

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Fourth Session
March 26, 2007**

The Committee on Health and Human Services was called to order by Chair Sheila Leslie at 1:39 p.m., on Monday, March 26, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Sheila Leslie, Chair
Assemblywoman Susan I. Gerhardt, Vice Chair
Assemblyman Bob L. Beers
Assemblyman Joseph P. (Joe) Hardy
Assemblywoman Ellen Koivisto
Assemblywoman Kathy McClain
Assemblywoman Bonnie Parnell
Assemblywoman Peggy Pierce
Assemblyman Lynn D. Stewart
Assemblywoman Valerie E. Weber
Assemblywoman RoseMary Womack

STAFF MEMBERS PRESENT:

Sarah J. Lutter, Committee Policy Analyst
Patricia Evans, Committee Secretary
Olivia Lloyd, Committee Attaché



OTHER LEGISLATORS PRESENT:

Assemblyman James A. Settelmeyer, Assembly District No. 39

OTHERS PRESENT:

Michael Capello, Director, Washoe County Social Services
Thomas D. Morton, Director, Clark County Department of Family Services
Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County
Barbara deCastro, Nevada Youth Care Providers, Las Vegas
Jennifer Bevaqua, Nevada Youth Care Providers, Las Vegas
Glenn Campbell, Private Citizen, Las Vegas, Nevada
Cheryin K. Townsend, Director, Department of Juvenile Justice Services,
Las Vegas
Pamela Kurcz, Specialized Alternatives for Families and Youth of Nevada,
Las Vegas
Dave Doyle, Eagle Quest of Nevada, Las Vegas
Fernando Serrano, Administrator, Division of Child and Family Services,
Department of Health and Human Services
Barbara Legier, Deputy Administrator, Family Programs, Division of Child
and Family Services, Department of Health and Human Services
Scott J. Shick, Chief Juvenile Probation Officer, Juvenile Probation
Department, Douglas County
Michael G. Alonso, representing West Hills Hospital, Willow Springs
Center, and Montevista Hospital, Reno
Greg Martinelli, Vice President and General Manager, Waste Management
of Nevada, Reno
Eric Noack, Chief, Bureau of Waste Management, Division of
Environmental Protection, Department of Conservation and Natural
Resources

Vice Chair Susan I. Gerhardt:

[Opened meeting. Roll.] We have a quorum. Four bills will be heard today, and we will try to get to the work session. Assembly Bill 247 has been rescheduled. We will work on Assembly Bill 113. Our first bill is Assembly Bill 283.

Assembly Bill 283: Requires certain care facilities to maintain and provide certain information to parents, guardians or legal representatives of persons cared for in the facilities. (BDR 38-1124)

Assemblyman James A. Settelmeyer, Assembly District No. 39:

The application process for day care, foster care, and elder care takes an extended period of time. Health and Human Services has a requirement to gather background data. I am attempting to make the information more accessible for both child care and elder care. At the time of application a person would be advised of known care facility violations within the last 12 months. Another reason for this bill is the initial results from the 2005 Early Child Care Program participation taken from the National Household Educational Surveys, United States Department of Education. The data is collected every four years. The preliminary data from this survey shows 60 percent of children are reported to be in at least one weekly non-parental-care arrangement. Among these children, 60 percent are reported to be in center-based care; this means not with friends or other family members. This bill seeks to make sure that background information is provided to individuals at the time of enrollment.

Vice Chair Susan Gerhardt:

Section 1, line 7, addresses the inspection of facilities. How often do those inspections occur? If there was a major violation in any given year, and parents were enrolling their children just beyond that 12 month period, would they not receive that information?

Assemblyman Settelmeyer:

There is a statute of limitations. We borrowed from similar laws in other states. I would entertain an amendment if it is the desire of the Committee. We would add that if any violations or abnormalities come up in the interim, that information is to be given to the applicants.

