

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-Third Session
May 23, 2005**

The Committee on Ways and Means was called to order at 9:42 a.m., on Monday, May 23, 2005. Chairman Morse Arberry Jr. presided in Room 3137 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Morse Arberry Jr., Chairman
Ms. Chris Giunchigliani, Vice Chairwoman
Mr. Mo Denis
Mrs. Heidi S. Gansert
Mr. Lynn Hettrick
Mr. Joseph M. Hogan
Mrs. Ellen Koivisto
Ms. Sheila Leslie
Mr. John Marvel
Ms. Kathy McClain
Mr. Richard Perkins
Mr. Bob Seale
Mrs. Debbie Smith
Ms. Valerie Weber

COMMITTEE MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Mark Stevens, Assembly Fiscal Analyst
Lila Clark, Committee Attaché
Susan Cherpeski, Committee Attaché

Assembly Bill 373: Requires increased salaries for certain speech pathologists employed by school districts. (BDR 34-1171)

Assemblywoman Bonnie Parnell, District 40, introduced herself and presented A.B. 373. She said the bill would recognize speech pathologists and audiologists and their national board certification. Ms. Parnell introduced Greg Ferraro and Nancy Kuhles, both representing the Nevada Speech-Language Hearing Association.

Nancy Kuhles said she was a speech pathologist and a representative of the Nevada Speech-Language Hearing Association. She said it was an honor to appear before the Assembly Committee on Ways and Means for the third time to talk about speech pathologists employed in Nevada school districts. Ms. Kuhles thanked the Committee members for their time and energy in helping the state of Nevada through their work as legislators.

Ms. Kuhles spoke in support of A.B. 373 ([Exhibit B](#)). She said the bill reflected the continuing efforts to set high standards with the Nevada schools and to recognize, promote, and financially reward those who had achieved an advanced level of excellence in their field. She stated that A.B. 373 would provide an incentive to recruit and retain highly qualified speech pathologists who provided quality services for children attending Nevada schools. According to Ms. Kuhles, speech and language services were mandated under the federal legislation for children who had been identified as having speech and/or language impairment. If those services were not provided, school districts would be liable. She said that to provide those mandated services contracted speech pathologists had been hired to fill persistent vacancies and that came at a higher cost to school districts. Over the prior three years it was estimated that over \$5 million had been spent statewide.

Ms. Kuhles said there were approximately 424 speech pathologists working in Nevada schools. There were 140 nationally board certified speech pathologists employed in Nevada school districts. She said the bill stated the criteria for those who would qualify for the 5 percent salary increase. Of those 140, only 105 currently met the criteria, 46 in Clark County, 36 in Washoe County, and the remaining 23 in 9 other counties. She said the estimated annual cost of the 5 percent salary increase would be \$250,000. Ms. Kuhles said the savings would be approximately \$1.5 million in contracted personnel. She said Nevada was losing qualified speech pathologists to other states, health care settings, and private practice due to non-competitive salaries. Persistent vacancies remained in many districts across the state and Nevada had seen a 151 percent increase in vacancies over the prior three years. Ms. Kuhles said that currently there were 94 unfilled positions statewide. Nevada school districts had been unable to attract 50 percent of their graduate students over the last 5 years and had lost 51 nationally board certified speech pathologists over the prior two years.

Ms. Kuhles said that during the 2003 Session of the Legislature there had been more money requested and the current request was less due to the 51 positions that had been lost. She said A.B. 373 reflected efforts to provide an incentive to recruit and retain highly qualified speech pathologists who provided critical speech and language services to children attending Nevada's schools. She said Nevada's children were worth the cost of implementing A.B. 373. She asked the Committee to consider supporting the passage of A.B. 373.

Mr. Marvel asked if speech pathologists were being educated at the University of Nevada School of Medicine. Ms. Kuhles replied affirmatively. Mr. Marvel asked how many students graduated annually from the University with degrees in speech pathology. Ms. Kuhles said that between 13 to 20 students had graduated yearly over the prior 5 years. She said only 50 percent of the graduates had remained in the program. She said in 2005 there were 20 graduating and 10 had already decided not to stay in the state of Nevada or go into a Nevada school district.

