

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

**Seventy-Fourth Session
April 30, 2007**

The Committee on Health and Human Services was called to order by Chair Sheila Leslie at 1:33 p.m., on Monday, April 30, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Senator Dennis Nolan, Clark County Senatorial District No. 9
Senator Barbara K. Cegavske, Clark County Senatorial District No. 8
Senator Steven A. Horsford, Clark County Senatorial District No. 4



STAFF MEMBERS PRESENT:

Michelle L. Van Geel, Principal Research Analyst
Sarah J. Lutter, Committee Policy Analyst
Patricia Evans, Committee Secretary
Olivia Lloyd, Committee Assistant

OTHERS PRESENT:

Randy Howell, Division Chief, EMS, City of Henderson Fire Department
Brian Rogers, Vice President of Operations, MedicWest Ambulance,
Las Vegas
Rory Chetelet, representing the Southern Nevada Health District,
Las Vegas
Alex Haartz, Administrator, Health Division, Department of Health and
Human Services
Bill Welch, President/CEO, Nevada Hospital Association, Reno
Debra Jacobson, Director/Government and State Regulatory Affairs,
Southwest Gas Corporation, Las Vegas
David Noble, Assistant General Counsel/Utilities Hearings Officer, Public
Utilities Commission
Douglas Brooks, Assistant General Counsel, Nevada Power, Sierra Pacific,
Las Vegas
Dylan Shaver, representing the Nevada Underground Contractors
Association, Reno
Richard Mendes, General Manager, Clark County Water Reclamation
District, Las Vegas
Christine Dudas, Engineering Supervisor, Clark County Water Reclamation
District, Las Vegas
Sabra Smith-Newby, Director, Intergovernmental Relations, Clark County
Rocky Finseth, representing PHRMA, Las Vegas
Jan Gilbert, representing the Progressive Leadership Alliance of Nevada,
Carson City
Larry Struve, Religious Alliance in Nevada (RAIN), Reno
Michael Coleman, Administrator, Rehabilitation Division, Nevada
Department of Employment, Training and Rehabilitation
Jack Mayes, Executive Director, Nevada Disability Advocacy and
Law Center, Reno

Chair Leslie:

[Meeting called to order. Roll.] We will begin with the report of the Subcommittee on emergency room wait times, chaired by Ms. Gerhardt (Senate Bill 458 of the 73rd Session). It relates to the bill we will hear from Senator Dennis Nolan, Senate Bill 244 (1st Reprint). Ms. Lutter, please review the report with the Committee. We will ask Ms. Gerhardt if she has any additional comments. Hopefully, by then, Mr. Nolan will be here, and we can take up his bill.

Sarah J. Lutter, Committee Policy Analyst:

[Read from prepared text ([Exhibit C.](#))]

Chair Leslie:

I have not had time to read the report. Assemblywoman Gerhardt, would you like to go over the conclusions? They are listed as "findings." We will have Ms. Lutter continue the summary.

Sarah J. Lutter:

[Continued to read from prepared text ([Exhibit C.](#))]

Assemblywoman Susan Gerhardt:

We give a note of thanks to all the stake holders who did the lion's share of the work.

Chair Leslie:

Are there any questions from the subcommittee report? We will open the hearing on Senate Bill 244 (1st Reprint).

Senate Bill 244 (1st Reprint): Revises provisions governing the collection of data relating to the tracking of waiting times for emergency medical services at hospitals. (BDR 40-94)

Senator Dennis Nolan, Clark County Senatorial District No. 9:

Your staff did an excellent job in outlining what work was done on this bill. There is a brief oversight on why we made the amendments. We thank Assemblywoman Gerhardt for working with the different stake holders, the Emergency Medical Services (EMS), and the hospitals. We were able to include in the amendments the culmination of what was accomplished. As the bill passed out of the Senate, there were a couple of compromises on behalf of one or two Committee members. These compromises may not be what the EMS community felt were needed, and they will address those items. In order to get a majority vote from the Committee, a compromise was reached on who would establish regulations, and how often the data that was collected would be

submitted in a public forum. This was an issue that was specific to Clark County, so the county cap was put on it. It became a data collection process as opposed to a study.

Chair Leslie:

What we are doing in this bill is codifying what we tried to do last time. We are leaving in that the State Board of Health would implement this in Washoe County, if needed.