Vice Chair Gerhardt:

Section 2, subsection c, reminded me of drop-in kids. My concern is getting the information to parents who use care only occasionally. Have you spoken with day-care facilities regarding implementation of this bill?

Assemblyman Settelmeyer:

In a temporary situation, an application is not required. A portion of this bill indicates this information is provided upon application. If there is not a record of a child being enrolled, there is no way to obtain information. If a child is there, the facility has a signed document.

Vice Chair Gerhardt:

If we could get some information on how drop-ins would be handled, I would be a little more comfortable.

Assemblyman Settlemeyer:

I will contact several facilities, and request information on their procedures regarding drop-ins. Some facilities require a minimum enrollment of three days per week.

Vice Chair Gerhardt:

If the question is not answered in further testimony, may we have that information for a work session?

Assemblyman Settlemeyer:

I will contact some facilities.

Vice Chair Gerhardt:

Do we have any questions from the Committee? Ms. Womack?

Assemblywoman RoseMary Womack:

Day care happens at any age. I would also address the disabled community.

Vice Chair Gerhardt:

Ms. McClain?

Assemblywoman Kathy McClain:

Have you spoken with the Health Division or are you looking at the facility in the south to provide this information?

Assemblyman Settlemeyer:

The dissemination of information is somewhat archaic. You have to submit a written request and wait for a response by mail. Once someone is in a facility, you do not want to uproot the person and transfer him to a different facility. Since the data is already collected, it is merely requesting dissemination of the information.

Assemblywoman McClain:

It would be easier for the facility to provide that information at registration. There is a concern the facility might not be forthright with the information. We would like to see more transparency in the agencies which control the audits, and maybe a reporting of some of the more blatant incidents.

Assemblyman Settlemeyer:

I appreciate those concerns. I only question that I would get a minor fiscal note, which I have seen become fairly large and kill a bill. Being a freshman legislator, I worry that is what would happen. That is the reason for this approach. I had a similar thought of making it an online data base.

Assemblywoman McClain:

There is another system in place. You could call 211, and at least get an appropriate referral.

Assemblyman Settlemeyer:

Access to 211 may not be available in other parts of the State.

Assemblywoman McClain:

Yes, 211 is now available Statewide.

Vice Chair Gerhardt:

There are different ways of presenting information. There should be a method by which easily read, limited, and specific information could be crafted. If a facility has something they do not want you to see, they can still comply with this law. Not all information may be forthcoming.

Assemblyman Settlemeyer:

I was hoping that the summaries of complaints and reports of disciplinary actions taken would be the crux of the issue.

Vice Chair Gerhardt:

Anyone else wishing to testify?

Michael Capello, Director, Washoe County Social Services:

We are the agency in Washoe County responsible for licensing child care facilities. We are in support of A.B. 283 with respect to increasing the transparency and increasing the availability of information to parents. There are some mechanical issues in terms of how we format the information the regulatory or licensing agency delivers to the facility. That information may not be as standardized across the State as might be helpful to a parent receiving the information from the facility.

[Written testimony provided by Department of Health and Human Services ([Exhibit C](#)).]

Vice Chair Gerhardt:

Are there any questions from the Committee? We will close A.B. 283. We will open the hearing on Assembly Bill 292. There are quite a few people wanting to testify on A.B. 292. The time for testimony will be limited to approximately two minutes. For those whose points have already been heard, please limit testimony to those issues we have not already heard. We have three more bills to hear.

Assembly Bill 292: Authorizes certain counties to contract for the licensing and regulation of foster homes. (BDR 38-352)

Thomas D. Morton, Director, Clark County Department of Family Services:

Public child welfare is a community responsibility. It is not singularly the responsibility of the Child Public Welfare agency. The success of public child welfare in any community depends greatly on a series of partnerships with governmental and non-governmental organizations. Many urban systems have improved due to strong public/private partnerships. Community-based organizations have natural and extended relationships within the community. They are able to access sub-communities that are more difficult for the public child welfare agency to reach. It is our belief that this bill provides a basis for partnerships with community-based organizations to strengthen foster family care. Its benefits will be many. It will allow us not only to partner with agencies, but potentially to contract with agencies to expand efforts in recruitment, in licensing a foster home, in providing the basis for additional expansion of community-based organization participation, and in the direct delivery of foster care services. We respectfully urge that the Assembly adopt this as law.