Mr. Marvel asked where the speech pathologists went rather than going into the school districts. Ms. Kuhles said some went into health care settings and others left the state.

Mr. Marvel asked what the salary range was for out-of-state positions. Ms. Kuhles said that nationally the data showed \$45,000 for a first-year graduate out of state and in a health care setting it was \$55,000 for a first-year graduate. In the state of Nevada the range went from \$32,000 to \$38,000.

Mrs. Smith asked why the bill had been written to put the financial burden on the school districts in the form of an unfunded mandate. Ms. Kuhles responded that during the preceding year the Nevada Speech-Language Hearing Association (NSHA) worked very closely with the Governor's Chief of Staff to attempt to have the monies made available in the budget so it would not be an unfunded mandate. She said the funding had been included in The Executive Budget and had been removed during the budget hearings in January 2005. Mrs. Smith said the bill could be amended to include funding.

Mrs. Gansert stated that her children had used the services of speech pathologists in the Washoe County School District and Ms. Kuhles had taught two of her children. She said the program was "top-notch" and the speech pathologists were very kind to the children. Many of the children who received the services were very young and she appreciated the program.

Ms. Giunchigliani said the plan was to address the funding through the budget and eventually make a policy statement that any licensed professional who met an equivalent standard of national certification should be included. She said a policy should be set so that it would not need to come before each session of the Legislature. Ms. Giunchigliani said that several years ago the Legislature set the policy that if one received national certification in one's professional license area one would qualify for the percentage increase in salary. She said the language in the bill might need to be rewritten so that in the future it would be clear.

Mr. Marvel asked how many children were being sent out of state for treatment. Ms. Kuhles asked if Mr. Marvel was referring to children who were hearing and/or visually impaired. She said she would find out the numbers.

Mr. Marvel said he had been involved in the past in that program. He then asked what the costs were to send a student out of state on the 395 program.

Ms. Parnell interjected that rather than sending students out of state school districts were finding that because it was a mandated service to students, that if there were no qualified speech pathologists and audiologists hired by the districts then the districts were being forced to contract out the service and that was where the exceptionally high figure for services came from. She said that if the bill was passed and speech pathologists and audiologists could be encouraged to come to the school districts there would actually be a cost savings because the contracted services cost much more.

Ms. Kuhles thanked the Committee for its time and reminded the Committee that the bill would provide a savings of approximately \$1.5 million in contracted speech pathologists and audiologists over the next two years.

Ms. Anne Loring, representing the Washoe County School District, said that when the Legislature passed the 5 percent salary increase for nationally board certified teachers several sessions before, and when it was done in the 2003 Session for counselors and psychologists, the Legislature provided funding to the districts so it was not an unfunded mandate, and she requested that the same happen with the speech pathologists and audiologists. Ms. Loring said that Washoe County contracted out some services for speech pathologists but the estimate was that the 5 percent increase in Washoe County would cost approximately \$124,000 for the first year of the biennium and \$187,000 for the second year. Ms. Loring said that Washoe County spent less than that on contracted services. She respectfully requested that if the Committee chose to

provide the 5 percent that it would do as had been done with the other certified employees and provide the funding.

There being no further testimony on the bill, Chairman Arberry closed the hearing on A.B. 373 and opened A.B. 561.

Assembly Bill 561: Extends reversion date of appropriation made in previous session to Fighting Aids in Our Community Today organization. (BDR S-1466)

Chairman Arberry explained that the 20th Special Session of the Legislature had provided funding to the Fighting Aids in Our Community Today (FACT) program, a nonprofit organization. He said that the organization had not yet received all of the appropriation from the state and would lose it as of July 1, 2005, and the bill would extend the reversion date so the organization could continue to receive funding.

Ms. Giunchigliani said there had been problems with how the organization had planned to spend the money and she asked what the status was on how the funding had been expended.

Chairman Arberry said the organization had not had an opportunity to use the resources since it had been reorganized. He believed they had only received \$5,000 to date.

Ms. Giunchigliani asked for a report on how the money would be used.

