

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

**Seventy-ninth Session
February 13, 2017**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 1:07 p.m. on Monday, February 13, 2017, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 David R. Parks, Chair
Senator Mark A. Manendo, Vice Chair
Senator Julia Ratti
Senator Joseph P. Hardy
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Heidi Chlarson, Counsel
Gayle Rankin, Committee Manager
Suzanne Efford, Committee Secretary
Debi Szaro, Committee Secretary

OTHERS PRESENT:

Steve Weinberger, Administrator, Division of Internal Audits, Office of Finance,
Office of the Governor
Brett Kandt, Chief Deputy Attorney General, Boards and Open Government
Division, Office of the Attorney General
Arlene Rivera, Ombudsman, Office of Ombudsman for Victims of Domestic
Violence

Senate Committee on Government Affairs

February 13, 2017

Page 2

Susan Meuschke, Executive Director, Nevada Coalition to End Domestic and Sexual Violence

Erik Schoen, President, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors

Jake Wiskerchen, Secretary/Treasurer, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors

Merlelynn Harris, Nevada Association for Marriage and Family Therapy

Helen Foley, Nevada Association for Marriage and Family Therapy

Marlene Lockard, Nevada Women's Lobby

Scott Anderson, Chief Deputy, Office of the Secretary of State

CHAIR PARKS:

We will open the hearing on Senate Bill (S.B.) 111.

SENATE BILL 111: Revises provisions relating to the auditing of agencies of the Executive Department of the State Government. (BDR 31-552)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 4):

The Sunset Subcommittee of the Legislative Commission reviews boards and committees to determine whether a board or committee should continue without changes, sunset or continue with amendments.

In Senate Bill 111, the Executive Branch Audit Committee is recommended to give the power to the Chair, the Governor, to recommend that audits be performed within a quicker time frame. Steve Weinberger is here to elaborate on those issues.

STEVE WEINBERGER (Administrator, Division of Internal Audits, Office of Finance, Office of the Governor):

The Executive Branch Audit Committee meets biannually, is controlled by the Governor, and consists of the elected officials in the Executive Branch and a person who represents the public. The Governor requests flexibility in the event an agency requires to be audited due to problems. The Committee fulfills the objective by approving and assigning audits to the Division of Internal Audits. The Budget and Internal Audit Divisions have independence from Department of Administration agencies.

SENATOR GOICOECHEA:

The bill states there are boards that are exempted. What are those agencies?

Senate Committee on Government Affairs

February 13, 2017

Page 3

MR. WEINBERGER:

Smaller commissions and agencies are not part of the *Executive Budget*. We administer the State internal control system. Those agencies you reference are exempt due to having their own auditors or they are not part of the *Executive Budget*. The Executive Branch auditors received an opinion by the Attorney General (AG), who gave them authority to audit those entities subject to those *statutes*.

SENATOR GOICOECHEA:

This bill states if a problem arises in an agency not exempted, then the Governor can request the Administrator to perform an audit.

MR. WEINBERGER:

Correct. The Audit Committee results would be presented publicly in our Audit Committee meeting.

SENATOR GOICOECHEA:

The determination to start an audit with an agency would not require a meeting?

MR. WEINBERGER:

That is correct.

SENATOR HARDY:

The Board of Dental Examiners of Nevada is listed as exempt. If the Governor requests an audit, could you do it?

MR. WEINBERGER:

The Executive Branch auditors do have authority to audit those boards. The Legislative Branch auditors completed an audit of the Dental Board. By statutes, we have to follow up on their recommendations.

SENATOR HARDY:

You can go to any board, even though this list states, "such agencies must not include": The Nevada System of Higher Education, the Public Employees' Retirement System, the Housing Division of the Department of Business and Industry and the Colorado River Commission of Nevada. Can they be included?

MR. WEINBERGER:

Nevada Revised Statutes (NRS) 353A exempts those agencies with having to comply with the internal control standards of the State. The AG Opinion states we can audit any State agency on the Executive side.

SENATOR HARDY:

All of those boards are on the Executive side?

MR. WEINBERGER:

That is correct.

SENATOR RATTI:

Do you build your budget based on the audits on the annual audit plan? How do you afford the resources to perform additional audits? What would be the mechanism?

