

**THE FIFTY-NINTH DAY**

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CARSON CITY (Wednesday), April 5, 2017

Assembly called to order at 12:29 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Reverend Richard Snyder.

Loving God, we often find ourselves in a state of hurriedness. We hurry to meetings, hurry to events, hurry through life. Help us to find the time and the place to be still and know that You are God.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Benitez-Thompson moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Corrections, Parole, and Probation, to which was referred Assembly Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

*Mr. Speaker:*

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MICHAEL C. SPRINKLE, *Chair*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 147, 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

STEVE YEAGER, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HEIDI SWANK, *Chair*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 2017

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 99, Amendment No. 86, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 117; Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 201.

SHERRY RODRIGUEZ  
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 10.

Assemblywoman Benitez-Thompson moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

## REVISED NOTICE OF EXEMPTION

April 4, 2017

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 443, 444, 445, 446, 457, 503 and 515.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 170, 223, 244, 249, 259, 265, 285, 287, 289, 302, 303, 315, 317, 323, 325, 327, 332, 336, 339, 342, 343, 345, 347, 348, 349, 358, 359, 363, 373, 378, 390, 391, 401, 402, 405, 415, 418, 419, 424, 427, 438, 441, 455, 497, 500, 501, 502, 504, 505, 506, 508, 510, 511, 512, 514, 516 and 518.

MARK KRMPOTIC  
*Fiscal Analysis Division*

Assemblywoman Benitez-Thompson moved that Assembly Bills Nos. 79 and 101 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that Senate Bills Nos. 197 and 198 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblywoman Benitez-Thompson moved that the Assembly suspend Assembly Standing Rule 52.5 and subsection 4 of Assembly Standing Rule 57 beginning Monday, April 10, 2017, through Friday, April 14, 2017.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 117.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 201.

Assemblyman Sprinkle moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 18.

SUMMARY—Requires the submission of a complete set of fingerprints ~~to the Central Repository for Nevada Records of Criminal History for~~ **with certain petitions and** court orders relating to a legal name change and citations for domestic violence. (BDR 3-172)

AN ACT relating to information concerning persons; **requiring a petition for a change of name of a person who has a criminal record to be accompanied by a complete set of fingerprints;** requiring a complete set of fingerprints to accompany certain court orders relating to a change of name of a person who has a criminal record; requiring a peace officer to obtain and forward to the Central Repository for Nevada Records of Criminal History a complete set of fingerprints of a person who is detained and cited for domestic violence; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Existing law sets forth the requirements for a petition by which a natural person may request a change of name. (NRS 41.270) Section 1 of this bill requires such a petition to be accompanied by a complete set of the person's fingerprints if the person has a criminal record.**

Existing law requires a court which grants a change of name to a person who has a criminal record or which rescinds its order granting a change of name of a person who falsely denied having been convicted of a felony to transmit a copy of the applicable order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history. (NRS 41.290) ~~Section 1.5~~ **Section 1.5** of this bill requires the applicable order to be accompanied by a complete set of the person's fingerprints.

Existing law requires a peace officer who detains and cites a person for a violation of an ordinance or state law that is punishable as a misdemeanor and constitutes domestic violence to obtain not less than one fingerprint from the person and forward any fingerprint taken to the Central Repository for Nevada Records of Criminal History. (NRS 171.1229) **Section 2** of this bill requires that a complete set of the person's fingerprints be sent to the Central Repository.

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

***Section 1. NRS 41.270 is hereby amended to read as follows:***

41.270 Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition ~~shall~~ **must** be addressed to the court and ~~shall~~ **must** state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony. **If the applicant has a criminal record, the petition must be accompanied by a complete set of the applicant's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety.**

~~Section 1.5~~ **Sec. 1.5.** NRS 41.290 is hereby amended to read as follows:

41.290 1. If, within 10 days after the last publication of the notice, no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice as required in NRS 41.280, and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day, the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history. ***The order must be accompanied by a complete set of the person's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety.***

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony, the court shall rescind its order granting the change of name and the clerk shall transmit a certified copy of the order rescinding the previous order to:

(a) The State Registrar of Vital Statistics for inclusion in the State Registrar's records.

(b) The Central Repository for Nevada Records of Criminal History, ***accompanied by a complete set of the applicant's fingerprints taken in the manner prescribed by the Director of the Department of Public Safety,*** for inclusion in the applicant's record of criminal history.

**Sec. 2.** NRS 171.1229 is hereby amended to read as follows:

171.1229 If a peace officer:

1. Detains a person for violating a county, city or town ordinance or state law that:

(a) Is punishable as a misdemeanor; and

(b) Constitutes domestic violence pursuant to NRS 33.018; and

2. Issues the person a citation in lieu of taking the person before a magistrate,

↪ the peace officer shall, *in the manner prescribed by the Director of the Department of Public Safety*, obtain ~~not less than one fingerprint~~ *a complete set of fingerprints* of the person and ~~shall~~ forward ~~any fingerprint taken~~ *those fingerprints* and the report that the peace officer is required to prepare pursuant to NRS 171.1227 to the Central Repository for Nevada Records of Criminal History.

**Sec. 3.** This act becomes effective on July 1, 2017.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 17.

AN ACT relating to the Commission on Judicial Discipline; authorizing the Commission to order a justice of the peace or municipal judge to forfeit his or her office for failure to attend certain required instruction; establishing procedures for the Commission to order such a forfeiture of office; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Commission on Judicial Discipline to discipline a judge under certain circumstances. (NRS 1.4653) Existing law also requires a newly elected or appointed justice of the peace or municipal judge to attend certain mandatory instruction unless he or she secures a written order excusing his or her attendance from a judge of the district court of the county where the justice or the judge serves and files this order with the Court Administrator. If a newly elected or appointed justice of the peace or municipal judge fails to attend the required instruction or fails to secure and properly file a written order excusing his or her attendance, he or she is required to forfeit his or her office. (NRS 4.036, 5.026)

**Section 4** of this bill authorizes the Commission to order a justice of the peace or municipal judge to forfeit his or her office if he or she fails to attend the required instruction ~~and~~ **without a reasonable excuse.** **Section 1** of this bill requires the Commission to give a justice of the peace or a municipal judge ~~77~~ **30** days' notice and an opportunity to respond and to hold a public

hearing before the Commission orders the justice of the peace or municipal judge to forfeit his or her office.

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

**Section 1.** Chapter 1 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *If the Commission reasonably believes that a justice of the peace or municipal judge failed to attend the instruction required pursuant to NRS 4.036***

***or 5.026, as applicable, without a reasonable excuse, the Commission shall give the justice of the peace or the municipal judge:***

***(a) ~~Seven~~ Thirty days' notice of its intention to order the justice of the peace or municipal judge to forfeit his or her office pursuant to this section; and***

***(b) An opportunity to respond.***

**2. *The Commission shall hold a public hearing before ordering the justice of the peace or municipal judge to forfeit his or her office, unless the justice of the peace or municipal judge waives the right to the hearing. The decision of the Commission must be made public.***

**3. *A justice of the peace or municipal judge ordered to forfeit his or her office pursuant to this section may appeal the order to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution. If a justice of the peace or a municipal judge appeals such an order to forfeit his or her office:***

***(a) The standard of review for such an appeal is an abuse of discretion standard; and***

***(b) The proceedings held at the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court concerning the order to forfeit office must be open to the public.***

**Sec. 2.** NRS 1.425 is hereby amended to read as follows:

1.425 As used in NRS 1.425 to 1.4695, inclusive, ***and section 1 of this act***, unless the context otherwise requires, the words and terms defined in NRS 1.4253 to 1.4296, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 1.465 is hereby amended to read as follows:

1.465 1. The following persons are absolutely immune from suit for all conduct at any time in the course of their official duties:

(a) Any member who serves on the Commission;

(b) Any person employed by the Commission;

(c) Any independent contractor of the Commission; and

(d) Any person who performs services pursuant to NRS 1.450 or 1.460 for the Commission.