Mr. Richard Whitley, Deputy Administrator, Health Division, said the original spending plan called for a gospel concert. The state had since worked with FACT to mirror the Center for Disease Control HIV prevention activities for sustainability in the future to assist FACT with infrastructure so it could be more competitive in the future to apply for funding. He said the spending plan included HIV education and outreach and HIV testing. Mr. Whitley said that one of the reasons for the delay had been in establishing a relationship with the Clark County District Health Department to perform the testing. He said as a 501(c)(3) corporation FACT did not have a laboratory to perform the testing. Mr. Whitley said FACT had a sound plan and it would be able to compete for federal funding.

Ms. Giunchigliani asked if there was a reporting mechanism for FACT to report back to the Legislature and to the Interim Finance Committee (IFC) on how the \$250,000 was spent. Mr. Whitley said FACT had made one report to the Interim Finance Committee and that reporting process would continue.

Chairman Arberry closed the hearing on A.B. 561 and opened the hearing on A.B. 563.

Assembly Bill 563: Establishes Commission to Review the Compensation of Legislators. (BDR 23-1433)

Assemblyman Morse Arberry Jr., District 7, said A.B. 563 was a bill that was long overdue. He said every session there had been a bill to increase the compensation paid to legislators. He said A.B. 563 had been generated by the Nevada Taxpayers Association along with business people from the community. He said that the group had met as a commission and taken the bill as it had been passed by the Committee on Ways and Means in the 2003 Legislature and

created the language in A.B. 563. Mr. Arberry said the bill was needed and he hoped the Legislature would pass the bill.

Mr. Arberry stated that it was difficult to recruit people to serve in the Legislature because that service had become a financial burden and over time it would become a bigger burden.

Mr. Seale asked if it would take a vote of the people to increase the compensation paid to legislators since the salaries were set in the *Constitution*.

Mr. Arberry said he did not believe it would take a vote of the people. He said a new commission would be established in the bill and the commission would set the salaries. Mr. Arberry confirmed for Mr. Seale that the Legislature would not end up voting to increase its own salary.

Ms. McClain asked if the new commission would have the authority to reduce legislators' salaries. Mr. Arberry said he did not believe that would happen. He said it had been 20 years since the members of the Legislature were given a raise.

Ms. Giunchigliani confirmed that it had been 20 years since members of the Legislature were given an increase in salary and she pointed out that the members were only paid for the first 60 days of the session.

Mr. Arberry said if the plan was implemented it would take effect after a legislator was re-elected.

Ms. Giunchigliani said members would have to face the voters before any raises were granted and that would not conflict with the *Constitution* which stated that no increase could be granted within a term of a legislator.

Mr. Seale asked if the Senators who were mid-term would have to wait until their terms were expired before receiving the increase and Mr. Arberry indicated that was correct.

Ms. Weber asked Mr. Arberry to repeat the date of the most recent increase in salary for legislators. Ms. Giunchigliani responded that the last increase was granted in 1985.

Ms. Giunchigliani said that there should be a cost-of-living increase and there were still bills to come before the Committee for increases for other constitutional officers.

Chairman Arberry said another bill would be going before the Committee on Ways and Means in the near future that would provide a stipend to the Board of Regents. He said increases were necessary to recruit and retain good legislators.

Mr. Hogan asked if the commission established in the bill would be empowered to adjust the salaries of legislators but the salary would have to be paid within the first 60 days of the session. Mr. Arberry said that was correct.

Ms. Giunchigliani said that in order to pay legislators for longer than 60 days would require a constitutional change and a bill allowing that had been voted out of the Committee on Ways and Means several days prior.

Mr. Andrew List, Nevada Association of Counties, said he supported the bill and provided [Exhibit C](#), Proposed Amendment to [A.B. 563](#). He said the bill took the legislative component out of an existing commission to study salaries and would set it off by itself. He said the existing commission, the Commission to Review the Compensation of Legislators, reviewed the salaries of constitutional officers, legislators, Supreme Court justices, district judges, elected county officers, and had nine members. He said legislators' salaries were not set by *Constitution* and the only limitation on the salary was the 60-day limitation.

