

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Eighth Session
April 15, 2015**

The Committee on Government Affairs was called to order by Chairman John Ellison at 8:32 a.m. on Wednesday, April 15, 2015, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, 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: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman John Ellison, Chairman
Assemblyman John Moore, Vice Chairman
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblywoman Shelly M. Shelton
Assemblyman Stephen H. Silberkraus
Assemblywoman Ellen B. Spiegel
Assemblyman Lynn D. Stewart
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblywoman Melissa Woodbury (excused)

GUEST LEGISLATORS PRESENT:

Senator Patricia Spearman, Senate District No. 1



STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Eileen O'Grady, Committee Counsel
Jordan Neubauer, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Ron Knecht, State Controller, Office of the State Controller
James W. Smack, Chief Deputy Controller, Office of the State Controller
Jennifer M. Chisel, Deputy Attorney General, Office of the Attorney General
Tracey D. Green, M.D., Chief Medical Officer, Division of Public and Behavioral Health, Department of Health and Human Services
Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence

Chairman Ellison:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing on Senate Bill 26 (1st Reprint).

Senate Bill 26 (1st Reprint): Revises provisions governing the collection of debts by the State Controller. (BDR 31-499)

Ron Knecht, State Controller, Office of the State Controller:

I will be brief, please pass Senate Bill 26 (1st Reprint). The bill defines and streamlines the processes of the Office of the State Controller's Debt Collection division to be able to more readily process a wage garnishment against a person or company who owes a debt to the state of Nevada. [Continued to read from prepared text ([Exhibit C](#)).]

Chairman Ellison:

What caused you to bring this bill forward? Is this just an update to try and get the Office of the State Controller back into the twenty-first century or are you having problems with this in collections?

James W. Smack, Chief Deputy Controller, Office of the State Controller:

It is basically streamlining our processes and bringing them up to date into the twenty-first century.

Chairman Ellison:

You have not had any problems in collections?

James Smack:

This process will streamline the process of garnishments more cleanly than the process that exists now.

Ron Knecht:

We have had problems that we are solving in debt collection, and we hope to solve them even further with a new debt collection system. The biggest problem we have had has been the lack of ability to do wage garnishments.

Assemblywoman Spiegel:

Sections 5 and 6 talk about the processes that are used for garnishment. Does this process parallel the process that is detailed in *Nevada Revised Statutes* (NRS) Chapter 21, which relates to garnishments? If it is not the same, what are the differences?

Jennifer M. Chisel, Deputy Attorney General, Office of the Attorney General:

This is very similar to the process in NRS Chapter 21. I cannot give you a line by line detail of whether it is the same or not without further study of each provision. I do believe for the most part we did copy the provisions in NRS Chapter 21. In section 5, subsection 1, paragraph (a), it talks about the limitations on the amount that may be garnished in NRS 31.295, which is similar to the garnishment process in NRS Chapter 21. Additionally, it does specifically state that a garnishment under these provisions of the bill is a garnishment in parallel to that chapter.

Assemblywoman Spiegel:

If you have additional detail, I would appreciate it. I know there is another bill that is on second reading today that will change some of the garnishment provisions that are based on how much an employee earns in his or her paycheck, and it is somewhat related to financial hardship. I am wondering if the NRS changes those kinds of provisions how that would be factored in here and how changes to NRS Chapter 21 would affect this bill. Would it then require this section to also be changed?

James Smack:

I believe the bill you are referring to changes NRS 31.295 in regard to if a debtor's income is at a particular amount, we can only collect a certain percentage, and then the higher percentage that is allowed by NRS 31.295 now would kick in if they are over \$840 a week, but the exact language of the bill escapes me right now. This would incorporate those protections if that bill were to pass, and we would follow the letter of the law in that regard.

Assemblywoman Neal:

My question comes from the expansion of the authority. I am looking at section 7, subsection 2. Your jurisdiction is over state agencies, so it is sort of an intrarelationship. You are giving yourself the authority to assess punitive damages on another state agency. I am concerned with that because to me it is a broad scope of authority. When I was researching this bill, I went to 1999 when someone brought a similar bill forward. The authority that you are giving yourself, which happens to also exist with the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation (DETR), is a duplicative authority under the Office of the State Controller. Why do you need it? It is a broad scope of authority. I read all four of the other bills that came through.

Jennifer Chisel:

There may be some reluctance to process garnishments that are sent to an employer, and this is a way to incentivize them to follow the provisions of the statute and process the garnishment.