MR. WEINBERGER:

We do not build our budgets based on upcoming audits. We have eight auditors and a risk assessment plan. I schedule agencies I think warrant an audit, but we get audit requests from the Executive Branch Audit Committee members and various department directors on the Executive side. Our policy is to give those priority. I am not sure of my caseload at the beginning of the budget session.

SENATOR RATTI:

Is it fair to say if you have too many requests for additional audits that some other audits may get bumped?

MR. WEINBERGER:

We prioritize based on requests from the Committee. Those take precedence; we also get requests from department directors. We accommodate all our requests based on resources we have.

SENATOR HARDY:

As example, there is a board that receives 16 recommendations and only accepts 13. What is the Committee policy at that point?

MR. WEINBERGER:

Are you talking about the Legislative Branch auditors? We do have similar situations where we issue recommendations and the audited agency may not

accept them all. The protocol is for the agency to speak at our Executive Branch Audit Committee meeting and express its views.

SENATOR SETTELMAYER:

When the situation relating to the 16 recommendations and the board deciding to only accept 13 of them created much concern from the Legislative Commission, the agency decided to accept 2 more of the recommendations, holding out on 1 recommendation. The Legislature opened a bill draft request to require the agency, by statutes, to take the other recommendation, or the Governor could utilize his own bill drafts and authorities to do just that. The agency changed its viewpoint and accepted all recommendations.

CHAIR PARKS:

We will close the hearing on Senate Bill 111 and move on to S.B. 23.

SENATE BILL 23: Clarifies requirements relating to a petition for judicial review of a final administrative decision in a contested case. (BDR 18-374)

BRETT KANDT (Chief Deputy Attorney General, Boards and Open Government Division, Office of the Attorney General):

This bill amends NRS 233B.130 to clarify how a petition for judicial review (PJR) of a final administrative decision in a contested case must be served. It also clarifies that the agency that rendered the final administrative decision in a contested case must be named as a respondent in the petition. I submitted a letter from Attorney General Adam Paul Laxalt ([Exhibit C](#)).

The Administrative Procedure Act, NRS 233B, sets minimum procedural requirements for adjudication by administrative agencies of State government. The Act provides that a party, who is identified as a party of record by an agency in an administrative proceeding and who is aggrieved by a final decision in a contested case, is entitled to judicial review of that decision.

Before the 2015 Legislative Session, NRS 233B.130 was silent on how to properly serve a PJR. During the 2015 Session, the AG's Office brought A.B. No. 53 of the 78th Session, which specified how to properly serve a petition for judicial review when the State is the agency that renders the final decision. Section 9 of A.B. No. 53 of the 78th Session specified that service needed to be provided both upon the agency and upon the AG's Office.

A variety of State agencies are rendering final decisions in contested cases. We want to ensure that service is properly effectuated so the State has proper notice of a petition to respond appropriately. The Legislature recognized that service of a lawsuit is required to be done properly so the State is aware whenever it is sued. *Nevada Revised Statutes* 41.031, subsection 2, provides that if litigation is against the State when the petitioner serves the summons and complaint, the petitioner serves the State agency and the AG's Office. A proposal in A.B. No. 53 of the 78th Session stated that a PJR should be effectuated in the same manner.

We seek clarification on NRS 233B.130 for service of non-State agencies that render a final decision. Also, the issue of the agencies involved should be properly named, which S.B. 23 accomplishes.

Senate Bill 23 requires that if a State Agency is named the respondent, personal service of the PJR must be made on our Office and the administrative head of the agency, under NRS 41.03, subsection 2.

Senate Bill 23 recognizes you can file a petition for judicial review to review the decision of an appeals officer in a workers compensation claim, pursuant to NRS 616C.370. Senate Bill 23 provides service has to be effectuated upon the appeals officer who rendered the decision that is being challenged on judicial review.