Mr. List said he represented the elected county officials and their salaries were set by the commission. He said he proposed an amendment that would add a new section to the bill to make an appropriation to the existing commission to study the salaried employees of the Supreme Court, district court, and county elected officials. Mr. List said that there was a bill in the 2003 Legislature to increase the salaries of county elected officials. He said the salaries were indexed to what state workers received over the same period of time. Mr. List said that prior to the 2003 legislation it had been eight years since the county elected officials last received a raise. He said he would like to see an amount appropriated to the commission in NRS 281.1571 to study the salaries. He said he calculated that was approximately \$12,420 for salary, travel, and per diem expenses. He said there would be five members with an appropriation of \$1,380 per person. He stated the nine members of the commission established by NRS 281.1571 would need \$1,380 each or a total of \$12,420.

Mr. List said he would like to see a bipartisan, objective committee look at the salaries. He believed that in the 2007 Legislature the board of directors of the Nevada Association of Counties would introduce a bill to raise the salaries of elected county officials. He said a 2 percent per year raise compounded would equal a 10 or 11 percent increase. He said he would prefer that an objective body calculate the appropriate raise rather than calculating the number himself.

Ms. Giunchigliani asked if Mr. List's intention was to expand the duties of the commission. Mr. List said there was one large commission established for all elected officials and he believed the legislators should be removed from the commission. He said he wanted to see an appropriation made for the existing commission and have the commission reactivated to look at the salaries of Supreme Court judges, district court judges, constitutional officers, and county elected officials. Mr. List said the commission was already established and would need an appropriation of approximately \$12,420.

Mr. Jim Richardson, testifying as an individual, said he had been testifying on bills similar to [A.B. 563](#) for many years and he tried each time to put on the record an issue he hoped the Committee would consider. He said he had been involved with the health insurance issue over the years, chairing the Benefits Committee for six years and being involved in legislation regarding the establishment of the Public Employees' Benefits Program board. Mr. Richardson said that for the record he wanted to ask about the word "compensation" in the bill. He suggested that the word "compensation" be understood in the bill in such a way as it would allow the commission to discuss the issue of health insurance coverage under the State health plan for legislators. He said it was getting more and more expensive to buy into that plan, it was a good plan, although there had been some controversy about it that had been resolved. He suggested that the amount of time legislators spent on the job was equivalent to that of a state employee and legislators deserved health insurance. According to Mr. Richardson, insurance coverage should be considered by the commission.

Mr. Richardson told a story about asking a former legislator how much time he spent as a legislator and the legislator responded, "It was an off year last year and I only had 320 engagements." Mr. Richardson said that was a lot of time and he believed that legislators deserved to be covered under the State health insurance plan and he hoped the Committee would consider the word "compensation" to include that possibility.

Ms. Giunchigliani said one of the bills considered in the 2003 Session was to make sure that health benefits were included as part of the compensation.

The hearing on A.B. 563 was closed and Chairman Arberry opened discussion on bill draft requests.

- BDR 34-1443 – Creates Account for Construction, Repair and Renovation of School Buildings and Facilities. (A.B. 567)

ASSEMBLYMAN MARVEL MOVED FOR COMMITTEE INTRODUCTION OF BDR 34-1443.

ASSEMBLYWOMAN WEBER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

- BDR S-1472 – Required Legislative Commission to contract with consultant to carry out certain duties and prepare report concerning health, safety, welfare, and civil and other rights of children who are under care of certain governmental entities or private facilities. (A.B. 566)

ASSEMBLYWOMAN LESLIE MOVED FOR COMMITTEE INTRODUCTION OF BDR S-1472.

ASSEMBLYWOMAN GIUNCHIGLIANI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

- BDR S-1442 – Makes appropriation to Have A Peaceful Heart Foundation for assistance with merchandising that will help finance establishment of new music educational programs in Clark County School District. (A.B. 564)

ASSEMBLYMAN DENIS MOVED FOR COMMITTEE INTRODUCTION OF BDR S-1442.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

- BDR S-1441 – Makes appropriation to Clark County School District for establishment of "Homework Help Center" at West Las Vegas Library. (A.B. 565)

ASSEMBLYMAN DENIS MOVED FOR COMMITTEE INTRODUCTION
OF BDR S-1441.

ASSEMBLYWOMAN GIUNCHIGLIANI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Assembly Bill 172: Makes appropriation to Women's Research Institute of Nevada at University of Nevada, Las Vegas. (BDR S-349)

Chairman Arberry opened the hearing on A.B. 172 and asked Mr. Stevens to explain the bill.