Vice Chair Gerhardt:

The bill affects mostly Clark and Washoe Counties, right?

Thomas D. Morton:

Yes.

Vice Chair Gerhardt:

We have some questions. Ms. Parnell?

Assemblywoman Parnell:

Who does the licensing?

Thomas D. Morton:

We would be looking at community-based foster care providers which already exist.

Assemblywoman Parnell:

Who is liable?

Thomas D. Morton:

The county child welfare agency would have custody, or awardship of the child. The County would enact contracts to ensure oversight and provisions for quality assurance.

Vice Chair Gerhardt:

One of the concerns is the oversight function. Are we at a place where we can transfer this responsibility to someone else, and still provide that oversight?

Thomas D. Morton:

I believe the bill provides appropriate provisions for the development of regulations by the Department of Health and Human Services to oversee this activity. By engaging high quality community-based partners, we can improve the over-all quality of care and the recruitment and licensing in certain areas. There are risks and opportunities in these agencies. There are community partnerships to elevate the quality of services and care. The engagement of private community partners offers a base of competition. There is a certain element of competition that results in improvement rather than detriment.

Assemblywoman Valerie Weber:

Do community-based partners include members of the faith community?

Thomas D. Morton:

Yes, it would. There are faith-based related agencies that could become effective partners in helping us in this area.

Assemblywoman Weber:

Do you actively recruit between the community non-profit side as well as the faith-based side?

Thomas D. Morton:

I need a clarification of your question.

Assemblywoman Weber:

I mean recruiting for foster families.

Thomas D. Morton:

Yes, we do. We have recently created a faith-based community initiative in Clark County. This initiative would expand our contacts with the community. We had a meeting about two weeks ago with the Interfaith Council.

Assemblyman Hardy:

What is the difference in the competition versus the faith-based groups?

Thomas D. Morton:

Competition exists on several levels. One is person-to-person competition around quality. The public child welfare agency is the only agency in town. Whatever standard we set, is the standard. Part of the competition is other

people doing the same job demonstrating a higher standard. I could foresee, because we have had talks with foundations, about receiving grants that would allow us to contract for recruitment and licensing services. This provision would allow us to do that.

Assemblywoman Womack:

Will these contract agencies be responsible for recruiting, training, and home inspections? At what point do you get involved?

Thomas D. Morton:

The regulations have yet to be written. We would need a certain kind of quality assurance oversight to review the licensing records. Initially, all licensing records for families would be presented to the Department of Family Services for review and final approval before actual licensing. This would insure that all the steps necessary have been met.

Assemblywoman Womack:

Will you conduct the classes for the foster parents?

Thomas D. Morton:

Under the provisions, as written, it would be possible for a contract agency to do the entire spectrum of work necessary to license a home. This would include the home study, training, and background checks. We would have to assist in the background checks because only we have access to some Federal Bureau of Investigations (FBI) files. There would be some oversight by Health and Human Services in reviewing any contracts issued.

Vice Chair Gerhardt:

Can we get information on the track records of some of the agencies we have used?

Thomas D. Morton:

There are ways to get information. Initially, we might require that the agency be accredited by the Council on Accreditation.

Vice Chair Gerhardt:

The County has used these agencies in the past. Is there any way this Committee can get an idea of what kinds of violations have been issued, if any, before assigning them the responsibility of caring for these kids?

Thomas D. Morton:

Our primary relationship with these agencies is twofold. Treatment-level foster care providers are reimbursed by Medicaid, and we have shelter care agreements.