The catchall provision for any other respondents states that service must be made pursuant to Rule 4 of the Nevada Rules of Civil Procedure. These amendments recognize the Administrative Procedure Act is a broad application. Instances may occur when service upon the AG is not appropriate. One instance is a judicial review of an appeal officer in a workers' compensation case. *Nevada Revised Statutes* 233B.130 has application to administration actions on the local government level. *Nevada Revised Statutes* 432B.317 refers to NRS 233B.130 as the procedure for administrative appeal from a decision of a child welfare agency that substantiates a report of abuse or neglect of a child. *Nevada Administrative Code* 127.500 refers to the Administrative Procedure Act as the procedure for administrative appeal from a decision of a child welfare agency to deny, reduce or terminate financial assistance to prospective adoptive parents. Senate Bill 23 fine-tunes the statutes to clarify how to effectuate service of a final decision in a contested case.

SENATOR HARDY:

Who is the appeals officer? Is there someone distinct from the AG's Office?

MR. KANDT:

Yes. An appeals officer rules on the claim's validity, and the law provides the claimant can seek review of the decision. The AG's Office does not require involvement, and service should be upon the appeals officer who rendered the decision.

SENATOR HARDY:

The claimant appeals to the officer who denied the claim?

MR. KANDT:

The claimant is appealing to the district court. A petition for judicial review is filed in district court. After an administrative proceeding has reached its conclusion, certain instances afford claimants an opportunity to have the final decision reviewed by a district court judge.

SENATOR GOICOECHEA:

Judicial review of the agency would be served on the agency, but then who defends the claimant? Do you have legal counsel? Does the agency come to the AG's Office because the case being pleaded would have an attorney representing it?

MR. KANDT:

The AG's Office would defend a final decision from a State agency, which is reason the PJR is crucial to be served to our Office. For a workers' compensation matter, the claimant is represented by a private attorney who specializes in workers' compensation for review of the appeals officer's decision in district court.

The petition for the judicial review process has application for decisions on the local level by local agencies, and the appropriate district attorney would represent the agency on judicial review of the action taken.

SENATOR GOICOECHEA:

The bill states the agency is the one served and the Attorney General's Office will not be served with this petition for judicial review. Is that correct? I am reading section 1 subsection 2, line 19, "The Attorney General or a person

designated by the Attorney General ..." has all been stricken from the bill, and it does not look like the AG's Office would be served. Would the agency then have to notify the AG's Office because the claimant has an attorney? Please clarify the stricken language.

MR. KANDT:

That language is in the text of NRS 41.031, so rather than recite that language, we are inserting the citation to the relevant provision in NRS 41.031, which has required service upon the AG's Office in addition to the named agency for a lawsuit. Now it will also be clear that the same service must be effectuated for a petition for judicial review.

SENATOR RATTI:

If the agencies are served but not the Attorney General's Office, what is the consequence? Do they get notices to serve and their cases are delayed, or do they lose standing?

MR. KANDT:

The consequence is our time to respond because they have not effectuated proper service upon the State.

SENATOR RATTI:

Are there any statutes of limitations for any of these where they have to deal within a certain period of time or they would be losing their time?

MR. KANDT:

There could be an applicable statutes of limitations. It depends on the circumstance.

SENATOR RATTI:

If a party has served the agency but not the Attorney General's Office and there was a statutes of limitations, the party would lose the opportunity?

MR. KANDT:

If an agency gets served, it notifies our Office, and we have a procedure for accepting service of any legal document, recording it, logging it on our time schedule and communicating with agencies, whether it is a PJR, summons or complaint to determine whether the agency was served. As for service that is not effectuated properly, we will advise the party that is suing or filing a petition

for judicial review that the party has failed to effectuate service and advise the party it needs to do so.

SENATOR RATTI:

The bill is being revised for specific situations, but you have been operating under this set of rules since 2015?

MR. KANDT:

Yes. The statutes was silent until 2015.

SENATOR RATTI:

Did anyone lose standing in the last two years because the party did not notify you as well as the agency?

MR. KANDT:

Not to my knowledge. There was confusion on how the statutes operated regarding compensation claims or for the local governments that the administrative actions were subject to judicial review. This is to clean up the confusion.

CHAIR PARKS:

We will close the hearing on Senate Bill 23 for a future work session and open the hearing on S.B. 25.

SENATE BILL 25: Revises provisions governing the organization and functions of the Office of the Attorney General relating to domestic violence and the fictitious address program. (BDR 18-385)

MR. KANDT:

Senate Bill 25 is to consolidate four statutory boards that perform overlapping functions in responding to the problem of domestic violence in Nevada. We are proposing to consolidate the boards into a single entity to operate more efficiently, effectively and better effectuate the goals of reducing domestic violence and saving lives.