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau, said A.B. 172 would provide a \$150,000 appropriation each fiscal year to the Women's Research Institute of Nevada at University of Nevada, Las Vegas. Mr. Stevens said if it was the pleasure of the Committee to process the bill the reversion language in Section 2 would have to be modified. He said there should be separate reversion dates by fiscal year. If the Committee did not want the funds to revert until the end of the biennium that would normally be a one-shot appropriation of the entire amount. He said he was unsure of how the Committee wanted the bill worded.

Ms. Giunchigliani said the intent was to add the appropriation as a line item in the budget so that it would not have to be acted upon each session. She asked if language should be added to include the appropriation in the budget.

Mr. Stevens said that language could be put in the bill but he had never seen that done. He said if it was one-time money that would be a \$300,000 one-shot appropriation. If the funds were put in by fiscal year then it was ongoing and should continue. Mr. Stevens said another option would be to send a Letter of Intent to the Budget Director or to the University saying that the funding should be ongoing and that might be a more appropriate option than including the language in the legislation.

Ms. Giunchigliani said the bill should be amended to make the funding ongoing and a Letter of Intent issued for the inclusion in the budgetary process.

ASSEMBLYWOMAN MCCLAIN MADE A MOTION TO AMEND AND
DO PASS A.B. 172 INCLUDING A LETTER OF INTENT.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

MOTION CARRIED UNANIMOUSLY.

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Assembly Bill 175 (1st Reprint): Makes appropriations for various improvements to mental health services, mental health courts and community triage centers. (BDR S-1359)

Mr. Stevens said that A.B. 175 would provide for appropriations for a number of areas within the Division of Mental Health and Developmental Services (MHDS). Mr. Stevens said the bill provided for emergency psychiatric beds that MHDS

could utilize until its new hospital facility was open. He said \$5 million in each year of the biennium was included in the present form of the bill and Ms. Leslie had requested that the Fiscal Analysis Division review the amount so that funding was provided only until the hospital was opened. Mr. Stevens said he had met with Dr. Carlos Brandenburg and reduced those amounts in the first year to \$4,722,188 and in the second year the hospital would go online and that amount would be changed to \$2,328,750. He said the funding would only continue until the new hospital was open and the funding could come from surplus or one-shot monies.

Mr. Stevens said the Committee could choose to fund with one-time funds if it chose to and the bill also provided appropriations for additional caseload, mental health courts in Clark County, Carson City, Washoe County, and the triage center.

Mr. Marvel asked if passage of the bill would help reduce the pressure currently being experienced by hospital emergency rooms.

Ms. Leslie said the bill had come from the Health and Human Services Committee and it was written for the purpose of alleviating the pressure on hospital emergency rooms. She said the intent was to provide services for the gaps that were in The Executive Budget that related to emergency rooms.

Ms. Leslie stated that she agreed with the amounts of funding stated by Mr. Stevens. She said the triage center was a place police could take people to for screening rather than to the emergency room. Ms. Leslie believed that the bill, combined with other actions taken in the budget, should provide adequate services to significantly reduce the pressure on the emergency rooms until the new hospital was built.

Mr. Marvel asked how soon the beds would be available. Ms. Leslie said that was a great question and the Request for Proposal had been issued and responses were expected back shortly. She believed the beds would be available in summer 2005.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS
A.B. 175.

ASSEMBLYMAN MARVEL SECONDED THE MOTION.

MOTION CARRIED. (Ms. Giunchigliani was not present for the vote.)

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Assembly Bill 310: Makes appropriation for establishment of 2-1-1 telephone number in certain areas of State to provide residents with information concerning services available to children and families. (BDR S-829)

Mr. Stevens said A.B. 310 would provide \$200,000 over the biennium for establishment of a 211 telephone line. He said testimony on the bill had been heard on April [15], 2005, and there had been amendments proposed to add structure to the program. He said another amendment had been proposed by Assemblywoman Smith and she would distribute all the proposed amendments to all Committee members and the bill could be considered in a later meeting.