2. Except as otherwise provided in NRS 1.4683, the following persons are absolutely immune from suit unless convicted of committing perjury before the Commission pursuant to NRS 199.120 to 199.200, inclusive:

(a) A person who files a complaint with the Commission pursuant to NRS 1.4655;

(b) A person who gives testimony at a hearing held by the Commission pursuant to NRS 1.4673 or 1.4675 ~~§~~ **or section 1 of this act**; and

(c) A person who gives a statement to an investigator of the Commission during an authorized investigation.

**Sec. 4.** NRS 1.4653 is hereby amended to read as follows:

1.4653 1. The Commission may remove a judge, publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge:

(a) Has committed willful misconduct;

(b) Has willfully or persistently failed to perform the duties of office; or

(c) Is habitually intemperate.

2. The Commission may publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge has violated one or more of the provisions of the Nevada Code of Judicial Conduct in a manner that is not knowing or deliberate.

3. The Commission may retire a judge if the Commission determines that:

(a) The advanced age of the judge interferes with the proper performance of judicial duties; or

(b) The judge suffers from a mental or physical disability that prevents the proper performance of judicial duties and is likely to be permanent in nature.

4. ***The Commission may order a justice of the peace or a municipal judge to forfeit his or her office if he or she fails to attend the instruction required pursuant to NRS 4.036 or 5.026, as applicable ~~§~~, unless the Commission finds that there was a reasonable excuse for the failure to attend the instruction.***

5. As used in this section:

(a) "Habitually intemperate" means the chronic, excessive use of alcohol or another substance that affects mental processes, awareness or judgment.

(b) "Willful misconduct" includes:

(1) Conviction of any crime involving moral turpitude;

(2) A knowing or deliberate violation of one or more of the provisions of the Nevada Code of Judicial Conduct; and

(3) A knowing or deliberate act or omission in the performance of judicial or administrative duties that:

(I) Involves fraud or bad faith or amounts to a public offense; and

(II) Tends to corrupt or impair the administration of justice in a judicial proceeding.

↪ The term does not include claims of error or abuse of discretion in findings of fact, legal decisions or procedural rulings unless supported by

evidence of abuse of authority, a disregard for fundamental rights, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty.

**Sec. 5.** NRS 1.4656 is hereby amended to read as follows:

1.4656 Except as otherwise expressly provided in NRS 1.425 to 1.4695, inclusive, **and section 1 of this act** or any other applicable provision of law, a determination or finding by the Commission must be recorded in the minutes of the proceedings of the Commission if the determination or finding is made before:

1. The filing of a formal statement of charges against a judge pursuant to NRS 1.467; ~~for~~
2. The Commission suspends a judge pursuant to NRS 1.4675 ~~[-];~~ **or**
3. ***The Commission orders a justice of the peace or municipal judge to forfeit his or her office pursuant to section 1 of this act.***

**Sec. 6.** NRS 1.4687 is hereby amended to read as follows:

1.4687 1. Except as otherwise provided in subsection 2:

(a) Upon the filing of a formal statement of charges with the Commission by the special counsel, the statement and other documents later formally filed with the Commission must be made accessible to the public, and hearings must be open.

(b) If a formal statement of charges has not been filed with the Commission and the Commission holds a hearing to suspend a judge pursuant to NRS 1.4675, any transcript of the hearing and any documents offered as evidence at the hearing must be made accessible to the public.

***(c) If the Commission holds a hearing to order a justice of the peace or municipal judge to forfeit his or her office pursuant to section 1 of this act, any transcript of the hearing and any documents offered as evidence at the hearing must be made accessible to the public.***

2. Regardless of whether any formal statement of charges has been filed with the Commission, medical records and any other documents or exhibits offered as evidence which are privileged pursuant to chapter 49 of NRS must not be made accessible to the public.

3. The Commission's deliberative sessions must remain private and any minutes of such sessions must remain confidential.

4. The filing of a formal statement of charges does not justify the Commission, its counsel, staff or independent contractors retained by the Commission in making public any correspondence, notes, work papers, interview reports or other evidentiary matter, except at the formal hearing or with explicit consent of the judge named in the complaint.

**Sec. 6.3. NRS 4.036 is hereby amended to read as follows:**

4.036 1. Each justice of the peace who is first elected or appointed to office after July 1, 1971, shall attend the instruction provided pursuant to NRS 4.035, on the first occasion when such instruction is offered after the election or appointment of the justice of the peace, unless excused by written



order of a judge of the district court in and for his or her county, which shall be filed with the Court Administrator. Such order is final for all purposes.

2. If a justice of the peace fails to attend such instruction without securing a written order pursuant to subsection 1, the justice of the peace forfeits his or her office ~~and~~ unless the Commission on Judicial Discipline finds pursuant to section 1 of this act that there was a reasonable excuse for the failure to attend such instruction.

**Sec. 6.7. NRS 5.026 is hereby amended to read as follows:**

5.026 1. Each municipal judge who is first elected or appointed to office after July 1, 1971, shall attend the instruction provided pursuant to NRS 5.025, on the first occasion when such instruction is offered after the election or appointment of the municipal judge, unless excused by written order of a judge of the district court in and for the county where the city is situated, which must be filed with the Court Administrator. Such an order is final for all purposes.

2. If a municipal judge fails to attend such instruction without securing a written order pursuant to subsection 1, the municipal judge forfeits his or her office ~~and~~ unless the Commission on Judicial Discipline finds pursuant to section 1 of this act that there was a reasonable excuse for the failure to attend such instruction.

**Sec. 7.** This act becomes effective upon passage and approval.

Assemblyman Yeager moved the adoption of the amendment.

Remarks by Assemblyman Yeager.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 37.

AN ACT relating to water; authorizing the State Environmental Commission to establish fees for certain services relating to public and community water systems; increasing the maximum civil penalties and administrative fines imposed on water suppliers for certain violations relating to public water systems; authorizing the State Environmental Commission to adopt regulations and establish fees for the review of certain water issues relating to land development plans; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the State Environmental Commission regulates community and public water systems. (NRS 445A.800-445A.955) **Section 3** of this bill authorizes the Commission to establish fees for any services of the Commission necessary to carry out these provisions relating to community and public water systems.

Under existing law, a person who owns, controls or operates a public water system is liable for a civil penalty and may be subject to an administrative fine per day for certain violations. (NRS 445A.950) **Section 4** of this bill increases the maximum civil penalty from \$5,000 to \$25,000 for each day of the violation and increases the maximum administrative fine from \$2,500 to \$5,000 which may be imposed upon such a person by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Existing law requires a person who proposes to subdivide land for development to submit a tentative and a final map to the Division of Environmental Protection for review concerning sewage disposal, water pollution, water quality and water supply facilities. (NRS 278.335, 278.377) **Section 5** of this bill authorizes the State Environmental Commission to adopt regulations and establish fees relating to its review of subdivisions. **Sections 6 and 7** of this bill make conforming changes.

**Section 1** of this bill requires the deposit of the fees authorized in this bill in a separate account in the State General Fund.