ARLENE RIVERA (Ombudsman, Office of Ombudsman for Victims of Domestic Violence):

In 2016, the Victim Information and Notification Everyday (VINE) program committee registered nearly 25,000 victims of domestic violence and 481,000

searches. Administration of this program has been successful in reporting domestic violence.

MR. KANDT:

I submitted written testimony ([Exhibit D](#) and [Exhibit E](#)).

SENATOR GOICOECHEA:

The bill draft reflects ten members?

MR. KANDT:

Correct.

SENATOR GOICOECHEA:

Please verify. Once the committees are combined, there will be 30 members?

MR. KANDT:

It would set a maximum or fixed number of ten members. We request that number to be a minimum and have the flexibility to have additional members and afford existing members on the four boards the opportunity to continue service. Our goal is to be inclusive and maximize the collective expertise of the board.

SENATOR GOICOECHEA:

The bill states the Committee shall meet regularly, three times per calendar year but in five different locations. At least one meeting in a calendar year must be held at a location within the Fourth, Fifth, Sixth, Seventh or Eleventh Judicial Districts.

MR. KANDT:

The single entity would meet quarterly, and at least one of those meetings will be held in one of the rural communities of the four districts. The purpose of the schedule allows the group to learn of concerns, resource issues and challenges faced, and to cultivate awareness of issues that will be taken into account when formulating policy or making recommendations.

SENATOR HARDY:

The 30-person committee will be in statutes, and 2 years will pass before it can be pared down to 5 or 7 persons?

MR. KANDT:

It will operate smoothly. Existing members welcome the opportunity to participate on the larger board. After a process of attrition, an optimal number of persons with expertise and flexibility will be reached.

SENATOR HARDY:

If you have 30 people in the group, will it be appropriately funded, or is there a funding stream that goes with the group to accomplish the tasks?

MR. KANDT:

The AG's Office is allotted a fraction of court assessments, per NRS 176.059, to operate initiatives and efforts relating to domestic violence. The court assessments are not often sufficient to cover existing initiatives and efforts. Frequently, we need to use grant funding to supplement it.

SENATOR HARDY:

Are you merging the four groups into one along with their funding? Does the funding of each group come with the merger, or is it based on the one parent organization's funding?

MR. KANDT:

It is one source of funding with a portion of court assessments received for purposes of domestic violence efforts pursuant to NRS 176.059. The funding will not change to consolidate the groups. The funding stream is not always sufficient to cover our efforts, and we use grant funding to cover shortfalls.

SENATOR HARDY:

How is it more efficient?

MR. KANDT:

We believe through efficiency there will be cost savings in many respects. One respect is staff time and assistance for four separate boards meeting. We have one board to comply with the Open Meeting Law, public records laws and provisions that are applicable whenever you have a statutory board. This will result in efficiency on an accomplishment level, making a difference for victims in our State but also from a fiscal standpoint.

SENATOR RATTI:

The purpose is to achieve consolidation of the four boards, move the certification of batterers treatment to the Board of Examiners for Marriage and Family Therapists and to have the fictitious address move back to the Secretary of State. Is that correct?

MR. KANDT:

That is the bill in its current form. The second and third components to the bill may require discussion regarding batterers treatment certification, where it is most appropriate. Should it reside in the criminal justice agency or effectively be performed within a behavior health board or agency? That is worthy of discussion. Can the confidential address program be most effectively administered within our Office? Is it split between our Office, will it always be split? If we keep the portion we have now, the voter administration portion has to be administered by the Secretary of State, or should we move the entire program to the Secretary of the State as it was prior to 2015? There is a fiscal impact upon the Secretary of State's Office that would have to be addressed.

SENATOR RATTI:

I am interested in the consolidation of the four boards and certification of batterers treatment. Can you describe the process in terms of engaging the stakeholders, which would be the four existing boards and Board of Examiners for Marriage and Family Therapists, while coming to these decisions?

MR. KANDT:

Yes. We had dialogue with stakeholders and affected parties in regard to combining the four statutory boards and their functions into a single board. The consensus was it could be effective and make a difference.

SENATOR RATTI:

Did the four boards vote on the idea?