Assemblywoman Peggy Pierce:

Are you turning oversight of foster care over to agencies which now provide foster care?

Thomas D. Morton:

No, I am not talking about turning over the oversight. We would maintain case management. The bill is speaking about our ability to contract for the recruitment, and licensing of foster homes. This is not the same as transferring the case management and legal authority for the case to the private agency.

Assemblywoman Pierce:

What standard can be quantified, other than one agency can do this cheaper than another agency?

Thomas D. Morton:

We will have a base of experience on the quality of those homes, as measured by disruption rates. Disruption rates are rates of abuse in out-of-home care, and our own judgments about the success of those foster homes relative to meeting the needs of children. We have a number of agencies that recruit foster homes, but we do the licensing.

Assemblywoman Pierce:

What was the reason for bringing this bill forward?

Thomas D. Morton:

Meeting the needs of Clark County may not exist singularly within the Department of Family Services. If we could engage high quality, community-based organizations assisting with recruitment and licensing, there would be two benefits. They have natural connections to their boards and have their own communities of interest. They have a natural interest in doing this. If we have a pure agreement that would allow them to do this, we would extend our recruitment and licensing resources with no additional expenses on the part of the State or Clark County.

Assemblyman Bob Beers:

What factors regarding the general state of the foster child would you use to judge the quality of foster care?

Thomas D. Morton:

They would be the current standard. One factor would be the disruption rate within those homes. We have a number of care givers now who quite readily return children to us. Overall, is Nevada's rate of abuse in out-of-home care lower than the national standard? We still have a number of situations that occur that make some home placements unwise. In serving numbers of children over time, what is the experience of this home as a placement resource? Does it demonstrate itself to be a stable placement for children? Are the placement providers supportive of the child's relationship with the birth parent and the goal of returning home? Do providers offer a stable future-permanency plan and either adopt or take guardianship of children who cannot return home? Do they actively and positively support the placement of these children in adoptive families that have been recruited especially for them?

Assemblywoman Parnell:

Public/Private partnerships are the best. I can understand wanting a relationship with the faith-based families. It gets a little trickier when we talk about state contracts with public dollars and contracting with the faith-based community to do licensing. It seems as though it is too many peas in the pod. It gets a little cloudy and legally complex when you transfer that kind of responsibility and have dollars attached.

Thomas D. Morton:

It is complex, and there are risks. We can train and support the staff of these agencies to insure a standard equivalent to that which we currently provide. There are limitations to the number of staff allocated to this function. Partnering with agencies who can and are willing to devote staff that come through private sources, and are privately supported, that will expand the number of people out recruiting and licensing homes, gives us an opportunity to better address the needs that we have. In California, the State retains the licensing authority, and the foster family agencies have the approval authority. I have a limited number of government finance resources, but I do not think that level of resources is adequate for the task ahead. The non-profit sector in Clark County is severely underdeveloped in almost every area. Our private partners are underdeveloped in one sense, but they will develop only if we partner with them, support them, and help them become more capable. They are not going to mature and become fully capable on their own. Our own competency issues are well documented.

Vice Chair Gerhardt:

That is my concern. You will be charged with training other folks, and we are trying to train our agencies. Are your goals feasible? You do not need to respond, it is only a concern.

Assemblyman Hardy:

Does contracting mean you will give money to a faith-based organization? Or would it be a contract wherein you would ask them to meet certain standards, and therefore be licensed without an exchange of money?

Thomas D. Morton:

It could occur in either format. We have placement agreements with foster care providers, but we have no financial arrangement with them. The actual financial arrangement is with state Medicaid.

Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County:

I do not think the contracting issue is carte blanche. It can be structured in different ways. All our contracts go before the Board of County Commissioners. This will be an open and public process. The State will review these on an ongoing basis.

Assemblywoman Pierce:

An entity could enter a contract, and not receive any money?