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

**Section 1.** Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. All fees collected pursuant to subsection 6 of NRS 445A.860 and section 5 of this act must be deposited in a separate account created in the State General Fund. The ~~Commission~~ State Department of Conservation and Natural Resources shall administer the account.*

*2. The money in the account must be expended only to pay for the costs to carry out the provisions of NRS 278.335, 278.377 and 445A.800 to 445A.955, inclusive, and sections 1 and 5 of this act or for any other purpose authorized by the Legislature.*

*3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.*

**Sec. 2.** NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NRS 445A.860 is hereby amended to read as follows:

445A.860 In addition to the regulations required to be adopted pursuant to NRS 445A.880, the Commission:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those

activities affect the quality of water, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada.

3. May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by the Division or the appropriate district board of health.

4. May adopt such other regulations as may be necessary to ensure that a community water system or nontransient water system that commences operation on or after October 1, 1999, demonstrates the technical capability, managerial capability and financial capability to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

5. May adopt such other regulations as may be necessary to evaluate the technical capability, managerial capability and financial capability of a community water system or nontransient water system that commenced operation before October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.

6. *May establish by regulation reasonable fees as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive, and section 1 of this act. All fees collected pursuant to this subsection must be deposited in the account created pursuant to section 1 of this act.*

7. May adopt such other regulations as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~[ ]~~, *and section 1 of this act.*

**Sec. 4.** NRS 445A.950 is hereby amended to read as follows:

445A.950 1. Any supplier of water who:

- (a) Violates any standard established pursuant to NRS 445A.855;
- (b) Violates or fails to comply with an order issued pursuant to NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;
- (c) Violates any condition imposed by the Commission upon granting a variance or exemption under NRS 445A.935;
- (d) Violates a regulation adopted by the Commission pursuant to NRS 445A.860 or 445A.880; or
- (e) Fails to give a notice as required by NRS 445A.940,

↪ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than ~~[\$5,000]~~ **\$25,000** for each day of the violation.

2. In addition to the civil penalty prescribed in subsection 1, the Division may impose an administrative fine against a supplier of water who commits any violation enumerated in subsection 1. The administrative fine imposed may not be more than ~~[\$2,500]~~ **\$5,000** per day for each such violation.

3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive ~~[,]~~, **and section 1 of this act.**

**Sec. 5.** Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

***The State Environmental Commission may adopt such regulations as may be necessary for the Division of Environmental Protection of the State Department of Conservation and Natural Resources to carry out its duties under the provisions of this section and NRS 278.335 and 278.377, including, without limitation, establishing reasonable fees for services provided by the Division. All fees collected pursuant to this section must be deposited in the account created pursuant to section 1 of this act.***

**Sec. 6.** NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 5 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

**Sec. 7.** NRS 278.4925 is hereby amended to read as follows:

278.4925 1. An owner or governing body that owns two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490.

2. Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with NRS 278.320 to 278.4725, inclusive, **and section 5 of this act** and any applicable local ordinances. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

3. With respect to a merger and resubdivision of parcels pursuant to this section, the owner or governing body conducting the merger and resubdivision shall ensure that streets, easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

4. If a governing body required an owner or governing body to post security to secure the completion of improvements to two or more contiguous

parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this section, the governing body shall credit on a pro rata basis the security posted by the owner or governing body toward the same purposes with respect to the parcels as merged and resubdivided.

**Sec. 8.** This act becomes effective upon passage and approval.

Assemblywoman Swank moved the adoption of the amendment.

Remarks by Assemblywoman Swank.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 69.

AN ACT relating to coroners; requiring coroners ~~[, with limited exception,]~~ to **make a reasonable effort to** notify the next of kin who is authorized to order the burial or cremation of a decedent of the decedent's death; authorizing a coroner to notify ~~[a decedent's parents or guardians]~~ **certain other persons** of the death of the decedent; authorizing a coroner to provide a coroner's report to ~~[the parents or guardians of a decedent;]~~ **such persons;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires a coroner to notify the next of kin of a decedent of the decedent's death. (NRS 259.045) Existing law also establishes the order of priority of persons authorized to order the burial or cremation of the human remains of a deceased person. (NRS 451.024) **Section 3** of this bill requires a coroner to **make a reasonable effort to** notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent of the death of the decedent. **Section 3** also authorizes a coroner to notify the parents, ~~for~~ guardians, **adult children or custodians** of the decedent of the decedent's death and provide a copy of the report of the coroner to the parents, ~~for~~ guardians, **adult children or custodians,** as applicable. **Sections 1 and 2** of this bill make conforming changes.

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

**Section 1.** NRS 244.163 is hereby amended to read as follows:

244.163 1. The boards of county commissioners in their respective counties may create by ordinance the office of the county coroner, prescribe the qualifications and duties of the county coroner and make appointments to the office.

2. Any coroner so appointed is governed by the ordinances pertaining to such office which may be enacted by the board of county commissioners, and the provisions of NRS 259.025 , **259.045** and 259.150 to 259.180, inclusive.

3. The boards of county commissioners shall require that the county coroner ***make a reasonable effort to*** notify a decedent's next of kin ***who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024 of the fact of the decedent's death*** without unreasonable delay.

4. For any offense relating to the violation or willful disregard of such duties or trusts of office as may be specified by the respective boards of county commissioners, all coroners holding office by appointment pursuant to this section are subject to such fines and criminal penalties, including misdemeanor penalties and removal from office by indictment, accusation or otherwise, as the ordinance prescribes. This subsection applies to all deputies, agents, employees and other persons employed by or exercising the powers and functions of the coroner.

**Sec. 2.** NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025 , **259.045** and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

**Sec. 3.** NRS 259.045 is hereby amended to read as follows:

259.045 1. The coroner shall ***make a reasonable effort to*** notify a decedent's next of kin ***who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024*** of the fact of ***the*** decedent's death without unreasonable delay.

2. ***The coroner may notify the parents, ~~for~~ guardians, adult children or custodians of a decedent of the fact of the decedent's death and provide a copy of the report of the coroner to the parents, ~~for~~ guardians, adult children or custodians regardless of whether ~~the parents or guardians~~ they are the next of kin authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024.***

3. ***As used in this section, "custodian" has the meaning ascribed to it in NRS 432B.060.***

**Sec. 4.** This act becomes effective on July 1, 2017.

Assemblyman Flores moved the adoption of the amendment.

Remarks by Assemblyman Flores.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 72.

AN ACT relating to health care; expanding the purposes for which the money in a county fund for medical assistance to indigent persons may be used; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the board of county commissioners of each county to create in the county treasury a fund for medical assistance to indigent persons. (NRS 428.275) Existing law also prescribes the manner in which money in the fund must be used. (NRS 428.295) This bill authorizes the board of county commissioners to use money from the fund: (1) in any county whose population is 100,000 or more (currently Clark and Washoe Counties), to provide supplemental payments to certain public hospitals in the county; and (2) in any county whose population is 700,000 or more (currently Clark County), to make grants to any public hospital in the county for the construction or acquisition of capital assets and the renovation of facilities.

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

**Section 1.** NRS 428.295 is hereby amended to read as follows:

428.295 1. For each fiscal year the board of county commissioners shall, in the preparation of its final budget, allocate money for assistance to indigents pursuant to this chapter.

2. In a county whose population is less than 700,000, the amount allocated must be calculated by multiplying the amount allocated for that purpose for the previous fiscal year by 104.5 percent.