MS. RIVERA:

There has not been an official vote. When the Attorney General presented the proposal to the Council on October 20, 2016, members had questions, but the majority seemed to be supportive. It was not official since it was an open meeting for discussion.

SENATOR RATTI:

One of the four boards has had discussion about the proposal?

MR. KANDT:

The proposal Ms. Rivera referred to was presented to the Council for the Prevention of Domestic Violence. There was no final vote to support the proposal, but the members understood the policy reasons and found it could be helpful. Members seemed supportive of it. Regarding the Domestic Violence Fatality Review teams, those teams are convened by the Attorney General. Those teams are not a typical policy-making board and they perform a specific function. We are proposing the Attorney General have the authority to convene the committee on Domestic Violence as a team. I chaired the last Fatality Review in the fall. We investigate a fatality, trying to find ways in which the system failed. It is not a policy-making board that votes on policy questions, and it was not posed to the Fatality Review Teams as a policy proposal.

I spoke with the Chair of the VINE Governance Committee about the proposal, and the conversation was receptive to collapsing it into the larger group.

The Committee on Domestic Violence has several enumerated statutory responsibilities which overlap with the effort of the other groups. Its primary mission is the batterers' treatment certification. The Committee's concern on the proposal was where certification would go. The Committee wanted to ensure the function was performed in an effective manner. It is a proposal for your consideration, and we do not necessarily know it belongs with the Marriage and Family Therapists Board. Everyone wants due diligence about whether the function transfers, where should it go and what the long-term effect is. The policy consideration is whether batterers' treatment certification and regulation should be conducted by our Office, as a criminal justice agency, or whether it would be more effective in an agency or board that has a behavioral health focus.

The Committee on Domestic Violence includes a judge, a law enforcement officer, a prosecutor, former victims of domestic violence and behavioral health experts, but criminal justice experts determining whether a batterers' treatment program could be effective. Please consider the best way to ensure these programs are as effective as possible or more effective if certifying and regulating these programs was conducted by behavioral health experts.

SENATOR RATTI:

Your process sounds like the AG's Office is meeting with some of the groups and has had some conversations with individual group chairs. Is it fair to suggest a meeting with everyone to figure what could be the best way to advance domestic violence needs and issues in Nevada?

MR. KANDT:

We did not meet with the four committees collectively at a single table, but we did have dialogue with representatives of all the committees, who were all receptive. The exception is the batterers' certification, where there has been concern about if it were moved, where would it go to be as effective as possible. Trying to change a batterer's behavior is one way the needle could move in a positive direction for our State.

SENATOR RATTI:

Did you consider taking this process to the Sunset Subcommittee of the Legislative Commission?

MR. KANDT:

We did not, Senator.

SENATOR HARDY:

To be clear, is this moving toward a behavioral approach to decrease domestic violence instead of a punitive approach?

MR. KANDT:

We think that is worthy of a discussion as to what is the most effective approach. Every batterer convicted under NRS 200.485 is required to attend batterers' treatment. Compliance is a challenge since we lack certified batterers' treatment programs.

SENATOR HARDY:

Is this bill a motion toward a behavioral approach? Is that the decision we are facing?

MR. KANDT:

Our proposal to you is that the function be part of behavioral health experts rather than criminal justice experts.

Senate Committee on Government Affairs
February 13, 2017
Page 15

CHAIR PARKS:

The log reflects persons signed in as opposition.

SUSAN MEUSCHKE (Executive Director, Nevada Coalition to End Domestic and Sexual Violence):

We have concerns about the moving of the batterers' intervention programs from the Office of the Attorney General to the Marriage and Family Therapists Board. I have submitted my testimony and statistics on the Batterers' Intervention Program Standards Compliance report. ([Exhibit F](#)) .

SENATOR RATTI:

Did you have an opinion on the merger of the four boards if you take out the movement of the treatment programs?

MS. MEUSCHKE:

I am a member of the Nevada Council for the Prevention of Domestic Violence, and we have had conversations. I am okay with streamlining as long as the functions will continue to occur. I have no problem with creating the committee. The VINE Governance Committee is a subcommittee of the Nevada Domestic Violence Council, so I believe it already exists. The Fatality Review is a team as opposed to a board. As a Council, we would oversee and ensure it continues. Personally, I do not have an issue with the merger. We are concerned whether the Secretary of State's Office is willing to take over the confidential address program.