Senator Nolan:

The State Board of Health has responsibility of oversight for hospital activity; however, they can abdicate that responsibility for EMS activities to the district boards of health.

Chair Leslie:

The language is not required, but permissive. That is what it was last time. There is still a controversy on two points: one, who does the regulations, the State Health Division or the local board of health? What was the second item?

Senator Nolan:

Initially, there was an obligation in the bill to have monthly reporting. It became quarterly reporting.

Chair Leslie:

Is there anyone else who would like to testify?

Randy Howell, Division Chief, EMS, City of Henderson Fire Department:

We have worked hard to on this bill. Most of the information in the bill meets our needs, but there are a few additional items we would like to include.

Brian Rogers, Vice President of Operations, MedicWest Ambulance, Las Vegas:

We need to strengthen S.B. 244 (R1). All reference to any written regulation has been taken out of the bill. I believe if it is not written, it does not get done. We need written regulations to standardize the process. This was one of our concerns last time. There was not a standardized process because there was nothing in writing. The current bill will take us down the same route unless we change it. A big part of it is how the regulations get written, who writes them, and a fiscal note that goes with it. I recommend that the advisory committee established in this bill be tasked with forming regulations and presenting them to the oversight agency. This would relieve the associated costs in the development of the regulations and bring the concerned parties back to the table for discussions. The information received at quarterly meetings is sometimes inadequate, and often outdated. Monthly meetings would enable us

to remedy a problem in a timely manner. The final concern is to ensure that all parties involved are participating and complying with regulations. All these were discussed and agreed upon in the subcommittee. I do not know why they were deleted from the bill.

Chair Leslie:

I heard three things: there have to be regulations, someone to enforce the regulations, and monthly or quarterly meetings.

Assemblywoman Gerhardt:

We worked hard to establish regulations, and if the ball is dropped, we will be back where we started.

Chair Leslie:

Mr. Rogers, did I hear you say you do not have a preference whether the oversight agency is the County Board of Health, or the State of Nevada Health Division? We had the State Health Division last time, and that did not work so well.

Brian Rogers:

I do not know that we have a preference. We do not know where oversight belongs.

Randy Howell:

We report to the Southern Nevada Health District. The hospitals are under the Bureau of Licensure and Certification (BLC). The biggest topic of discussion has been who writes the regulations, and who can enforce them.

Chair Leslie:

In the last bill, did we not say the State Health Division could assign, abdicate, or give away the regulations? Do we have anyone from the Southern Nevada Health District in Las Vegas, or from the State Health Division?

Rory Chetelet, representing the Southern Nevada Health District, Las Vegas:

We would agree to write regulations, but our authority reaches only the EMS component. Even abdicating authority from the State of Nevada Health Division down to the Southern Nevada Health District (SNHD), hospitals do not look to the SNHD for regulatory control. We believe it is better done through the BLC, or the State Health Division on the hospital side. Our concern of monthly meetings versus quarterly meetings is the cost of holding monthly meetings which have to be publicly noticed. If we could use language that says "no less than quarterly, but more if needed," we would be willing to participate with that side of it. The SNHD has two other concerns we would like to address.

In Section 10, the costs were limited to covering only the costs of the collection of the software and the hardware for the data collection. If there are additional costs, perhaps those could be shared by all the participants. Section 11 refers to the ability of turning the study off. The SNHD believes that delegating the oversight to SNHD would make it a seamless process. The oversight should be terminated when it is determined there is no longer a need for this study, or for this data.

Chair Leslie:

Let me make sure I understand the two additional concerns. You want costs shared?

Rory Chetelet:

Yes, only the costs beyond the software and hardware.

Chair Leslie:

What additional costs are you envisioning?

Rory Chetelet:

I do not know at this time. We are asking that costs incurred in the collection of the data be shared by all participants.

Chair Leslie:

I understood Section 11. Are there any questions from the Committee? Mr. Haartz, is it possible to do cooperative regulations?

Alex Haartz, Administrator, Health Division, Department of Health and Human Services:

We are already going down that path. We are working with the SNHD on the trauma designation regulations. That might be the best way to delegate authority under the EMS section, and then work jointly on the hospital section. The SNHD had a fiscal note showing up as an adoption regulation. We will be removing the fiscal note.