Thomas D. Morton:

Yes, it is entirely possible. They could receive money for other aspects of the care they provide, but it is conceivable there would be no financial exchange between the Department of Family Services and the agency with which we would have a recruitment licensing agreement.

Vice Chair Gerhardt:

We have other proponents of the bill.

Barbara deCastro, Nevada Youth Care Providers, Las Vegas:

Nevada Youth Care Provider is in support of this bill. There is a vast amount of knowledge, and expertise regarding foster care, recruitment, and management of foster homes.

Jennifer Bevaqua, Nevada Youth Care Providers, Las Vegas:

We have a committee that is related to foster and group homes. We have thought of licensing our own group homes, because we do a lot of the process already. The process could be expedited by engaging with community partners to make more foster beds available.

Vice Chair Gerhardt:

Were either one of your agencies involved in placing Evalise Cabrera in that foster home?

Barbara deCastro:

It is my understanding that the child was placed into a county regular foster home at the time of her disappearance. Her county case-worker would have been responsible for placing her. Agencies are not necessarily responsible for placing children into regular foster care at this point. The agencies are limited to doing treatment foster care, aside from some shelter contracts that agencies have with Clark County.

Vice Chair Gerhardt:

Neither one of your agencies did any training of that family?

Jennifer Bevaqua:

The family that had a release was not involved with Olive Crest.

Barbara deCastro:

The home was not managed by any of the agencies in Clark County. It was a direct Clark County home. They were not trained by a private agency.

Jennifer Bevaqua:

We are limited to training, and working with treatment homes. We are able to help with regular family foster care.

Vice Chair Gerhardt:

Are there any questions from the Committee? There are none.

Glenn Campbell, Private Citizen, Las Vegas, Nevada:

This is a very nice bill. The most important word in this whole bill is the word "may". In 2003, the Legislature made the fateful decision to spin off foster care to the local county. If we do that, they need maximum discretion.

Vice Chair Gerhardt:

Is all the testimony in support of the bill?

Michael Capello, Director, Washoe County Social Services:

I am here to express support for A.B. 292. This level of discretion, in terms of delegating licensing authority, will have to be done judiciously at the local level. Those agencies that are interested in serving this function will have to meet some high standards. To accommodate children to other shelters, we will need an additional 125 beds within the next two years.

**Cheryin K. Townsend, Director, Department of Juvenile Justice Services,
Las Vegas:**

Multi-need children are youth who are involved in multi-systems such as child welfare, juvenile justice, and mental health. We see many kinds of programs that are evidence-based. This bill would allow us to attract providers who are supporters of this process and who can meet the needs of these children.

Assemblywoman Parnell:

Please define evidence-based.

Cheryin K. Townsend:

Evidence-based programs are programs that have been researched, showing they can produce the intended results. In this case, the results would be to work with children over the long-term, and produce results showing healthy, well-adjusted, involved-in-school children who are able to be returned to a home that would be more long-standing.

Vice Chair Gerhardt:

There are two people at the table, and I do not see you as signed-in. Are you speaking for the bill?

**Pamela Kurcz, Specialized Alternatives for Families and Youth of Nevada,
Las Vegas:**

Yes, we are in support of the bill. Providers are already recruiting, training, providing home study, and completing the entire paperwork packet. This is done prior to the packet going to the County for the final fire and safety inspection. There would be more oversight than actual training.

Vice Chair Gerhardt:

Please sign in before you leave, so we have a record of your appearance.

Dave Doyle, Eagle Quest of Nevada, Las Vegas:

We feel this bill will increase the recruitment of foster parents to serve at-risk youth. This will help reduce the overpopulation in current shelters. We are doing most of the licensing process until the file goes to the State.

Vice Chair Gerhardt:

Please sign in.

Assemblywoman Pierce:

If everything is already being done, except this last piece which is the final walk-through, how does this bill facilitate reaching some community not currently being accessed?