3. In a county whose population is 100,000 or more, the board of county commissioners may allocate money from its fund for medical assistance to indigent persons to make an intergovernmental transfer of money to the Division of Health Care Financing and Policy of the Department of Health and Human Services ~~and~~:

(a) *In* accordance with the regulations adopted pursuant to NRS 422.390 ~~and~~; *and*

(b) *If an upper payment limit program is established in the State Plan for Medicaid, to provide supplemental payments to any public hospital located in the county that is eligible for supplemental payments under the program.*

4. When, during any fiscal year, the amount of money expended by the county for any program of medical assistance for those persons eligible pursuant to this chapter exceeds the amount allocated for that purpose in its budget, the board of county commissioners shall, to the extent that money is available in the fund, pay claims against the county from the fund for that purpose.

5. *In a county whose population is 700,000 or more, the board of county commissioners may by resolution allocate money from the fund ~~for~~ in any fiscal year, in an amount not to exceed the equivalent of the amount collected from 2 cents on each \$100 of assessed valuation of all taxable property in the county, to make grants to any public hospital located in the county. Such a grant may be used by a hospital only to:*

(a) *Construct or acquire capital assets, including, without limitation, land, improvements to land and major items of equipment; and*

(b) *Renovate existing facilities of the hospital. Money granted for the renovation of facilities must not be used for the normal, recurring maintenance of the facilities.*

6. *As used in this section, “upper payment limit program” means a program providing for supplemental payments, not to exceed a limit calculated in the manner prescribed in the State Plan for Medicaid, to hospitals owned or operated by a governmental entity other than this State or an agency of the State.*

**Sec. 2.** This act becomes effective upon passage and approval.

Assemblyman Sprinkle moved the adoption of the amendment.

Remarks by Assemblyman Sprinkle.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Corrections, Parole, and Probation:

Amendment No. 33.

AN ACT relating to offenders; revising provisions governing the disclosure of the name of an offender who tests positive for exposure to human immunodeficiency virus; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires offenders committed to the Department of Corrections for imprisonment to submit to certain initial and supplemental tests to detect exposure to the human immunodeficiency virus. If the results of a supplemental test are positive for exposure to the human immunodeficiency virus, the name of the offender is required to be disclosed to certain persons within the Department. (NRS 209.385) ~~(This)~~ **Section 5 of this** bill authorizes, rather than requires, the disclosure of the name of the offender when the results of a supplemental test are positive.

**The remaining sections of this bill make conforming changes.**



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

**Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:**

**“Medical Director” means the designated administrative officer of the Department who is responsible for the medical treatment of offenders.**

**Sec. 2. NRS 209.011 is hereby amended to read as follows:**

209.011 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 209.021 to 209.085, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

**Sec. 3. NRS 209.3515 is hereby amended to read as follows:**

209.3515 1. The Director, through the ~~{designated medical director,}~~ **Medical Director**, may request from the Division of Public and Behavioral Health of the Department of Health and Human Services access to any records in its possession which contain information that may assist in evaluating, caring for and providing treatment to an offender who previously was committed to the custody of or ordered to report to the Administrator or the Administrator’s designee pursuant to NRS 178.425 or 178.460.

2. Unless otherwise ordered by a court, upon a request for access to records of an offender pursuant to subsection 1, the Division of Public and Behavioral Health of the Department of Health and Human Services shall provide access to any such records, including, without limitation, relevant medical and mental health records, for the limited purpose of allowing the Director or the ~~{designated medical director,}~~ **Medical Director** to evaluate, care for and provide treatment to the offender.

3. The Director, through the ~~{designated medical director,}~~ **Medical Director**, may provide to the Division of Public and Behavioral Health of the Department of Health and Human Services or to other community medical or mental health care providers, relevant medical and mental health records of an offender serving a term of imprisonment under the custody of the Department of Corrections, for the purposes of planning the discharge of the offender and assuring the continuity of evaluation, care and treatment of the offender in the community after release from incarceration.

4. No oral or written consent of the offender is required to obtain access to records from the Division of Public and Behavioral Health of the Department of Health and Human Services or the Department of Corrections pursuant to this section.

~~{5. As used in this section, “designated medical director” means the designated administrative officer of the Department who is responsible for the medical treatment of offenders.}~~

**Sec. 4. NRS 209.3815 is hereby amended to read as follows:**

209.3815 The Director, in consultation with the ~~{designated medical director,}~~ **Medical Director** and the Inspector General of the Department, shall request the coroner, or any other person so authorized, to conduct an

autopsy of any offender who dies while in the custody of the Department, if the next of kin:

1. Consents to the autopsy; or
2. Does not notify the Director of any objection to the autopsy within 72 hours after the death.

~~[Section 1.]~~ **Sec. 5.** NRS 209.385 is hereby amended to read as follows:

209.385 1. Each offender committed to the custody of the Department for imprisonment shall submit to such initial tests as the Director determines appropriate to detect exposure to the human immunodeficiency virus. Each such test must be approved by regulation of the State Board of Health. At the time the offender is committed to custody and after an incident involving the offender:

- (a) The appropriate approved tests must be administered; and
  - (b) The offender must receive counseling regarding the virus.
2. If the results of an initial test are positive, the offender shall submit to such supplemental tests as the Medical Director ~~[Chief Medical Officer]~~ determines appropriate. Each such test must be approved for the purpose by regulation of the State Board of Health.
3. If the results of a supplemental test are positive, the name of the offender ~~[must]~~ **may** be disclosed to:
- (a) The Director;
  - (b) The administrative officers of the Department who are responsible for the classification and medical treatment of offenders;
  - (c) The manager or warden of the facility or institution at which the offender is confined; and
  - (d) ~~Each~~ **Any** other employee of the Department whose normal duties involve the employee with the offender or require the employee to come into contact with the blood or bodily fluids of the offender.

4. The offender must be segregated from every other offender whose test results are negative if:

- (a) The results of a supplemental test are positive; and
- (b) The offender engages in behavior that increases the risk of transmitting the virus ~~[, such as battery, sexual activity or illegal intravenous injection of a controlled substance or a dangerous drug as defined in chapter 454 of NRS.]~~ **as determined by regulation of the Department.**

5. The Director, with the approval of the Board:

- (a) Shall establish for inmates and employees of the Department an educational program regarding the virus whose curriculum is provided by the Division of Public and Behavioral Health of the Department of Health and Human Services. A person who provides instruction for this program must be certified to do so by the Division.

(b) May adopt such regulations as are necessary to carry out the provisions of this section.

6. As used in this section, "incident" means an occurrence, of a kind specified by regulation of the State Board of Health ~~[ ]~~ *or the Department*, that entails a significant risk of exposure to the human immunodeficiency virus.

**Sec. 6. NRS 178.453 is hereby amended to read as follows:**

178.453 1. The Administrator or the Administrator's designee may request from the Department of Corrections access to any records in its possession which contain information that may assist in evaluating and treating a defendant who previously has served a term of imprisonment under the supervision of the Department of Corrections and who is committed to the custody of or ordered to report to the Administrator or the Administrator's designee pursuant to NRS 178.425, 178.460, 178.461 or 178.464.

2. Unless otherwise ordered by a court, upon request of the Administrator or the Administrator's designee for access to records of a defendant pursuant to subsection 1, the Department of Corrections, through the ~~[designated medical director,]~~ **Medical Director**, shall provide access to any such records, including, without limitation, relevant medical and mental health records, for the limited purpose of allowing the Administrator or the Administrator's designee to evaluate and treat the defendant.

3. No oral or written consent of the defendant is required for the Administrator or the Administrator's designee to obtain access to records from the Department of Corrections pursuant to this section.

4. As used in this section, ~~["designated medical director" means the designated administrative officer of the Department of Corrections who is responsible for the medical treatment of offenders.]~~ **"Medical Director" has the meaning ascribed to it in section 1 of this act.**

~~[Sec. 2.]~~ **Sec. 7.** This act becomes effective upon passage and approval.

