's
11 definition for the purpose of regulating or imposing any requirement with respect
12 to such a facility, home, house or institution.

13 3. The governing body of a city is not required to ~~define or use~~ include a
14 term set forth in subsection 1 in the ordinance if:

15 (a) A facility, home, house or institution of the type corresponding to the
16 term does not exist in the city; or

17 (b) The city's ordinances do not otherwise, by whatever name, refer to a
18 facility, home, house or institution of the type corresponding to the term.

19 **Sec. 3.** This act becomes effective on July 1, 2011.