Thomas D. Morton:

The agencies that are in this process are doing it only for treatment-level homes. In essence, their primary incentive is to recruit for their own purposes. I would like to see us expand recruitment activity, and engage this community in the provision, defining, and development of homes for regular foster care. In some instances we do the fire inspection and measure the space. This is an activity that could be done by that agency and relieve us of that final responsibility.

[Written testimony provided by Division of Child and Family Services Committee ([Exhibit D](#)).]

Vice Chair Gerhardt:

We are closing the hearing on A.B. 292 and we are opening the hearing on Assembly Bill 305.

Assembly Bill 305: Revises provisions relating to the protection of children.
(BDR 17-871)

Chair Leslie:

This is a bill that came out of a subcommittee that I chaired. Since there is no one to present it, we could just take some testimony. This bill does two things. It creates the Legislative Committee on the Health, Welfare, Safety, and Protection of Children. The second issue creates a position of Child Welfare Specialist to audit and survey the facilities that have custody of children pursuant to a court order.

Vice Chair Gerhardt:

Are there any questions from the Committee?

Assemblyman Beers:

What would be the qualifications for a Child Welfare Specialist?

Chair Leslie:

In Section 18, page 5, the Audit Division of the Legislature could contract with an auditor to serve as the Child Welfare Specialist. It does not tell you the qualification, but it outlines the duties. There is one conflict with another bill which may be amended. Sarah (Lutter), would you like to outline the conflict people have noticed? We are going to address these bills during a work session on Wednesday.

Sarah J. Lutter, Committee Policy Analyst:

In Assembly Bill 261, there has been a proposed amendment to change the definition of child fatality. In this bill, the definition of child fatality is as it was

stated originally. Originally it was stated as "an act as certified by a physician, that places a child in serious or critical condition."

Vice Chair Gerhardt:

Mr. Serrano, do you have a position on this bill?

**Fernando Serrano, Administrator, Division of Child and Family Services,
Department of Health and Human Services:**

We do not have an official position on this bill other than looking at our function and looking at ways to improve what we do.

**Barbara Legier, Deputy Administrator, Family Programs, Division of Child and
Family Services, Department of Health and Human Services:**

The "near fatality" definition in Section 16 is as it is written in the Child Abuse Prevention and Treatment Act, which is a federal definition. As long as the Administration for Children of Families is agreeable, we are fine with either definition.

Chair Leslie:

The Legislative audit position is intended to keep that report and the work going throughout the session. This bill would have to go to Ways and Means for consideration of that position.

**Scott J. Shick, Chief Juvenile Probation Officer, Juvenile Probation Department,
Douglas County:**

We stand in support of this bill. An objective audit process of our facilities is absolutely essential to our success, and we will elaborate on that in our discussion on Assembly Bill 507. Regarding the credentials of the Child Welfare Specialist, we hope it is an attractive enough position to bring someone with experience in the field.

Chair Leslie:

The fiscal note looks like it will cover the salary of a highly qualified person.

Glen Campbell, Private Citizen, Las Vegas, Nevada:

I agree with oversight. We are giving discretion to the county, and we are going to evaluate the county. We have given the specialist powers to over-see institutional care and private facilities, but it is missing foster care.

**Michael G. Alonso, representing West Hills Hospital, Willow Springs Center, and
Montevista Hospital, Reno:**

I am here in opposition to A.B. 305. We do not oppose Section 2 through Section 12 in connection with the creation of a Legislative Committee. Our

opposition is specifically toward Section 13 through Section 20 in connection with the performance audits. The basis for the opposition is that the clients are hospitals, and as hospitals are heavily regulated by State licensure, through CMS and through Joint Commission accreditation. They are getting lumped in with juvenile detention facilities, group homes, and others who are not as regulated. Hospital patients are seen by physicians daily, and are cared for by licensed nurses.