Assemblywoman Neal:

Where is the legal authority coming from for the Office of the State Controller, as a state agency, to penalize another state agency? Where do you get the right to order punitive damages to a state agency? Maybe I am misreading the bill. On page 7, lines 25 through 29 say, "the employer shall pay the amount the employer refused to withhold to the State Controller and may be ordered to pay punitive damages to the State Controller in an amount not to exceed \$1,000 for each pay period the employer failed to withhold...." This could apply to a state agency, correct? Where do you get the punitive authority?

James Smack:

This would only be punitive damage to an employer, not to a state agency. That would be if the employer refuses to comply with the garnishment order. It does not have anything to do with penalizing or having any punitive damages on state agencies.

Assemblywoman Neal:

Are you enlarging your garnishment power to private employers? What legal authority are you getting? What is it derived from?

James Smack:

A garnishment can only be produced if we have a judgment that has been signed by a court of law. We would only be able to proceed with a garnishment if we had the judgment in place. The terms and conditions of the judgment would be determined by the judge of judicial authority that puts it into effect.

Assemblywoman Neal:

On page 3, lines 1 through 3 say, "the State Controller may, in addition to any other manner of executing the judgment provided by law...." I put a box around "any other manner" because I was confused about what referencing that meant. When the collective language of NRS 353C.195 was created in 1999, the intent was for it to be a catchall provision because there were other agencies that had the authority to collect debts. It was a catchall phrase to say that if the state agency could not collect the debt, then the Office of the State Controller could collect it for them. Now you are giving yourself other authority, which to me trumps other agencies who have the ability to collect debt. I am still stuck on the broad authority. Why would we give all of these powers to the State Controller when other entities such as the Department of Taxation and DETR have the ability to garnish wages?

Ron Knecht:

Agencies have various power to collect debts within the first 60 days under the normal course of business. The debts do not get turned over to us until they have exercised their authority and they have done what they can. We end up getting the dregs of debt collection. All we are asking for is to have the same authority and tools as we pursue these tougher cases on down the line after the agency has done what they can with them.

Assemblyman Moore:

I do not have a problem allowing you to collect debts that are owed to the state in the same manner that a private company does. Let us say that I owe a company money; they can take me to court, get a judgment, and garnish my wages. Why would you not be allowed the same privileges? I support this bill 100 percent.

Ron Knecht:

I could not agree more. This is just extending the normal course of business from other state agencies and private businesses to the State Controller's efforts so we can collect on the same terms as provided by law.

Assemblywoman Shelton:

Would this allow you access to DETR's records that you do not currently have access to?

James Smack:

It will only allow us to access the name and address of the employer. It will be information sharing. We will be able to determine if persons have had judgments obtained against them and if they have an employer here in Nevada, we would be able to obtain the name and address from DETR, yes.

Assemblywoman Neal:

On page 5, lines 20 and 23 allow you to put the social security number in the notice, so where are you getting name and address only? It says, "must: (a) Contain the social security number of the person who is subject to the withholding." I wrote "privacy issue" right next to it.

James Smack:

We will have that information; it will already be associated with the debt. I am trying to understand what you are trying to get to.

Assemblywoman Neal:

It is in the public notice and mailed as certified. Typically, social security numbers are listed as the last four digits, but the whole thing is not listed on something in the mail. It is not a part of the scope of a notice unless it is the last four digits, which eliminates the ability for someone else to use it.

James Smack:

We would certainly be amenable to an amendment to change that to the last four digits of the social security number for going through the mail. That can be something the Committee can consider. That is the first time I have seen that and thought that it was something that would be questioned. I appreciate you bringing it to our attention.

Assemblyman Wheeler:

I read section 4 as saying that if an employer does not begin to withhold, you send the employer a certified letter with the social security number. I think the employer already has the social security number. I do not know why it would have to be redacted.

James Smack:

That was why I was trying to read the entire context of the section before I answered, and I probably spoke too soon. Thank you, sir.

Assemblywoman Spiegel:

I actually think that Assemblywoman Neal's proposed amendment to change it to the last four digits of the social security number makes sense. An employer could have multiple employees with the same name and having the last four digits of the social security number would allow the employer to properly identify the employee. I think it would help make sure the correct employee was garnished, but mitigate the potential privacy implications associated with sending a social security number through the mail. When you look at the mail and identity theft problem we have in Nevada, having just the last four digits of the social security number would help achieve both purposes.

Ron Knecht:

This is not just regular mail; there is a security aspect to it, but I will stand on the answer that Mr. Smack gave to Assemblywoman Neal's thoughtful question a moment ago; an amendment that would limit this to the redacted number with only the last four digits of the social security number would be fine by us.