Assembly Bill 403: Provides for public release of certain portions of high school proficiency examination and makes appropriation for replacement of released exam. (BDR S-1022)

Mr. Stevens explained that A.B. 403 would provide for public release of certain portions of the high school proficiency exam, specifically the math and reading portions of the exam. He said the Department of Education had indicated to Fiscal Analysis staff that while the math test was not a problem to release by September 1, 2005, it might be problematic to release the reading test by that date and had suggested that a May 1, 2006, date be used in place of the September 1, 2005, date for the reading test. Mr. Stevens said the bill would have to be amended if the Committee chose to accommodate the Department of Education and process the bill.

Mr. Marvel asked if the test information was available on the Internet.

Mrs. Smith said there had been a great deal of discussion regarding various ways other states put the test information out for the public and the Internet was used in certain other states.

ASSEMBLYMAN SEALE MOVED TO AMEND AND DO PASS
A.B. 403.

ASSEMBLYWOMAN GIUNCHIGLIANI SECONDED THE MOTION.

MOTION CARRIED.

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Assembly Bill 189 (2nd Reprint): Revises provisions relating to Nevada Equal Rights Commission. (BDR 18-406)

Mr. Stevens said that A.B. 189 would provide language to allow the Nevada Equal Rights Commission (NERC) to adopt language involving housing discrimination complaints. He said there had been some discussion in a prior Committee meeting regarding whether that authority should or should not be provided to the Commission and that there had been amendments proposed to the bill.

Ms. Giunchigliani said she had a concern about the Equal Rights Commission moving into the area of housing and entering into an agreement to become a substantially equivalent state. She said that an amendment, Exhibit D, adding a new section providing that NERC would not contract with or enter into a Memorandum of Understanding with the U.S. Department of Housing and Urban Development (HUD) to investigate and enforce fair housing laws as a substantially equivalent state agency until that authority was provided by an act of the Legislature had been drafted. That meant that NERC could still investigate and enforce fair housing laws but not as a substantially equivalent state agency. Ms. Giunchigliani said the amendment was agreed to by NERC and other interested parties.

Mr. Seale asked why language pertaining to service animals was included in the amendment. Ms. Giunchigliani said that the language came from the Committee on Government Affairs. She said the only language she wanted added to the bill was contained in Section 17.

Ms. Leslie said she did not recall discussing service animals in previous Committee meetings. She believed there was a strong feeling within the disabled community that not all dogs had to go to school, some people individually trained their dogs to perform a skill that they needed.

Ms. Giunchigliani said the only amendment she had proposed was on lines 30 through 33 of the bill.

Mr. Hogan added that the services of the U.S. Department of Justice were available in investigating fair housing complaints. The Department had many dedicated attorneys who specialized in that area and they were a strong asset.

ASSEMBLYMAN PERKINS MOVED TO AMEND AND DO PASS
A.B 189.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

MOTION CARRIED.

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**Assembly Bill 499 (1st Reprint): Makes various changes relating to elections.
(BDR 24-898)**

Mr. Stevens said the Committee on Ways and Means had heard testimony on the bill the week before and amendments had been proposed to the bill by those individuals who had testified.

Ms. Giunchigliani explained that there were sections of the bill to be deleted regarding the areas of availability of absentee ballots, early voting polling sites, and the language regarding permanent voting sites.

Ms. Giunchigliani said she wanted to delete Sections 10, 12, 13, 14, 15, and 19 and that should remove all the fiscal impact of the bill.

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS WITH THE DELETION OF SECTIONS 10, 12, 13, 14, 15,
AND 19.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

MOTION CARRIED. (Mr. Perkins was not present for the vote.)

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**Assembly Bill 209: Provides for establishment and implementation of pilot
programs for prekindergarten children with limited proficiency in English
language. (BDR S-827)**

Mr. Stevens said that A.B. 209 would establish a pilot program for prekindergarten children with limited proficiency in the English language. He said the funding included in Section 1 was actually designed to come out of the funding in A.B. 525 which was \$25 million of the \$50 million in the first year of the biennium that was recommended by the Governor for remediation programs. He said if that particular program had received monies from the \$25 million it could go forward and if it did not then it would not go forward. Mr. Stevens

said he believed that if the bill was to be processed the Committee would probably want to remove the funding and insert wording into the bill that if funding did become available through the grant process that the language of the bill would be utilized to implement the program.

