

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-fifth Session
May 18, 2009**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 1:52 p.m. on Monday, May 18, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator John J. Lee, Chair
Senator Shirley A. Breeden
Senator William J. Raggio
Senator Randolph Townsend
Senator Mike McGinness

COMMITTEE MEMBERS ABSENT:

Senator Terry Care, Vice Chair (Excused)
Senator Steven A. Horsford (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Sheila Leslie, Assembly District No. 27

STAFF MEMBERS PRESENT:

Heidi Chlarson, Committee Counsel
Michael Stewart, Committee Policy Analyst
Olivia Lodato, Committee Secretary

OTHERS PRESENT:

Brett Kandt, Executive Director, Advisory Council for Prosecuting Attorneys,
Office of the Attorney General
Michael Capello, Department of Social Services, Washoe County
Josh Martinez, Las Vegas Metropolitan Police Department

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David F. Kallas, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.; Southern Nevada Conference of Police and Sheriffs

Julianna L. Ormsby, Nevada Women's Lobby
Lee Rowland, American Civil Liberties Union of Nevada

Chair Lee opened the hearing on Assembly Bill (A.B.) 337.

ASSEMBLY BILL 337 (1st Reprint): Creates the Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure in the Office of the Attorney General. (BDR 38-593)

Assemblywoman Sheila Leslie, Assembly District No. 27, said she was discussing A.B. 337. The bill created an Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure in the Office of the Attorney General. She referenced a PowerPoint presentation the Committee received (Exhibit C). Assemblywoman Leslie said the Committee could read the presentation at a later date. She had a representative from the Attorney General's Office present to testify on the bill. She said many children who grew up in houses where substances were abused or produced had ancillary problems. She said that was what drug-endangered children (DEC) statutes were about. The PowerPoint listed all the states that had DEC programs, Exhibit C. Statistics were also presented concerning the high percentage of children removed from their homes due to abuse and neglect because of parental substance abuse, Exhibit C. Assemblywoman Leslie said the production of methamphetamine caused some of the most serious damage to children. She said until DEC programs were started, law enforcement officers were not trained in how to protect the children. She said a DEC program tried to coordinate law enforcement with child protective services (CPS). She said there was no money in the bill, but federal money was available if the DEC program was established.

Assemblywoman Leslie said she was also presenting the bill on behalf of the Governor's Working Group on Methamphetamine Use. She said the Attorney General chaired that Group. The bill was recommended by the Group to come forward to the Senate.

Chair Lee asked about a child born with problems created by drug use. He asked what happened with that child.

Assemblywoman Leslie said if a baby was flagged and had a mother in a drug court program, the baby would automatically be tested for drugs. If the baby had drugs in its system, child protective services would remove the baby from the home. She said not every baby was tested for drugs. She said the DEC program was more about law enforcement where people were abusing drugs and children were present in the home. In the past, without adequate training, law enforcement might not make a point of caring for the children. She said DEC was focused on putting law enforcement together with CPS and other agencies in the community to assure the children's needs were adequately addressed.

Brett Kandt, Executive Director, Advisory Council for Prosecuting Attorneys, Office of the Attorney General, said the Attorney General expressed her support for A.B. 337. He submitted a letter to the Committee concerning the bill ([Exhibit D](#)). Mr. Kandt summarized the letter. He said the bill created a statewide coordinator for drug-endangered children in the Office of the Attorney General. The bill would allow the State to seek funding for the DEC programs. He said section 2 of A.B. 337 defined a child endangered by drug exposure. He said the purpose of defining a drug-endangered child was to establish and specify the target population for the DEC program efforts.

Chair Lee asked about the fiscal note of \$450,000. Was the amount correct?

Mr. Kandt said the fiscal note was based upon the Attorney General's Office obtaining sufficient resources through grants and private funding sources to hire the statewide coordinator. He said the bill did not create any fiscal obligation for the State.

Assemblywoman Leslie said if there was money available, that would be the cost. However, federal money was available. She said U.S. Senator Harry Reid was involved in getting another appropriation so more states could be added. She said at this time, there was no General Fund money in the budget or funds intended for the bill. She said the bill was reviewed in the Assembly Ways and Means Committee.

Michael Capello, Department of Social Services, Washoe County, said Social Services comprised the child protective agency for Washoe County. He said approximately 50 percent of the children who came into protective custody did so as a direct result of some form of substance abuse by the parent.