Assemblyman Ohrenschaal moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschaal.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblywoman Carlton.

ASSEMBLYWOMAN CARLTON:

Assembly Bill 1 requires the Board of Regents, to the extent money is available, to pay certain fees and expenses associated with undergraduate coursework at a Nevada System of Higher Education institution for a dependent child of a public employee who was killed in the performance of his or her duties.

The bill further specifies that if a public employee was killed in the performance of his or her duties on or after October 1, 2013, his or her dependent child is eligible to receive reimbursement for such fees and expenses. I would be happy to stand for any questions, Mr. Speaker.

Roll call on Assembly Bill No. 1:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 75.

Bill read third time.

Remarks by Assemblyman Yeager.

ASSEMBLYMAN YEAGER:

Assembly Bill 75 makes various changes related to the regulation of gaming. First, the bill revises the definition of the term “manufacture” to include assuming responsibility for certain actions concerning the design, development, manufacture, and assembly of gaming devices, equipment, or systems either through acquisition or acceptance of legal responsibility for the performance of another manufacturer or independent contractor.

Second, the measure exempts persons who are already licensed as a manufacturer or distributor of gaming devices or systems from certain licensing requirements.

Third, the Nevada Gaming Commission is allowed to reject a gaming application in certain circumstances and provides that such a rejection does not constitute a finding of suitability or a denial of the application.

Fourth, the measure authorizes the Commission to exempt a trustee of an employee stock ownership plan from certain requirements for gaming licensing and regulation.

Fifth, the bill allows for the expenditures from the Nevada Gaming Control Board Revolving Account to exceed the authorized amount only if the Account is used to pass through expenses incurred by the Nevada Gaming Control Board for confidential investigations and the money for payment of the expenses is derived from state or federal forfeiture funds.

Lastly, the bill transfers certain duties from the Commission to the Board.

Roll call on Assembly Bill No. 75:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

Assembly Bill 96 expands the exemption from full regulation by the Nevada Transportation Authority currently available to an owner or operator of a motor vehicle that is used by certain resort hotels to transport passengers or property to include an affiliate of the owner or operator. The bill also requires any such affiliate of the owner or operator to inspect the motor vehicle

regularly, maintain a record of the inspections for at least three years, and make the records available for inspection or audit by the Nevada Transportation Authority.

Roll call on Assembly Bill No. 96:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 99.

The following Senate amendment was read:

Amendment No. 86.

ASSEMBLYMEN ARAUJO; BILBRAY-AXELROD, DALY, DIAZ, MONROE-MORENO, NEAL, SPRINKLE, THOMPSON AND YEAGER.

JOINT SPONSORS; SENATORS CANCELA, **SPEARMAN** AND WOODHOUSE

AN ACT relating to children; requiring certain institutions and agencies to treat a child as having the gender with which the child identifies; requiring certain persons to receive training on working with lesbian, gay, bisexual, transgender and questioning children; requiring the Division of Child and Family Services of the Department of Health and Human Services to establish protocols to follow or factors to consider before placing a child in certain placements; requiring the Division to establish a process for filing and resolving certain grievances; revising the manner in which a foster child is notified of his or her rights; **requiring certain facilities to which a juvenile court commits a child to comply with certain federal law;** and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law authorizes a court to place a child in a public or private institution or agency authorized to care for children. (NRS 62E.110) Such institutions include juvenile detention facilities, foster homes, child care facilities and mental health facilities. (NRS 62B.200, 63.400, 432A.1757, 432B.550, 433B.310) Existing law also provides for the licensure and regulation of foster care agencies, which are business entities that recruit and enter into contracts with foster homes to assist an agency which provides child welfare services and juvenile courts in the placement of children in foster homes. (NRS 424.0135, 424.093-424.270) Additionally, existing law designates as the agency which provides child welfare services: (1) in a county whose population is less than 100,000, the Division of Child and Family Services of the Department of Health and Human Services; and (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for necessary child welfare services. (NRS 432B.030)

**Sections 3, 4, 23, 28, 29, 37, 41 and 46** of this bill require each of those institutions and agencies to treat a child for whom the institution or agency is responsible in accordance with the child's gender identity or expression.

Existing law requires an employee of such an institution or agency to receive certain training. (NRS 62B.250, 63.190, 424.0365, 424.135, 432A.177, 432B.195, 433B.175) **Sections 4, 6, 10, 24, 29, 31, 38, 43 and 47** of this bill require that training to: (1) be approved by the licensing authority or the Division; and (2) include instruction on working with lesbian, gay, bisexual, transgender and questioning children.

**Sections 23, 37, 41 and 46** require the Division to prescribe regulations that a court must consider before placing a child in a child care facility, a facility for the detention of children or a mental health or treatment facility ~~and~~ **and protocols that such a facility must follow when placing a child within the facility.** **Section 28** of this bill requires the Division to adopt protocols ~~that~~ **to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child.** **Section 28 also requires** an agency which provides child welfare services ~~must~~ **to: (1) follow such protocols when placing a child in an out-of-home placement; and (2) ensure that an out-of-home placement follows such protocols when placing a child within the placement.** **Sections 3, 4 and 29 require a foster home, foster care agency or facility into which a child alleged to be a child with emotional disturbance who is in the custody of an agency which provides child welfare services is committed to follow such protocols.**

**Section 14** of this bill requires the Division to establish a procedure for filing and resolving a grievance concerning a placement, a foster care agency, an agency which provides child welfare services or an agency or institution to which a child is committed by a court.

Existing law requires a provider of foster care to provide a foster child with a written copy of his or her rights. (NRS 432.540) **Section 20** of this bill requires a provider of foster care to provide a foster child with a written summary of those rights.

**The Prison Rape Elimination Act provides for the collection of data, the award of grants and the adoption of standards to prevent rape in correctional institutions. (42 U.S.C. §§ 15601 et seq.) Sections 37 and 41 require certain facilities to which a juvenile court commits a child to adhere to the Prison Rape Elimination Act and any standards adopted pursuant to that federal law.**

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

**Section 1.** Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 2.5, 3 and 4 of this act.

**Sec. 2.** (Deleted by amendment.)

**Sec. 2.5. “Gender identity or expression” means a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth.**

**Sec. 3. A provider of foster care shall ~~ensure~~ :**

**1. Ensure that each foster child who is placed in the foster home is treated in all respects in accordance with the child’s gender identity or expression ~~is~~; and**

**2. Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when placing a foster child within the foster home.**

**Sec. 4. 1. The holder of a license to operate a foster care agency shall ensure that each member of the staff of the foster care agency who comes into direct contact with a child placed by the foster care agency receives, within 90 days after employment and annually thereafter, training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender and questioning children.**

**2. A foster care agency shall ~~ensure~~ :**

**(a) Ensure that each child placed by the foster care agency is treated in all respects in accordance with the child’s gender identity or expression ~~is~~; and**

**(b) Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when assisting an agency which provides child welfare services or a juvenile court in placing a child in foster care.**

**Sec. 5. NRS 424.010 is hereby amended to read as follows:**

424.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 424.011 to 424.018, inclusive, **and section 2.5 of this act** have the meanings ascribed to them in those sections.