Ms. Giunchigliani said that was her suggestion since that and the alternative discipline had been added to A.B. 525 for the use of the funding. She said she thought that the bill should move forward so policy would be known when someone applied for a grant. Ms. Giunchigliani said that she recommended that the bill receive a vote of amend and do pass by deleting the funding.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS
A.B. 209.

ASSEMBLYWOMAN MCCLAIN SECONDED THE MOTION.

MOTION CARRIED. (Mr. Perkins was not present for the vote.)

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Assembly Bill 514: Makes appropriation for pilot programs providing alternative educational settings for disruptive pupils. (BDR S-937)

Mr. Stevens said A.B. 514 was a similar situation to the preceding bill, A.B. 209. He said A.B. 514 would provide an appropriation to the Department of Education to establish pilot programs for alternative educational settings for disruptive pupils. He said \$500,000 in each year of the biennium was included in the bill and he believed that the program could be accommodated through the funding that was built into A.B. 525. He said that if the Committee wanted to process the bill it could remove the funding in the bill and provide the policy portions of the bill if, in fact, funding was provided through the grant process.

Ms. Giunchigliani suggested the bill be amended and passed with the elimination of the word "pilot" in line 2, and "funding" on lines 5 and 6. On line 13 she suggested the language "the form for a grant application" instead of the word "grant" and she would delete the word "pilot" there as well.

Ms. Giunchigliani reiterated her suggestions. She said Section 1 would be removed, in Section 2, line 13, she would insert the word "grant" before the word "application." She also would eliminate the word "pilot" throughout the bill. She said the programs had already been established and she did not believe the word "pilot" was necessary.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
A.B. 514.

ASSEMBLYMAN HETTRICK SECONDED THE MOTION.

THE MOTION CARRIED. (Mr. Perkins was not present for the vote.)

* * * * *

Assembly Bill 524: Makes various changes concerning Fund for a Healthy Nevada and provision of prescription drugs and pharmaceutical services by this State. (BDR 40-169)

Mr. Stevens said that staff of the Fiscal Division proposed two amendments to the bill if the Committee chose to process the bill. He said that page 2, line 41, of the bill provided that the administrative allowance that the Department could utilize to administer the program be increased from 3 to 5 percent. He said the Department had previously testified that it would like to raise that limit to 5 percent for the Senior Rx Program and the Disability Rx Program. Mr. Stevens said the bill would allow the language to be 5 percent for all programs and staff would recommend that language be inserted so that it would only apply to the Senior Rx Program. He said similar language was being inserted into A.B. 495, the Disability Rx Program, in the Senate.

Mr. Stevens continued by saying that Section 7 referred to Medicare Part D, the pharmacy benefits for Medicare, and involved the Interim Finance Committee with the plan that came back from the Department once it was completely finalized. Mr. Stevens said Section 7 would amend the *Nevada Revised Statutes* so in the future, if the language was passed, the Interim Finance Committee would have to approve changes in the plan forever. He said he believed the intent was that the Department had to go to the Interim Finance Committee the first year of the biennium because Medicare Part D was being implemented. He did not believe the Department should need to go to the Interim Finance Committee forever. Mr. Stevens said the Fiscal Division would propose to change Section 7 so the Department would have to appear before the Interim Finance Committee only in the 2005-07 biennium.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS
A.B. 524.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

MOTION CARRIED. (Mr. Perkins was not present for the vote.)

* * * * *

Assembly Bill 411 (1st Reprint): Requires appropriate safety restraints in school buses. (BDR 34-260)

Chairman Arberry said the bill would require seat belts in school buses.

Ms. Giunchigliani asked that the bill be held until a future hearing.

Mr. Stevens advised the Committee that it would meet later in the day to consider the Welfare budget closing and additional bills.

Chairman Arberry adjourned the meeting at 10:42 a.m.

RESPECTFULLY SUBMITTED:

Lila Clark
Committee Attaché

APPROVED BY:

Assemblyman Morse Arberry Jr., Chairman

DATE:_____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Ways and Means</u>			
Date: <u>May 23, 2005</u>		Time of Meeting: <u>9:30 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B	Nancy Kuhles	Statistical data
	C	Andrew List	Proposed amendment to A.B. 563
	D	Assemblywoman Giunchigliani	Proposed amendment to <u>A.B. 189</u>