The formation of a DEC program at the county and State level would help ensure services were coordinated for those children. He said the importance of reacting at the scene made a big difference for the children's outcome. Programs such as DEC brought the most current information and technology to CPS and law enforcement. He said the department fully supported A.B. 337.

Josh Martinez, Las Vegas Metropolitan Police Department, supported the bill. He said child protective services in Clark County came to the scene immediately and allowed them to place children with relatives or foster parents. It removed the children out of the situation. He said some of the CPS positions could be removed due to the funding problems in the State. He said this program might be a way to have people specifically assigned to CPS for these problems.

Senator McGinness had a question about the statewide coordinator. He said he had heard from Clark County and Washoe County. He asked what the rest of the State could expect from the plan. He asked if rural Nevada was included in the proposed services. Senator McGinness asked if the coordinator was hired because a grant was received, and what occurred when the money expired.

Mr. Kandt said the Attorney General's intention was, if funding was available, to have a statewide DEC coordinator who would work through the 11 community coalitions and have a presence in all the rural counties. He said the focus was statewide. If funding was obtained and they were able to hire a statewide coordinator, that person was in unclassified service. The position would only be in existence to the extent they were able to obtain funding.

Senator McGinness asked if the intent was to wait until there was enough money to assist the entire State and not just Clark County and Washoe County.

Mr. Kandt said it was not the Attorney General's intent to focus on Washoe and Clark Counties at the expense of the rural communities. He said the rural communities needed the most assistance. He said the goal was to provide that assistance through the proposed program.

David F. Kallas, Director of Governmental Affairs, Las Vegas Police Protective Association Metro, Inc.; Southern Nevada Conference of Police and Sheriffs; also personally supported A.B. 337. He said the legislation would be beneficial to people who were overworked in child protective services. He asked for the Committee's support on the bill.

Julianna L. Ormsby, Nevada Women's Lobby, supported A.B. 337 in its current form. She urged the Committee's support of the bill.

Senator Raggio said A.B. 337 was an extremely important bill. He asked what the assurances were concerning funding, as the money was not in the budget. He asked what kinds of programs were available for these children. He said the children could not be returned to their parents.

Assemblywoman Leslie said a clause was added to A.B. 337 allowing for the acceptance of grants, gifts and donations. She said they had the offer of private funding that they were unable to accept because they did not have an office. She said she heard from Senator Reid's Office and Senator Reid wanted Nevada to receive funding for the program. Assemblywoman Leslie said it was a three-year grant. She said the purpose was to do a DEC protocol for each county. She said a statewide coordinator would work with each county to assure their protocol was put together. She said some states had huge DEC programs with ongoing training for both law enforcement and CPS.

Senator Raggio asked what happened with children who were born with controlled substances in their bodies.

Assemblywoman Leslie said federal legislation, the Adoption and Safe Families Act (ASFA), required a permanent case plan be developed within 12 months for children. She said ASFA provided strict guidelines. She said if the parent was in drug court, time could be extended as long as the parent was doing well. The system produced better results for these children.

Senator Raggio said he knew there was reluctance to remove children from parents. He said unless there was clear evidence that the parent was responding to treatment, it was a disservice to keep the child in a drug environment.

Lee Rowland, American Civil Liberties Union of Nevada (ACLU), said the ACLU was originally opposed to the bill. She said they saw it as increasing enforcement and reporting to law enforcement when danger may not be present. She said the ACLU was concerned policies not be enacted that provided perverse incentives for women to avoid treatment or the system. She said good laws were already enacted. She said A.B. 337 did not appear to increase law enforcement reporting in situations where the parent did not continue drug or alcohol abuse. She said the ACLU was neutral on A.B. 337.

Chair Lee asked Ms. Rowland what would become of a mother who lived in a drug environment but wanted to get out of it. He asked if the mother would be branded as being involved in the illicit environment.

Ms. Rowland said in a situation such as he mentioned, there would be no intent of prosecuting the woman who came forward. The most difficult part would be extracting the woman from the situation. She said the bill did not change the balance, but the bill might provide more funding for educating women and more resources for social services to become integrated and make sure the child was safe before and after the child's birth.

Chair Lee asked if there were any further questions concerning A.B. 337. As there were none, he closed the hearing on the bill. Chair Lee adjourned the meeting at 2:19 p.m.

RESPECTFULLY SUBMITTED:

Olivia Lodato,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____