Chair Leslie:

Are there any other comments on Sections 10 or 11?

Alex Haartz:

I understand his [Rory Chetelet's] concern about Section 10. In Section 11, it would be beneficial to provide an alternate mechanism to turn off the study if the local board of health concurs that it is no longer an issue.

Chair Leslie:

I like the language of "no less than quarterly."

Bill Welch, President/CEO, Nevada Hospital Association, Reno:

The Nevada Hospital Association (NHA) supports S.B. 244 (R1). We agree regulations could be adopted by both bodies. The report which we submitted to Ms. Gerhardt recommended monthly meetings with the quarterly report coming to the state board or the local board of health. In the work plan, we recommended that a quarterly basis would result in more meaningful data. On accountability, we agree the reports should become a part of the public record. The NHA has agreed to share whatever cost is incurred.

Chair Leslie:

Is there anyone else who would like to testify on S. B. 244 (R1)? The hearing is closed on S.B. 244 (R1). We will set this for work session next week. We will open the hearing on Senate Bill 396 (1st Reprint).

Senate Bill 396 (1st Reprint): Revises provisions relating to subsurface installations. (BDR 40-1386)

Debra Jacobson, Director/Government and State Regulatory Affairs, Southwest Gas Corporation, Las Vegas:

This bill is a collaborative effort of many different groups. Senate Bill 396 (R1) relates to anything that is below ground. The purpose of the law is damage prevention. The proposed bill grew out of recommendations from a working group which meets throughout the year. This group is called the Common Ground Alliance. This group includes utilities, excavators, contractors, and everyone who deals with subsurface installations. The bill does three things. Section 1 reduces the approximate location of the subsurface installation, from 30 inches to 24 inches. That means that when an underground pipeline is located, it is marked by color. There are requirements concerning when you have to hand dig to locate. This bill reduces the area the contractor, or excavator has to hand dig. It has potential cost savings. The norms are 24 inches or 18 inches. Section 3 increases the time to request an area to be located before beginning work. Currently, the law states at least two working days, but no more than 14 days before work can be started. All the current language in the law concerning remarking of locations, or remarking of marks will not be changed. Section 4 and Section 5 amend the law to include the regulatory operations commission to bring forth actions for enforcement pursuant to this law. That makes sense because that is the group within the commission who is responsible for the safety section.

David Noble, Assistant General Counsel/Utilities Hearings Officer, Public Utilities Commission:

This bill improves the system, and we ask that you pass this bill.

Chair Leslie:

Anyone else who would like to testify on S.B. 396 (R1) please come forward.

Douglas Brooks, Assistant General Counsel, Nevada Power, Sierra Pacific, Las Vegas:

The power companies were active participants in the process that resulted in the bill that is before you. We support S.B. 396 (R1).

Dylan Shaver, representing the Nevada Underground Contractors Association, Reno:

We are in support of S.B. 396 (R1).

Richard Mendes, General Manager, Clark County Water Reclamation District, Las Vegas:

We have several concerns with S.B. 396 (R1). We are concerned that this bill will impose an unfunded mandate on public utilities in this State. We hope a thorough analysis of the cost of this legislation would be known to all the stake holders before it is enacted. During discussions with proponents and affected parties we have been aware that a section of this bill which was amended out of the Senate, may be reintroduced in the rule making section. This is the part in which sewer laterals and other wet utilities would be incorporated into the bill. This would be a significant change because it would cost our rate payers a great deal of money. We estimate it would cost about \$4 million for marketing because these are not facilities which we own and operate. They belong to private parties.

Chair Leslie:

The amendment in the Senate took out the section you mentioned. What is your concern?

Richard Mendes:

Our concern is that it be reintroduced, or that it be put into the rule making process before there is a thorough analysis of cost.

Chair Leslie:

I do not know what "reintroduced" means. Are you saying you are afraid we are going to amend it back in?

Richard Mendes:

Yes.

Chair Leslie:

We are not likely to amend something back in that no one has asked for. You do not need to worry about that. I do not know who would be able to address the rule making.