Chair Leslie:

The reason they are included in this bill, is not because they are a hospital, but because they are a placement facility by a court order. The work of the Subcommittee was focused on any place that a judge orders a child into the care of the State.

Michael G. Alonso:

They are still different even though the children are court ordered. The hospitals are still being regulated at a lot of different levels.

Chair Leslie:

We will have to take a look to make sure the same complaint process is in place.

Vice Chair Gerhardt:

We are closing the hearing on A.B. 305, and we are opening the hearing on Assembly Bill 507.

Assembly Bill 507: Makes various changes to provisions concerning facilities that have custody of children pursuant to the order of a court. (BDR 38-1269)

Chair Leslie:

Assembly Bill 507 focuses on training requirements for people who come into contact with children. The bill requires an annual inspection of facilities that are outside the State of Nevada, which have physical custody of children from Nevada; that the Bureau of Services for Child Care license certain facilities, rather than a city or county licensing itself; it makes changes to the annual inspection of facilities that have physical custody of children pursuant to a court order.

**Scott J. Shick, Chief Juvenile Probation Officer, Juvenile Probation Department,
Douglas County:**

We stand in support of the bill, and the work that was done in the interim study. We are asking to be part of a work group that might establish core standards, as a template for what is reviewed in our facilities.

Glenn Campbell, Private Citizen, Las Vegas, Nevada:

One area of concern is Section 2, part 1. Regarding facilities out-of-state, it does not specify whether the inspection should be on-site or a documents inspection? Will an inspection delay placement of a child to a facility?

Vice Chair Gerhardt:

Do you have any suggested language in writing? We have to have it prior to the meetings.

Glenn Campbell:

It is nothing I feel strongly about.

**Michael G. Alonso, representing West Hills Hospital, Willow Springs Center, and
Montevista Hospital, Reno:**

We are neutral on the bill. Our concerns are about timely placement and transfer. Is there a more efficient method in which the inspection could take place, in order for the transfer to take place?

Vice Chair Gerhardt:

The hearing on A.B. 507 is closed.

[Chair Leslie returns]

Chair Leslie:

Thank you Madam Vice Chair. We are about to move into our work session. We have scheduled two Friday meetings. We have had quite a few bills come into this Committee. Assembly Bill 247 will not be heard today, we will hear it on Wednesday. We will hear Assembly Bill 113.

**Assembly Bill 113: Revises provisions governing municipal solid waste landfills.
(BDR 40-925)**

Sarah J. Lutter:

[Read from text, Exhibit E.] The Committee requested some information on the landfills being affected.

Chair Leslie:

I would remind the audience this is a work session, which is the Committee time to discuss the bill.

Assemblywoman Pierce:

Mr. Todd Ramey said in 2005, that putting a lining and a leachate collection system in a landfill costs about \$150,000 per acre. I went back to Lockwood landfill, asking how many acres were in question. They said they were talking about approximately 800 acres. Eight hundred acres at \$150,000 per acre totals about \$12 million. That is considerably less than the \$180 million or the \$200 million Mr. Ramey had suggested. That is a huge gap between the two estimates.

Chair Leslie:

Is there a Lockwood representative who would like to address that issue to the Committee?

Greg Martinelli, Vice President and General Manager, Waste Management of Nevada, Reno:

We do not dispute the number we have is approximately \$105,000 per acre. That is for the lower liner. This legislation also requires the landfill cap be the same. We had our engineer prepare some additional information for you. We are not talking about expending that money per acre. When we design the facility, we have to determine how much it will cost for the entire facility. Then we have to start recovering that cost. We are required to cap that facility, and provide for post closure. When we design the landfill, it will be a 25 acre cell. We are not spending \$180 million up front. It is spent over the life of the facility.

Assemblyman Hardy

The difference between an artificially lined and a naturally lined Lockwood is how much?

Greg Martinelli:

Based on current tonnage, it will cost \$3 to \$4 dollars more per ton to our customer base.