**Sec. 6. NRS 424.0365 is hereby amended to read as follows:**

424.0365 1. A licensee that operates a family foster home, a specialized foster home, an independent living foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within ~~30~~ 90 days after employment and annually thereafter. Such training must **be approved by the licensing authority and** include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the home;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the home;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; ~~and~~
- (h) **Working with lesbian, gay, bisexual, transgender and questioning children; and**

(i) Such other matters as required by the licensing authority or pursuant to regulations of the Division.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

**Sec. 7.** NRS 424.090 is hereby amended to read as follows:

424.090 **1.** The provisions of NRS 424.020 to 424.090, inclusive, **and section 3 of this act** do not apply to homes in which:

~~{1}~~ (a) Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

~~{2}~~ (b) Care is provided by the legal guardian.

~~{3}~~ (c) Care is provided for an exchange student.

~~{4}~~ (d) Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

~~{5}~~ (e) Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

~~{6}~~ (f) Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is related to the caregiver by blood, adoption or marriage.

~~{7}~~ (g) Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS or a juvenile court pursuant to title 5 of NRS if:

~~{a}~~ (1) The caregiver is related to the child within the fifth degree of consanguinity ~~{}~~ **or a fictive kin**; and

~~{b}~~ (2) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~{}~~, **and section 3 of this act**.

**2. As used in this section, "fictive kin" means a person who is not related by blood to a child but has a significant emotional and positive relationship with the child.**

**Sec. 8.** NRS 424.095 is hereby amended to read as follows:

424.095 **1.** An application for a license to operate a foster care agency must be in a form prescribed by the Division and submitted to the appropriate licensing authority. Such a license is effective for 2 years after the date of its issuance and may be renewed upon expiration.

**2.** An applicant must provide reasonable and satisfactory assurance to the licensing authority that the applicant will conform to the provisions of NRS 424.093 to 424.270, inclusive, **and section 4 of this act**, and the regulations adopted by the Division pursuant thereto.

**3.** Upon application for renewal, the licensing authority may renew a license if the licensing authority determines that the licensee conforms to the provisions of NRS 424.093 to 424.270, inclusive, **and section 4 of this act**, and the regulations adopted by the Division pursuant thereto.

**Sec. 9.** NRS 424.096 is hereby amended to read as follows:

424.096 **1.** After notice and hearing, a licensing authority may:



(a) Deny an application for a license to operate a foster care agency if the licensing authority determines that the applicant does not comply with the provisions of NRS 424.093 to 424.270, inclusive, **and section 4 of this act**, and the regulations adopted by the Division pursuant thereto.

(b) Upon a finding of deficiency, require a foster care agency to prepare a plan of corrective action and, within 90 days or a shorter period prescribed by the licensing authority require the foster care agency to complete the plan of corrective action.

(c) Refuse to renew a license or may revoke a license if the licensing authority finds that the foster care agency has refused or failed to meet any of the established standards or has violated any of the regulations adopted by the Division pursuant to NRS 424.093.

2. A notice of the time and place of the hearing must be mailed to the last known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. When an order of a licensing authority is appealed to the district court, the trial may be de novo.

**Sec. 10.** NRS 424.135 is hereby amended to read as follows:

424.135 1. The foster care agency shall develop and carry out a written plan for the orientation, training, supervision and evaluation of members of the staff.

2. The orientation must include, without limitation, information on the policies and procedures of the foster care agency, goals for the programs and services of the foster care agency, the responsibilities of members of the staff and the provisions of this chapter and the regulations adopted pursuant thereto that relate to licensing. The training must include, without limitation, any training required by the licensing authority ~~[ ]~~ **and the training required by section 4 of this act**. Each member of the staff must be evaluated at least once each year.

3. The foster care agency shall maintain comprehensive written policies and procedures for the personnel, services and programs of the foster care agency and make the policies and procedures readily available to the members of the staff and to the licensing authority.

4. The foster care agency shall maintain comprehensive records for personnel that, upon request, must be made available to the licensing authority.

**Sec. 11.** Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 12, 13 and 14 of this act.

**Sec. 12.** (Deleted by amendment.)

**Sec. 13.** (Deleted by amendment.)

**Sec. 14. 1. The Division shall prescribe by regulation:**

*(a) A procedure by which a child or, if applicable, the parent or guardian of a child, may file a grievance concerning a foster care agency, an agency which provides child welfare services, an out-of-home placement, a psychiatric hospital or facility in which a child who is in the*

*custody of an agency which provides child welfare services is placed, a division facility or any public or private institution or agency to which a child is committed by a court; and*

*(b) A process for resolving those grievances, which must provide for persons who are not directly responsible for the care of the child who filed or is the subject of the grievance to evaluate the grievance and, if such a person determines that the grievance is not frivolous, investigate the grievance and impose remedies. Such remedies must include, without limitation, requiring the agency or placement, facility or institution to make changes to address the grievance, or notifying a regulatory or law enforcement agency with jurisdiction over the agency, placement, facility or institution.*

*2. An out-of-home placement with which a child in the custody of the agency which provides child welfare services is placed shall:*

*(a) Inform the child of the process for filing a grievance pursuant to subsection 1;*

*(b) Provide the child with a summary of that process; and*

*(c) Provide an additional written copy of the summary upon request.*

*3. As used in this section:*

*(a) "Division facility" has the meaning ascribed to it in NRS 433B.070.*

*(b) "Foster care agency" has the meaning ascribed to it in NRS 424.0135.*

*(c) "Out-of-home placement" means a foster home or child care facility, as defined in NRS 432A.024, which has physical custody of a child pursuant to the order of a court.*

**Sec. 15.** NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center; and

(c) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.340, inclusive, ~~and sections 45 and~~ section 46 of this act, and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

**Sec. 16.** NRS 432.500 is hereby amended to read as follows:

432.500 As used in NRS 432.500 to 432.550, inclusive, ~~and sections 12, 13 and~~ section 14 of this act, unless the context otherwise requires, the words and terms defined in NRS 432.505, 432.510 and 432.515 ~~and sections 12 and 13 of this act~~ have the meanings ascribed to them in those sections.

**Sec. 17.** (Deleted by amendment.)

**Sec. 18.** (Deleted by amendment.)

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

**Sec. 20.** NRS 432.540 is hereby amended to read as follows:

432.540 1. A provider of foster care that places a child in a foster home shall:

(a) Inform the child of his or her rights set forth in NRS 432.525, 432.530 and 432.535;

(b) Provide the child with a written ~~copy~~ **summary** of those rights; and

(c) Provide an additional written copy of ~~those rights~~ **the summary** to the child upon request.

2. A group foster home shall post a written copy of the ~~rights set forth in NRS 432.525, 432.530 and 432.535~~ **summary described in subsection 1 and the summary of the process for filing a grievance described in section 14 of this act** in a conspicuous place inside the group foster home.

**Sec. 21.** (Deleted by amendment.)

**Sec. 22.** NRS 432.550 is hereby amended to read as follows:

432.550 If a child believes that his or her rights set forth in NRS 432.525, 432.530 and 432.535 have been violated, the child may raise and redress a grievance with, without limitation:

1. A provider of foster care;

2. An employee of a foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; ~~or~~

6. An attorney for the child ~~or~~; **or**

7. **The Division, using the process established pursuant to section 14 of this act.**

**Sec. 23.** Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

**1. A child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall treat each child who is placed in the facility in all respects in accordance with the child's gender identity or expression.**

**2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before placing a child in the custody of a child care facility and protocols for a child care facility to follow when placing a child within the facility that ensure that each child who is so placed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:**

**(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of**

*children, child care facilities and mental health facilities or who have resided in such settings;*

*(b) Representatives of each agency which provides child welfare services in this State;*

*(c) Representatives of state and local facilities for the detention of children;*

*(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;*

*(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;*

*(f) Representatives of juvenile courts and family courts;*

*(g) Advocates of children; and*

*(h) Any other person deemed appropriate by the Division of Child and Family Services of the Department.*

*3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before placing a child in a child care facility.*

*4. A child care facility, including, without limitation, an emergency shelter, which has physical custody of a child pursuant to the order of a court shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.*

*5. As used in this section:*

*(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

*(b) “Foster home” has the meaning ascribed to it in NRS 424.014.*

*(c) “Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.*

**Sec. 24.** NRS 432A.177 is hereby amended to read as follows:

432A.177 1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~{30}~~ 90 days after employment and annually thereafter. Such training must *be approved by the licensing authority and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~and~~

(h) *Working with lesbian, gay, bisexual, transgender and questioning children; and*

(i) Such other matters as required by the Board.