David Noble:

I had a meeting with the Clark County Water Reclamation District last week, in which we discussed the laterals. We have no intention of introducing that definition back into underground facilities. It has been an issue, it is still an issue, and it will continue to be an issue whether or not utilities must mark those laterals. It depends on the type of utility. Gas and electric companies mark theirs to the meter boxes on the property, water companies mark it to the main, and sewer companies depend on the individual operator. We envision an agreement among the stake holders through the Common Ground Alliance, which is the national stake holder's group as far as how these laterals should be marked. If that does not happen, and it is still an issue in Nevada, we envision that a rule would be made by the Commission to determine what should be the marking standard.

Chair Leslie:

That is how it would be handled? We will take testimony from the engineer in Las Vegas.

Christine Dudas, Engineering Supervisor, Clark County Water Reclamation District, Las Vegas:

In reviewing this legislation, we found several concerns which would impact our operations and finances. In Section 1 of the legislation, approximate location of subsurface installation means a strip of land not more than 24 inches on either side of the exterior subsurface of a subsurface installation. We are concerned that this will reduce the margin of safety in striking the pipes. Currently a backhoe is 24 inches in length which is the minimum length allowed. The 30 inches gave some room so a utility would not be hit. Section 3(a) notifies the appropriate association for operators pursuant to *Nevada Revised Statutes (NRS)* 455.120. If we were to receive a call to mark lines the first day of the month, the contractor has until the 28th of the month to start a project, but we have to mark the lines within two days. This gives 26 days for the markings to be removed, and we would have to re-mark the lines before the 28 days are up. Currently, we have to be notified to make re-marks, but under this change we would have to re-mark without notification. We are concerned with this possibility as well as assuming responsibilities for lines being struck because the

marks are gone. Our concern with the language in Section 4 is the deletion of the language allowing courts to issue a temporary restraining order before holding an evidentiary hearing. This could mean there would not be a legal means of stopping a project if there were a safety concern.

Chair Leslie:

They do not like 24 inches, what do you say to that?

David Noble:

As Ms. Jacobson said, we are one of four states in the nation that use a threshold greater than 24 inches. The 24 inches is not a matter of how large the back hoe is, actually it means 24 inches on each side of that marking. It is actually a 48 inch threshold. We are going from five feet to four feet. Four feet or less is used in 92 percent of the states. Some of them use a three-foot threshold for hand digging. The national trend is to reduce that threshold as the technology to mark these facilities becomes fine tuned.

Chair Leslie:

Was that water reclamation group able to participate in the process you used to come up with this recommendation?

Debra Jacobson:

I do not know. I have been to only one meeting of the Underground Alliance.

Chair Leslie:

Las Vegas, were you aware of this Common Ground group? Were you able to participate in the discussion?

Christine Dudas:

We became aware of it recently. We were not part of the discussions on the amendments to this bill.

Chair Leslie:

Did you present your concepts to the Senate when the bill was heard over there?

Christine Dudas:

We found out at the last minute, so we did not have enough time to prepare for this legislation.

Chair Leslie:

So these concerns were not raised in the Senate?

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

Our concerns were raised in the Senate, although not by the engineers.

Chair Leslie:

Does Clark County have a position?

Sabra Smith-Newby:

Our position is stated by the people from Water Reclamation.

Chair Leslie:

Did you participate in the consensus group?

Sabra Smith-Newby:

No, I did not.

Chair Leslie:

I meant Clark County, not you personally.

Sabra Smith-Newby:

Not that I know of.

Chair Leslie:

You can understand why it is a little annoying to get this far, then to hear about this.

Sabra Smith-Newby:

Yes, I understand. Our issues were raised in the Senate, and as part of those issues, the service laterals were taken out of the bill. However, the other items remain.

David Noble:

Section 3 changes the time line from 14 days to 28 days. There is no change regarding when it is marked, or when it is re-marked. If some of the markings are no longer legible, the excavator must stop working, and call for a re-mark. I do not understand why they have to go out and re-mark without notification. That does not comport with existing statute or regulation and proposed statutory changes.

Chair Leslie:

Can you clarify that, Las Vegas?

Christine Dudas:

Our concern was that if we have it marked within two days, and they do not start construction for 26 days, and the marks are removed, how do they know there were marks to begin with? This would apply for any utility.

David Noble:

Whether it is 14 days or 28 days, that situation can occur at any time. It is splitting hairs at that point.