ERIK SCHOEN (President, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors):

I have submitted written testimony of opposition ([Exhibit G](#)).

SENATOR GOICOECHEA:

How many family therapists do you have licensed in the State?

MR. SCHOEN:

Approximately 1,500.

SENATOR HARDY:

Do you see funds being redirected so you can increase your staffing?

MR. SCHOEN:

It is not in the bill. I hope there is a consensus that this is not a good move.

SENATOR HARDY:

In your opinion, the behavioral model being proposed is less able to deter domestic violence?

MR. SCHOEN:

There has been research from 2009 and 2011 showing the treatment being delivered in Nevada and nationally has not been effective for encouraging batterers to be nonviolent, whether it is physical, emotional or verbal abuse. There is no viable solution where the program goes next. We do know that a coordinated community response that optimizes accountability for perpetrators and optimizes safety for victims is the best approach. That means law enforcement are not being afraid to arrest perpetrators for domestic violence, district attorneys are not being afraid to prosecute and judges are willing to find defendants guilty when evidence for domestic violence is evident. Those things have to happen. Services for victims are being provided so they are not alone. That is the most effective way to address domestic violence. We are still trying to figure out how to best do that. The current model does not seem to be working.

SENATOR HARDY:

The current model being?

MR. SCHOEN:

The behavioral health model. This is a law enforcement issue, not a behavioral health issue.

SENATOR HARDY:

The model we are working under is not working, so the proposal is to double down on the behavioral method. You are not optimistic that is helpful without the accountability of the courts?

MR. SCHOEN:

Well said. Yes.

JAKE WISKERCHEN (Secretary/Treasurer, Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors):

I have the budget for the prior two years. We cannot afford to take on more workload. Our staff of three cannot keep up with the assigned tasks. We have not had a revenue increase since 1989, and worthy pay along with a mandated health benefits of the Public Employees Retirement System in 2016 diminished our surplus. An average of \$6,800 from our budget of \$148,000 per year, to take on more responsibilities, would effectively slow the procedure and process for licensing new clinicians and stymie our growth in the mental health community.

SENATOR HARDY:

Does a fee structure exist in another state when compared to Nevada that attracts counselors? Are we behind or underfunded?

MR. WISKERCHEN:

We are fifty-first in the Nation in respect to behavioral and mental health treatment, access and service provision. A brief number comparison: most of us pay our national association dues, somewhere in the realm of \$300 to \$350 annually, and our license renewal fee is \$150. We do not have staffing for the tasks at hand. We have cleaned up administratively and added new members. The staff is highly dedicated and tattered. We need more money just to perform what we have to do at the present juncture. Mr. Kandt testified the AG's Office does not have the funds now for these programs. We require funding for the budget.

SENATOR HARDY:

How long does it take to get a counselor/therapist versus other states?

MR. WISKERCHEN:

Our process has improved dramatically. A newly graduated person sends in transcripts, application and fingerprint cards. The process takes a month and a half to three months due to a lag in the background check and the academic review. The agenda for quarterly meetings was stacked for eight hours a day. The staff could not get through them all. We have monthly meetings and more efficiency, but the office staff workload has increased.

SENATOR HARDY:

Are we turning people away?

MR. WISKERCHEN:

Not yet, but we are delaying them.

MERLELYNN HARRIS (President, Nevada Association for Marriage and Family Therapy):

I express my concerns for the language proposed in sections 5 and 25 of this bill regarding the certification process going to the Board of Examiners office. The Board of Examiners is understaffed and challenged with delays in the licensing process. This would further increase the delay in the licensing process, hindering professionals from entering the field.

HELEN FOLEY (Nevada Association for Marriage and Family Therapy):

We do not have a problem with a consolidation of those groups, but the certification process cannot be merged into the Board of Examiners due to staffing. Individuals have completed their training and graduated, but it is tough to get everyone licensed in a timely fashion. The last funding increase was in 1989. It is not appropriate for the responsibility to be given to the Board of Examiners.

MARLENE LOCKARD (Nevada Women's Lobby):

The licensed professionals involved in this type of treatment feel it is inappropriate to move these individuals under their care. We support the professionals and oppose this move.