2. The Board shall adopt regulations necessary to carry out the provisions of this section.

**Sec. 25.** NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and section 23 of this act* is guilty of a misdemeanor.

**Sec. 26.** Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 27, 28 and 29 of this act.

**Sec. 27.** *“Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.*

**Sec. 28. 1.** *An agency which provides child welfare services shall treat each child to whom the agency provides services in all respects in accordance with the child’s gender identity or expression.*

**2.** *The Division of Child and Family Services shall adopt regulations establishing protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:*

(a) *Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities, mental health facilities or who have resided in such settings;*

(b) *Representatives of each agency which provides child welfare services in this State;*

(c) *Representatives of state and local facilities for the detention of children;*

(d) *Representatives of lesbian, gay, bisexual, transgender and questioning persons;*

(e) *Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;*

(f) *Representatives of juvenile courts and family courts;*

(g) *Advocates of children; and*

(h) *Any other person deemed appropriate by the Division of Child and Family Services.*

**3.** *An agency which provides child welfare services shall ~~follow~~ :*

(a) Follow the protocols prescribed in the regulations adopted pursuant to subsection 2 before placing a child in an out-of-home placement ~~it~~ ;  
and

(b) Ensure that an out-of-home placement into which a child is placed follows the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.

**4.** *As used in this section:*

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

(b) *“Foster home” has the meaning ascribed to it in NRS 424.014.*

(c) *“Out-of-home placement” has the meaning ascribed to it in section 14 of this act.*

**Sec. 29.** *A facility which provides care, treatment or training to a child who is in the custody of an agency which provides child welfare services and who is admitted to the facility pursuant to NRS 432B.6076 shall:*

*1. Ensure that each employee of the facility who comes into direct contact with children at the facility receives, within 90 days after employment and annually thereafter, training that has been approved by the Division of Child and Family Services concerning working with lesbian, gay, bisexual, transgender and questioning children; ~~and~~*

*2. Ensure that each child who is placed in the facility is treated in all respects in accordance with the child’s gender identity or expression ~~it~~; and*

*3. Follow the protocols prescribed in the regulations adopted pursuant to section 28 of this act when placing the child within the facility.*

**Sec. 30.** NRS 432B.010 is hereby amended to read as follows:

432B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432B.020 to 432B.110, inclusive, *and section 27 of this act* have the meanings ascribed to them in those sections.

**Sec. 31.** NRS 432B.195 is hereby amended to read as follows:

432B.195 1. An agency which provides child welfare services shall provide training to each person who is employed by the agency and who provides child welfare services. Such training must include, without limitation, instruction concerning the applicable state and federal constitutional and statutory rights of a person who is responsible for a child’s welfare and who is:

(a) The subject of an investigation of alleged abuse or neglect of a child; or

(b) A party to a proceeding concerning the alleged abuse or neglect of a child pursuant to NRS 432B.410 to 432B.590, inclusive.

*2. In addition to the training provided pursuant to subsection 1, an agency which provides child welfare services shall ensure that each employee of the agency who comes into direct contact with children receives, within 90 days after employment and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.*

*3. Nothing in this section shall be construed as requiring or authorizing a person who is employed by an agency which provides child welfare services to offer legal advice, legal assistance or legal interpretation of state or federal statutes or laws.*

**Sec. 32.** NRS 432B.607 is hereby amended to read as follows:

432B.607 As used in NRS 432B.607 to 432B.6085, inclusive, *and section 29 of this act*, unless the context otherwise requires, the words and terms defined in NRS 432B.6071 to 432B.6074, inclusive, have the meanings ascribed to them in those sections.

**Sec. 33.** (Deleted by amendment.)

**Sec. 34.** NRS 432B.6085 is hereby amended to read as follows:

432B.6085 1. Nothing in this chapter purports to deprive any person of any legal rights without due process of law.

2. Unless the context clearly indicates otherwise, the provisions of NRS 432B.607 to 432B.6085, inclusive, *and section 29 of this act*, 433.456 to 433.543, inclusive, and 433.545 to 433.551, inclusive, and chapters 433A and 433B of NRS and NRS 435.530 to 435.635, inclusive, apply to all children who are in the custody of an agency which provides child welfare services.

**Sec. 35.** Chapter 62B of NRS is hereby amended by adding thereto the provisions set forth as sections 36 and 37 of this act.

**Sec. 36.** (Deleted by amendment.)

**Sec. 37. 1.** *A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ~~treat~~ :*

*(a) Treat each child that a juvenile court commits to the institution or agency in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2 ~~of~~ ; and*

*(b) To the extent applicable, comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.*

*2. The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children, and protocols for such an institution or agency to follow when placing a child within the institution or agency that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:*

*(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;*

*(b) Representatives of each agency which provides child welfare services in this State;*

*(c) Representatives of state and local facilities for the detention of children;*

*(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;*

(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;

(f) Representatives of juvenile courts and family courts;

(g) Advocates of children; and

(h) Any other person deemed appropriate by the Division of Child and Family Services.

3. A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a public or private institution or agency, including, without limitation, a facility for the detention of children.

4. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) “Child care facility” has the meaning ascribed to it in NRS 432A.024.

(c) “Foster home” has the meaning ascribed to it in NRS 424.014.

(d) “Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.

Sec. 38. NRS 62B.250 is hereby amended to read as follows:

62B.250 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within ~~[30]~~ 90 days after employment and annually thereafter. Such training must *be approved by the Division of Child and Family Services and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; ~~and~~

(h) *Working with gay, lesbian, bisexual, transgender and questioning children; and*

(i) Such other matters as required by the Division of Child and Family Services.



2. The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

**Sec. 39.** Chapter 63 of NRS is hereby amended by adding thereto the provisions set forth as sections 40 and 41 of this act.

**Sec. 40.** (Deleted by amendment.)

**Sec. 41. 1.** A facility shall ~~treat~~ :

(a) Treat each child in the facility in all respects in accordance with the child's gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2 ~~f-1~~; and

(b) Comply with the Prison Rape Elimination Act, 42 U.S.C. §§ 15605 et seq., and all standards adopted pursuant thereto.

2. *The Division of Child and Family Services shall adopt regulations establishing factors for a juvenile court to consider before committing a child to a facility and protocols for a facility to follow when placing a child within the facility that ensure that each child who is so committed is placed in a manner that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:*

*(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;*

*(b) Representatives of each agency which provides child welfare services in this State;*

*(c) Representatives of state and local facilities for the detention of children;*

*(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;*

*(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;*

*(f) Representatives of juvenile courts and family courts;*

*(g) Advocates of children; and*

*(h) Any other person deemed appropriate by the Division of Child and Family Services.*

3. *A juvenile court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a facility.*

4. A facility shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing a child within the facility.

5. As used in this section:

*(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

*(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.*

*(c) "Foster home" has the meaning ascribed to it in NRS 424.014.*

*(d) “Gender identity or expression” has the meaning ascribed to it in section 2.5 of this act.*

**Sec. 42.** NRS 63.100 is hereby amended to read as follows:

63.100 1. For each facility, the position of superintendent of the facility is hereby created.