Chairman Ellison:

Is this a policy that a lot of different agencies use?

Ron Knecht:

Yes sir, it is.

Chairman Ellison:

Are you following the same thing that is already in statute in other parts of our state?

Ron Knecht:

Yes. Other agencies are responsible for trying to collect their own debt. They have a time frame and processes. After they try and do not meet with success, we get what is left. We get the hard cases. We are trying to have the same tools and authority with which to continue to pursue the debts.

Chairman Ellison:

If anyone is in favor of the bill and would like to testify, please come forward. [There was no one.] If anyone would like to testify in opposition, please come forward. [There was no one.] Would anyone like to testify neutral? [There was no one.] Will the sponsor of the bill please come back to the table for closing remarks.

Ron Knecht:

My closing remarks will be the same as my opening remarks; please pass the bill.

Chairman Ellison:

I will close the hearing on (S.B. 26 (R1)).

Let us take a recess [at 8:59 a.m.].

[The Committee reconvened at 9:01 a.m.]

I will open the hearing on Senate Bill 362.

Senate Bill 362: Authorizes the Director of the Department of Health and Human Services to establish a program regarding the prevention of domestic violence under certain circumstances. (BDR 18-112)

Senator Patricia Spearman, Senate District No. 1:

I am here to present Senate Bill 362 for your consideration. Senate Bill 362 is a short but extremely important bill. It aims to address a critical issue that too many Nevadans face: domestic violence. [Continued to read from prepared text ([Exhibit D](#)).]

This bill allows the Director of the Department of Health and Human Services to authorize the Administrator of the Division of Public and Behavioral Health to establish an educational program for the prevention of domestic violence. [Continued to read from prepared text ([Exhibit D](#)).]

Chairman Ellison:

I appreciate this bill. I noticed that there is not a fiscal note. How does this get put into the system?

Senator Spearman:

The bill does not have a fiscal note, but it authorizes the Division of Public and Behavioral Health to seek grants. This is something that is necessary and needed. We did not want to get it tied up with a fiscal note. There are grants available for this sort of thing, and if the Division of Public and Behavioral Health administers this program, and they are the ones through which the money flows, I think it will not only be a way to get this done, but it would also be a way that the programs I mentioned in my opening remarks, the programs that are organic to the communities, could serve the communities in the way they were intended.

Assemblywoman Neal:

I understand where you are going, but there are already other programs out there. The Office of the Attorney General has a very extensive domestic violence program, a task force, a Boy Scout domestic violence patch, a Girl Scout domestic violence patch, and teen dating violence awareness. Southern Nevada has an advocacy group, Washoe County has an advocacy group for domestic violence, et cetera. Why do we need to have it under the Department of Health and Human Services if there is so much already going on in the scope of educating and helping people become aware of it?

Senator Spearman:

The scourge of domestic violence is so pervasive, and because of the statistics I just read to you, it is obvious that those programs may be working, but this gives us another tool in the toolbox because it is about education to prevent domestic violence. Even with all of the organizations and programs that you just mentioned that are currently in existence, as long as this scourge remains in society, I think we have to do everything that we possibly can, first, to prevent it and second, to make sure that if it happens, the victims of domestic violence have multiple places to go. This bill was done in consultation with the Division of Public and Behavioral Health. It is a simple bill and there is not a fiscal note other than authorizing them to go after grants. It is another opportunity for us to fight this scourge in society. It does not minimize what is already being done and this is not meant to supplant; it is meant to complement.

Assemblywoman Neal:

On page 1, lines 4 through 6 say, "to establish an educational program regarding the prevention of domestic violence and any medical, mental health or social services...." If a grant was received in southern Nevada, where would a person find this information? Will it be at the Medicaid office? Medicaid already has a teen pregnancy program and the University of Nevada, Las Vegas (UNLV) has AIDS and domestic violence programs along with some others that are kicking off. What are the medical, mental health, or social services that they would receive?

Tracey D. Green, M.D., Chief Medical Officer, Division of Public and Behavioral Health, Department of Health and Human Services:

We are participating in all of the different types of domestic violence activities, but we do not have a central hub or an area at the Division of Public and Behavioral Health where the activities could be centralized under what we could call the office of domestic violence. We participate with the Office of the Attorney General and the Maternal and Child Health program. We participate in more "siloe" services, so we take a little bit of them all. This may centralize the services and allow for us to have an office of domestic violence.

Most everything we do is statewide. We have Maternal and Child Health coalitions in the south, north, and rural areas with participation statewide. We see this as centralizing many of the activities, and also having a primary focus on domestic violence. Right now we have rape prevention and violence prevention, but there is not anything specific to domestic violence.