MR. KANDT:

The President of the Board mentioned conflict of interest to certify and regulate batterers' treatment programs. Our licensing boards are comprised of licensed professionals because they understand the standards of care and the industry and can appropriately regulate and license it. Our law enforcement, prosecutor and judges, if proven in court, will take the case forward, and the judges impose sentences for domestic violence. Some batterers will change as a result of jail. If not, the process of treatment initiates, which is recognized by the law.

Concerns of the fiscal and capacity nature are relevant, but the concerns of the capacity of an agency to take on a responsibility do not override the court policy issue of whether that board or agency is most qualified to effectively administer the function.

This is the court policy proposal before you, whether you believe that batterers' certification regulation is a behavioral health function or whether it is a criminal justice function.

SENATOR HARDY:

How is this bill changing what will be done to arrest people and hold them accountable? It does not change anything, does it?

MR. KANDT:

You are absolutely right, it does nothing to change the criminal justice system response to domestic violence. It addresses the treatment component of the batterers and how we can change their behavior.

SENATOR HARDY:

You are allowing somebody else to do some processing before somebody gets arrested, but you are going to arrest the individual anyway.

MR. KANDT:

A consequence of the conviction is that the person has been arrested at least once. Behavioral health experts know how to treat people for relationship issues, and we want to make sure that treatment is as effective as possible.

SENATOR HARDY:

It sounds like you want it well-funded.

MR. KANDT:

There is a fiscal impact to this entire discussion.

SENATOR RATTI:

Does the Attorney General no longer believe he has an oversight role that is broader than law enforcement?

MR. KANDT:

No. Attorney General Laxalt definitely believes we have a broad role as part of a coordinated community response. The Office of the Attorney General is a high-profile office that can better effectuate a comprehensive response to the problem of domestic violence in our State. This proposal to consolidate the four statutory boards which includes maintaining all the responsibilities with the exception of batterers' treatment certification, which can be more effective if it

is regulated by behavior health professionals. The second component is placing the confidential address program where it can be most effectively administered.

SENATOR RATTI:

For the past 20 years, law enforcers, prosecutors and judges have played a role in improving our performance in the domestic violence area. I do not think it is perfect, but the reason that we keep this level and position of power and influence is so when things are not going well, there is an opportunity for someone to step in and say we are going to make a difference. With absolutely no disrespect to our Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, if they contact an offender to arrange a meeting for discussion, I am not sure offenders are going to show up. When the Attorney General calls and says hey, we need to talk about this, offenders are going to show up. That is why I think the bipartisan work that has been done for the past 20 years is so important. I would be concerned about tearing apart any of that.

CHAIR PARKS:

Sections 14 through 18 reference transferring the process to the Secretary of State's Office.

SCOTT ANDERSON (Chief Deputy, Office of the Secretary of State):

Sections 14 through 18 transfer the confidential address program back into the Secretary of State's Office. It was transferred in the 2015 Session, and now the Office has been asked to take it over again. We are willing. We will need to staff this program and fund the operations to adequately perform the services.

SENATOR HARDY:

Does that mean you are supporting it?

MR. ANDERSEN:

Yes. Further discussions with the Attorney General's Office are required. It would require fiscal assistance.

Senate Committee on Government Affairs
February 13, 2017
Page 21

CHAIR PARKS:

Elizabeth Dear submitted testimony ([Exhibit H](#)) in opposition to S.B. 25. We close the hearing on S.B. 25 and adjourn the hearing at 2:52 p.m.

RESPECTFULLY SUBMITTED:

Debi Szaro,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 23	C	2	Brett Kandt / Attorney General's Office	Letter re: S.B. 23
S.B. 25	D	3	Brett Kandt / Attorney General's Office	Letter re: S.B. 25
S.B. 25	E	2	Brett Kandt / Attorney General's Office	Proposed Amendments to S.B. 25
S.B. 25	F	21	Susan Meuschke / Nevada Coalition to End Domestic and Sexual Violence	Testimony and Compliance Statistics
S.B. 25	G	1	Erik Schoen / Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors	Testimony
S.B. 25	H	1	Senator David R. Parks	Testimony from Elizabeth Dear in Opposition to S.B. 25