2. The superintendent of a facility shall administer the provisions of NRS 63.010 to 63.620, inclusive, ~~and sections 40 and~~ **section 41 of this act**, 63.720, 63.770 and 63.790 subject to administrative supervision by the Administrator of the Division of Child and Family Services.

**Sec. 43.** NRS 63.190 is hereby amended to read as follows:

63.190 1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within ~~{30}~~ **90** days after employment and annually thereafter. Such training must **be approved by the Division of Child and Family Services and** include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the facility;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the home;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~and~~
- (h) **Working with gay, lesbian, bisexual, transgender and questioning children; and**
- (i) Such other matters as required by the Administrator of the Division of Child and Family Services.

2. The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.

**Sec. 44.** Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 45 and 46 of this act.

**Sec. 45.** (Deleted by amendment.)

**Sec. 46. 1. A treatment facility and any other division facility into which a child may be committed by a court order shall treat each child committed to the facility by a court order in all respects in accordance with the child’s gender identity or expression and the regulations adopted by the Division of Child and Family Services pursuant to subsection 2.**

**2. The Division of Child and Family Services of the Department shall adopt regulations establishing factors for a court to consider before committing a child to a treatment facility or other division facility and protocols for such a facility to follow when placing a child within the facility to ensure that each child who is so committed is placed in a manner**

*that is appropriate for the gender identity or expression of the child. Such regulations must be adopted in consultation with:*

*(a) Lesbian, gay, bisexual, transgender and questioning children who are currently residing in foster homes, facilities for the detention of children, child care facilities and mental health facilities or who have resided in such settings;*

*(b) Representatives of each agency which provides child welfare services in this State;*

*(c) Representatives of state and local facilities for the detention of children;*

*(d) Representatives of lesbian, gay, bisexual, transgender and questioning persons;*

*(e) Attorneys, including, without limitation, attorneys who regularly represent children in child welfare or criminal proceedings;*

*(f) Representatives of juvenile courts and family courts;*

*(g) Advocates of children; and*

*(h) Any other person deemed appropriate by the Division.*

*3. A court shall consider the factors prescribed in the regulations adopted pursuant to subsection 2 before committing a child to a treatment facility or other division facility.*

*4. A treatment facility or other division facility to which a child is committed by a court order shall follow the protocols prescribed in the regulations adopted pursuant to subsection 2 when placing the child within the facility.*

*5. As used in this section:*

*(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.*

*(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.*

*(c) "Foster home" has the meaning ascribed to it in NRS 424.014.*

*(d) "Gender identity or expression" has the meaning ascribed to it in section 2.5 of this act.*

**Sec. 47.** NRS 433B.175 is hereby amended to read as follows:

433B.175 1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within ~~{30}~~ 90 days after employment and annually thereafter. Such training must *be approved by the Division and* include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the facility;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the facility;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; ~~and~~

(h) ***Working with gay, lesbian, bisexual, transgender and questioning children; and***

(i) Such other matters as required by the Board.

2. The Division shall adopt regulations necessary to carry out the provisions of this section.

**Sec. 48.** This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2017, for all other purposes.

Assemblyman Sprinkle moved that the Assembly concur in the Senate amendment to Assembly Bill No. 99.

Remarks by Assemblyman Araujo.

ASSEMBLYMAN ARAUJO:

I wanted to take a few seconds to clarify for the body that the recent amendment that you saw come through the house makes reference to PREA [Prison Rape Elimination Act]. I just want to make sure that we have it on the record that this is specifically intended to pertain to juvenile justice.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

#### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Paul Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Susi Brumett.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Class and Connie Humphrey.

On request of Assemblyman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Tessa Richards, Hector Rios, Ignacio Rangel, and Brian Allan Selvester Jr.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to John Melvin, Keith Wingate, Audry Batiste, and Renee Boyce.

On request of Assemblywoman Joiner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Libby C. Booth Elementary School: David Alvarez, Antonio Avalos, Christian Banuelos, Alexis Barahas, Jonathan Carrillo, Geovanni Rance, Daniel Gallegos Mendez, Edgar Gonzalez,

Jasmine Hartshorn, Jose Hernandez, Peyton Hilderbran, Leonardo Lemos, Gilberto Lopez, Issela Luna, Jaden Merrfield, Yarissa Monroy, Esteban Noguera, Brian Payne, Tuche Perez, Isaak Rivera, Christofer Rodriguez, King Surrell, Bethany Sanchez, Malia Scott-Leyva, Taimane Talamoni, Aaron Tovar, Carmine Volker, Wesley Anderson, Getsemani Doninguez, Irene Fierros, Diego Garcia, Keely Garcia, Angel Garcia, Kody Goins, Alejandro Hernandez, Amalina Lopez, Jefferson Lopez, Diego Luarca, Daniel Maldonado, Alexander Marbella, Samantha Mckee, Ricardo Nila, Austin Pardini, Jovel Powell, Hailey Robertson, Jose Rodriguez, Devon Saldana, Semaj Stevenson, Aidan Torres, Gabrielle Damarlane, and Jeremiah Zubiate.

On request of Assemblyman Kramer, the privilege of the floor of the Assembly Chamber for this day was extended to Drew Simmons.

On request of Assemblywoman Krasner, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy McDonald.

On request of Assemblyman McCurdy, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Jones.

On request of Assemblywoman Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Darryl Mickens and Charles Whitby.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Jarron Gray, Willie Pettaway, and Ken Williams.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Leroy Wordlaw.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Christy Craig.

On request of Assemblyman Pickard, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Santana.

On request of Assemblyman Sprinkle, the privilege of the floor of the Assembly Chamber for this day was extended to Gini Cunningham.

On request of Assemblyman Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Shawn T. Smith, Antonio Fargas, and Paul Tick.

On request of Assemblywoman Titus, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Siljstrom, Cathy Olmo, and Virginia Reese.

On request of Assemblywoman Tolles, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Maupin.

On request of Assemblyman Wheeler, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Pantner and the following students, teachers, and chaperones from Jacks Valley Elementary School: Sage Adie, Ava Aimon, Tyler Croxall, Mariana Del Real, Sophie Diaz, Josh Foster, Bella Gabriel, Noah Garrison, JanCarlo Hernandez, Valerie Hernandez, Daniel Hotaling, Danika Hurwitz, David Jimenez, Serenadee Jim, Rolf Larson, Jett Lehmann, Shasta Lumsdem, Tobias Morgan, Zack O'Neil, Jazmin Ponce, Emily Romero, Philip Ruffo, Giovanni Santiago, Alvin Serratos, Grace Tinnes, Aitiana Vargas, Mike Villa, Olivia West, Sierra Adie, Cynthia Arnold, Angelo Aten, Monse Betancourth, Jarold Boado, Rome Castro-Polvorosa, John Cooney, Marina Crockett, Mason Dey, Loghan Flanders, Jesse Gomez, Simon Haley, Zach Hernandez, Tristan Kawchack, Sierra Larsen, Grace McGuffin, Brock Meservey, Jenna O'Connor, Addy Shaw, Anthony Smokey, Jullian Sterling, Jasmine Thomann, Reese Torres, Logan Voelker, Reed Ward, Savannah West, and Michael White.

Assemblywoman Benitez-Thompson moved that the Assembly adjourn until Monday, April 10, 2017, at 12 noon.

Motion carried.

Assembly adjourned at 1:01 p.m.

Approved:

JASON FRIERSON  
*Speaker of the Assembly*

Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*