Assemblyman Hardy:

The artificially lined Lockwood is \$3 to \$4 per ton, and tell me how much that is?

Greg Martinelli:

There are too many moving pieces to determine the cost. It is based on what volumes are going to be. We could run a population-based model over the next 25 years, but without knowing what the costs will be, we base it on tonnage and not on a home basis.

Assemblyman Hardy:

Are you talking about \$180 million more total for the whole process?

Greg Martinelli:

Yes, over the life of the facility. This is an 800 acre expansion.

Assemblywoman Womack:

The determination of what the liner is going to be is for the whole project. But, it is done cell by cell. My concern is shifting of the land. If cells one and two are fine, what happens with the compaction when there is another cell? Does it not make more sense to line them all so the public is protected?

Chair Leslie:

Yes, that is a good point.

Assemblywoman Weber:

If an entity does not comply, what happens?

Eric Noack, Chief, Bureau of Waste Management, Division of Environmental Protection, Department of Conservation and Natural Resources:

Their permit would be revoked.

Chair Leslie:

What happens if we have these regulations, and after the fact they do not comply?

Eric Noack:

Compliance is a condition of the permit.

Assemblywoman Weber:

Are they sanctioned in some way?

Eric Noack:

There would not be a permit at the landfill. They would not be able to receive waste until they came into compliance.

Assemblywoman Weber:

That is my point. How can a permit be reissued?

Eric Noack:

It is a case by case basis. We would evaluate whether they had brought themselves back into compliance.

Assemblyman Hardy:

Have we seen an approved landsite that was naturally barriered, and that had a failure? What testimony have we heard about that?

Chair Leslie:

We were told that there has not been an incident in recent history. Is that correct?

Eric Noack:

For the unlined natural barrier landfills, there are two that had low levels of contaminants that have been detected in ground water. They are currently monitored.

Assemblyman Stewart:

Why should a municipality that has a good natural barrier be required to spend additional funds to have an artificial barrier?

Chair Leslie:

My competing concern is I am afraid we will be importing waste from California. Their waste will put our citizens at risk.

Assemblywoman Womack:

What is the difference between the public and the private ownership of landfills?

Chair Leslie:

I am a little mystified myself. Why is that an important issue?

Assemblywoman Pierce:

A public landfill is run by the government. The private landfill is run by a private company. Public landfill takes waste from a municipality.

Chair Leslie

The environmental standard would want it to be the same.

Assemblywoman Womack:

Can the private landfill take in more hazardous or different waste material?
Is there a distinction?

Assemblywoman Pierce

No, they cannot. That is regulated.

Assemblywoman Weber:

We touched on the closed landfill on Sunrise Mountain. What is the long-term liability on that? Is there any seismic or ground water contamination that occurs at that landfill?

Assemblywoman Pierce:

That landfill is closed. This bill would have no effect on it.

Chair Leslie:

We are ready for a motion.

ASSEMBLYWOMAN McCLAIN MOVED TO DO PASS
ASSEMBLY BILL 113 AS PRESENTED WITHOUT AMENDMENT.

ASSEMBLYWOMAN GERHARDT SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BEERS, HARDY, STEWART,
AND ASSEMBLYWOMAN WEBER VOTED NO.)

Chair Leslie:

Please review the bills before the work session on Wednesday. If you are not ready to go forward with a bill, please advise the Chair. Is there any other business to come before the Committee? Seeing none, this meeting is adjourned.

[Meeting adjourned at 3:24 p.m.]

RESPECTFULLY SUBMITTED:

Patricia Evans
Committee Secretary

APPROVED BY:

Assemblywoman Sheila Leslie, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: March 26, 2007

Time of Meeting: 1:39 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	*****	Attendance Roster
AB 283	C	Department of Health and Human Services	Adult Day Care
AB 292	D	Division of Child and Family Services	Foster Homes
AB 113	E	Sarah J. Lutter	Summary