Assemblywoman Neal:

The Office of Minority Health is housed under the Department of Health and Human Services, and as you know, they have one person for the entire state. How would she benefit from this program, being that domestic violence is a large part in Latino communities? There are huge domestic violence issues that are underreported, and in terms of teen violence, there has been a rise in minority communities. I do not know how she would add this on to her tasks, but there should be a nexus and a relationship.

Tracey Green:

Essentially, with the Office of Minority Health, if we were able to get a specific grant for domestic violence, we would write in a person and the roles of the person to assist the Office of Minority Health. This would actually be an expansion and an incremental way for us to hopefully, in the future, request additional people. We have shown the need, the purpose, and how necessary it is to have more than one person in the Office of Minority Health because you are right: what she is doing right now is phenomenal, but no one person can manage or attempt to address all of our issues surrounding the minority population.

Assemblywoman Spiegel:

I think this bill could help a lot of people. Is the program intended for victims and potential victims only, or is it something that could be expanded to include educational programs for staff and also perpetrators so they can stop perpetuating domestic violence?

Senator Spearman:

When we authorize them to apply for grants that are connected to preventing domestic violence, I believe it will have a ripple effect. They can secure whatever monies are out there to do exactly that.

Tracey Green:

I think most of what you are asking is probably without a doubt within the realm of this. When we start looking at perpetrators and the criminal justice system that perhaps some of our other programs, like the Lakes Crossing Center and our forensic facilities may be linked to, this might be a more appropriate arena for something like that. If we were to look on the public health and mental health side, we see this as prevention, early intervention, and access to treatment.

Senator Spearman:

I think this Committee unanimously passed a bill yesterday to which this provides a direct nexus between younger and older, which is another added benefit.

Assemblyman Wheeler:

Thank you for bringing this forward. Anything we can do to help mitigate domestic violence, we should. To me there is nothing worse than abusing a woman except maybe abusing a child, and domestic violence covers both. I would like to see this bill pass.

Assemblywoman Joiner:

I would also like to thank you for bringing this bill forward. I actually think for such a small bill without a fiscal note, it is a really important one. Having worked in the Department of Health and Human Services and seeing the grant process, it is so fascinating to me how more of the grants require coalitions. Truly having the state agency as a lead agency is often required for some of the grant applications. I could see it being much more of a competitive and persuasive case for the state to say this is a priority by creating the ability for our agency to take the lead on it. The fact that we do not have the authority already surprises me. I think this bill is extremely important.

Senator Spearman:

It is another tool in the toolbox. I think it is an important bill.

Assemblyman Flores:

If the data is as large as it is now, then what we are currently doing is good, but it is not enough, so we need more help. I just wanted to get clarification: currently, without the bill, we would have a hard time doing this if we wanted to, correct?

Tracey Green:

What is happening right now is it is just pieces of programs. This really puts a central focus on domestic violence. We work with the Office of the Attorney General, we have Maternal and Child Health, we have some violence and risk prevention programs, but we really do not have a single focus on domestic violence, which we believe is critical. I think this would lead us down that path.

Assemblyman Moore:

Thank you for bringing this bill; it is a very important issue. I was concerned that you said this is an incremental expansion for possibly more staff later. As you know by now, I am not a big government person, so I am concerned

that possibly in the future we will expand and have a whole department with budget concerns, et cetera. Can you clarify that for me please?

Senator Spearman:

As we obtain grants, we write in an administrator for the program. This is independent of any type of expansion of government. It actually can provide more money for the offices, such as the Office of Minority Health, which has one employee. With additional grant funding you can have more employees. Do not hear this as something that is expanding government. Hear it as an opportunity to go after more grant money that is already out there that will allow us to do what we are doing now, but better.

Tracey Green:

This is in no way expanding government. It is creating an efficiency. We have one person with the Maternal and Child Health program, and a piece of what they do now is domestic violence. We have a person who is with our community and child services, and a piece of what they do is domestic violence. As we get grants that are primarily focused on domestic violence, we not only can write in the position in the grant, but we can restructure the work that our employees are doing now and be able to give one individual to the Office of Minority Health specific to domestic violence with the grant money. This is just looking at doing business a little bit more efficiently, not adding more bureaucracy.

Assemblyman Moore:

Thank you for clearing that up. It is exactly what I wanted to hear.

Assemblywoman Neal:

If the bill moves out of this Committee, does it have to go to the Assembly Committee on Ways and Means? No, so it is enabling. Hopefully this bill will pass. I figured that I would ask about the duplication of services because I did the same thing with the other people who presented their bill.

