

**ADOPTED REGULATION OF THE DIRECTOR OF THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**LCB File No. R168-06**

Effective November 13, 2006

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

AUTHORITY: §§1-4, NRS 232.320 and 432.133.

A REGULATION relating to public welfare; revising provisions relating to the Children’s Trust Account; and providing other matters properly relating thereto.

**Section 1.** NAC 432.010 is hereby amended to read as follows:

432.010 As used in NAC 432.010 to 432.040, inclusive, unless the context otherwise requires:

1. “Account” means the Children’s Trust Account created pursuant to NRS 432.131.
2. *“Applicant” means an agency of the State or its political subdivisions, a nonprofit community organization or an educational institution which applies for an award of money from the Account.*
3. “Committee” means the *Grants Management Advisory* Committee ~~[for Protection of Children.]~~ *created pursuant to NRS 232.383.*

**Sec. 2.** NAC 432.020 is hereby amended to read as follows:

432.020 1. To be eligible for money from the Account, an applicant must provide a program ~~[which does not require money from the Account for more than 12 months and]~~ which is ~~[-~~

~~—(a) Available to any member of the community; and~~

~~—(b) Designed]~~ *designed* to prevent *the* abuse or neglect of children.

2. Money from the Account may not be used to take the place of financial support for current programs.

**Sec. 3.** NAC 432.030 is hereby amended to read as follows:

432.030 ~~[1.—At least once each year, the Committee will establish a period in which it will accept requests for money from the Account. Additional periods may be established if money is available.~~

~~—2.—The]~~ A request for money *from the Account* must include:

~~[(a)]~~ *1.* A detailed description of the services for which the money would be used; and

~~[(b) Certifications by the agency making the request that it will:~~

~~—(1) Comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352);~~

~~—(2) Not discriminate on the basis of religion; and~~

~~—(3) Meet any conditions imposed by the Federal Government and stated by the Committee when it announces the period during which it will accept requests for money from the Account, as a qualification for Nevada to receive money from the Federal Government for the Account.]~~

*2. An assurance from the applicant that the program will comply with all applicable federal and state laws, regulations and conditions.*

**Sec. 4.** NAC 432.040 is hereby amended to read as follows:

432.040 *1.* After reviewing all requests, the Committee ~~[will notify each agency whether its request has been granted. If the request was not granted, the Committee will notify the agency of the reason for denying the request.]~~ *shall submit to the Director a list of each applicant recommended for funding.*

*2. The Director will notify each applicant whether its request for funding has been granted.*

*3. As used in this section, “Director” means the Director of the Department of Health and Human Services.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R168-06**

The Director of the State Department of Health and Human Services adopted regulations assigned LCB File No. R168-06 which pertain to chapter 432 of the Nevada Administrative Code on October 3, 2006.

**Notice date:** 8/25/2006  
**Hearing date:** 10/3/2006

**Date of adoption by agency:** 10/3/2006  
**Filing date:** 11/13/2006

**INFORMATIONAL STATEMENT**

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

LCB File No. R-168-06 was noticed through public posting, workshop and public hearing as an amendment to regulation. Public comment was received through the public workshop and hearing.

Paula Berkley, representing the Food Bank of Northern Nevada, cited the section of the proposed NAC defining “Applicant” as including the state and political subdivisions, as well as nonprofit community organizations or educational institutions. Ms. Berkley noted that government entities can go through a budget process to request line items, whereas nonprofit entities cannot. Therefore, she reasoned that a proportion of funds available through state grants should be directed solely to nonprofits.

Mike Husted, Chairman of the Grants Management Advisory Committee for the Department of Health and Human Services asked for clarification regarding whether or not the proposed amendment to regulation would effect a change in eligibility as a result of the definition of “Applicant.” Staff explained that the definition was added by legal staff from the Legislative Counsel Bureau because the term applicant was used in the requirement for assurances as a housekeeping item. The added definition would not effect a change in eligibility.

Jan Gilbert, member of the Grants Management Advisory Committee, noted that in some communities, state subdivisions are the only viable service providers. For certain priorities under the Children’s Trust Account, the subcommittee reviewing applications did not receive sufficiently strong applications from nonprofit organizations.

A copy of the minutes from the public hearing may be obtained by calling the Nevada State Department of Health and Human Services, Grants Management Unit at (775) 684-3470 or by writing to the Grants Management Unit at 505 E. King St, Room 600, Carson City, Nevada 89701.

- 2. The number persons who:**  
**(a) Attended each hearing:** 11  
**(b) Testified at each hearing:** 1

**(c) Submitted to the agency written comments:** Written comments received from the Legislative Counsel Bureau, Legal Division, were incorporated at the public hearing.

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The proposed amendment has no impact on business.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.**

The amendment was adopted by the Grants Management Advisory Committee with the changes provided by the Legislative Counsel Bureau, Legal Division. Public comment regarding proportional funding for nonprofit organizations was discussed by the Grants Management Advisory Committee during the public hearing and was determined to be impractical due to limited capacity of nonprofit organizations to meet all of the funding priorities. Therefore, the adopted regulation did not incorporate this comment.

**5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Both adverse and beneficial effects; and**

**(b) Both immediate and long-term effects.**

a. The proposed amendment has no economic effect on business, either adverse or beneficial, nor immediate or long-term

b. There is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The proposed amendment does not include any provisions that are more stringent than a federal regulation that regulates the same activity.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed amendment does not establish a new fee or increase an existing fee.