I had a best friend who was beaten up and abused in her entire relationship by the father of her children, and it remained a consistent relationship for ten years. Even after that relationship ended, she picked up another abuser. There is a cycle. You move from the person who physically abuses you to the person who verbally abuses you. In their process of removing themselves from the relationships, the type of abuse adjusts as they progress out and start to get stronger. Hopefully the education and the mental health portion will work in terms of the ability to have the Office of Minority Health, the Department of Health and Human Services, and the Office of the Attorney General all be able to have a discussion on how to help victims become mentally healthy in the

process of the physical change that is being affected. It is a huge part. They stay in the cycle because they are mentally stuck.

Senator Spearman:

This is why we are talking about education. One of the things that happens all too often is someone's opinion of herself is usually developed very early in life and there is something about either the situation, circumstances, or the environment in which she lives that tells her she is less than. One of the things we hope will happen with this particular program is to go to the root of the problem early on and to talk about some things that are signs and symptoms of the very abuse you just talked about. What happens is the person begins to look for someone who validates that low opinion of herself. When she finds the person who validates her, against her better judgment, she latches on to them because that is all she knows. When we talk about education, we can address some of those things early on, so with people who are in the rising risk category, we can help them or their friends identify some of the trends early and hopefully they do not become, as your friend was, part of the statistics I mentioned earlier. Once a person feels good about herself and she is self-affirming, there is very little that outside agitators can do to diminish that. People have got to get whole and healthy on the inside. If I was not talking about this from a mental health perspective, I would be talking about it from a spiritual health perspective.

Chairman Ellison:

If anyone is in favor of the bill, please come forward.

Sue Meuschke, Executive Director, Nevada Network Against Domestic Violence:

The Nevada Network Against Domestic Violence is a grassroots coalition of domestic violence programs throughout the state, and all are nonprofit. The network has been around since 1980 working on the issue of domestic violence, and we are here today to speak in favor of S.B. 362. I hope many of you know that there are 15 primary purpose domestic violence programs in Nevada that provide services to victims of domestic violence, from hotline services, to shelters, to support groups, and more. Last year these programs served more than 40,000 individuals in communities all across the state. These programs are designed and funded to provide intervention services. That is to help the victim after the crime has occurred.

Senate Bill 362 asks us to look upstream to prevent the violence before it happens. Some of the domestic violence programs I have referenced have begun to develop prevention programs, education in the schools for both children and teens, and developing public education campaigns designed to change community attitudes about domestic violence. Unfortunately, there are

too few resources available for programs to do this work, and the demand for intervention services often takes precedence.

This bill, while not providing any resources or providing a fiscal impact on the state, asks the Division of Public and Behavioral Health to focus on the issue of domestic violence and to identify and access whatever resources that are out there to help us do a better job of preventing domestic violence.

We have had the privilege of working with the Division on several small projects aimed at the prevention of teen dating violence, training for home visitors on how to recognize, respond to, and educate new moms about domestic violence, and we would look forward to expanding that work as more resources are available in Nevada.

We want to thank Senator Spearman for bringing this bill and highlighting the need to expand our prevention efforts to help decrease our intervention efforts. We know that Nevada has a serious problem with domestic violence, and we hope that this bill is a first step in a statewide effort to prevent and eventually eliminate domestic violence in our communities.

Chairman Ellison:

Does the Committee have any questions? [There were none.] Is anyone else in favor of the bill? [There was no one.] Is there any opposition to the bill? [There was no one.] Is anyone neutral? [There was no one.] Senator Spearman, do you have any closing statements?

Senator Spearman:

I appreciate the opportunity to bring this bill forward. Although my name is part of the primary sponsorship, I think this is a community effort. I was thinking about the times when I responded to domestic violence incidents and it is almost like a trail of breadcrumbs; you can go back several steps and see how it might have been avoided. I am privileged to be able to offer this as another tool, but I am really hoping that upon passage it becomes something that all of us feel an obligation and responsibility to accomplish.

Chairman Ellison:

We will get this scheduled on a work session for Monday. I will close the hearing on S.B. 362. Is anyone here for public comment? [There was no one.] The meeting is adjourned [at 9:28 a.m.].

RESPECTFULLY SUBMITTED:

Jordan Neubauer
Committee Secretary

APPROVED BY:

Assemblyman John Ellison, Chairman

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Government Affairs

Date: April 15, 2015

Time of Meeting: 8:32 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 26 (R1)	C	Ron Knecht / Office of the State Controller	Prepared Text
S.B. 362	D	Senator Patricia Spearman	Prepared Text