Assemblyman Hardy:

I feel a subcommittee coming on. Did other states experience an increase in broken pipes when they moved from 30 inches to 24 inches? Does somebody pick up the phone from Water Reclamation, or any other utility, and tell the contractor the marks are there? Does everybody know when the two days are and you just show up, expecting the marks to be there? There has to be a mark done because you asked for the markings to be done.

David Noble:

I have not seen any reports regarding the increase or decrease in the dig-ins going from 30 inches to 24 inches. I will have our engineers review all the data to see if that is in fact the case. If that is the case, I would expect we would be going back to the 30 inches, and not maintaining the 24 inches, or reducing it to 18 inches. The cost benefits analysis supported keeping it at 24 inches or 18 inches. I do not know whether or not the Association of Operators is to be notified, whether or not the operators must mark the facilities in question within two days, and whether or not they must report back that they have done so.

Chair Leslie:

I am going to stop this right now. Doctor Hardy, you are getting it again. If there is another member of the Committee that is particularly interested in this issue, I will be happy to appoint him also. Doctor Hardy, please meet with the interested parties and recommend your thoughts back to the Committee. Is there anything else we need to get on the record about this bill? We would like to pass the bill, but obviously it needs to be sorted out. I would encourage folks that when there is a consensus group, make sure we get all the parties back. The value of having a consensus group is that when you come here we do not have to debate the issue in committee. It has already been debated.

Assemblyman Hardy:

Is that a working group of one, giving me flexibility?

Chair Leslie:

Sure. We are closing the hearing on S.B. 396 (R1). Doctor Hardy, when you are ready, please advise our staff, and we will bring it back in a work session. We will open the hearing on Senate Joint Resolution 6.

Senate Joint Resolution 6: Urges Congress to reauthorize the State Children's Health Insurance Program to assure federal funding for the Nevada Check Up program. (BDR R-1313)

Senator Steven Horsford, Clark County Senatorial District No. 4:

It is my pleasure to present S.J.R. 6 with co-sponsor Assemblyman Hardy. We do not have to tell the Committee how important Nevada Check Up is to the State of Nevada and to Nevada's uninsured population. Nevada Check Up, which is the State of Nevada's children's health insurance program, provides low cost, comprehensive health care coverage to low-income, uninsured children, ages zero through 18, who are not covered by private insurance or Medicaid. The program is designed for families who do not qualify for Medicaid and whose family income ranges from 100 percent to 200 percent of the federal poverty level. The State Children's Health Insurance Program (SCHIP) was signed into law in 1997, and it is up for reauthorization by Congress. I spoke with representatives of Senate Majority Leader Harry Reid's office, and they want to hear from states on how important this program is to their communities. In Nevada, three out of four children in a working-class home are uninsured. We have over 105,000 children who are uninsured. Seven out of ten of the uninsured children are eligible for SCHIP, or Medicaid. Nevada has increased the enrollment of children in the Nevada Check Up program. We have about 30,000 children enrolled. We have to do a better job among African Americans and Native Americans, as well as in the rural communities. We are on the record telling the federal government that this is an important program, and that every dollar the Federal government provides is a match toward children's health care.

Assemblyman Hardy:

By way of disclosure, I am a family physician, and I take care of children. This bill will not benefit me any more than anyone else. What a pleasure it is when I speak with families who are struggling financially in caring for their children, to be able to ask if they have considered Nevada Check Up. We are struggling to get the word out on Nevada Check Up. It would behoove us to recognize that children are our future, and it would be wise to keep them healthy. This is an investment in what the federal government gets from us. This would help us get some of those dollars returned to the State of Nevada, and I cannot think of a better way to do that than to benefit the children. I would like to thank Senator Horsford for doing the heavy lifting on this issue.

Chair Leslie:

Senator Barbara Cegavske and I head up a joint budget subcommittee that has been looking at the numbers of uninsured children, and the trend in our State is going up. Unfortunately, we are going to have to add money to the budget or we will not be able to serve the full number of children we are projecting. It would be a tragic mistake for the federal government not to re-authorize this program.

Rocky Finseth, representing PHRMA, Las Vegas:

We would like to thank Senator Horsford and Assemblyman Hardy for bringing this resolution forward, and we encourage the delegation to re-authorize the program.

Chair Leslie:

Are there any questions from the Committee? Is there anyone to speak on S.J.R. 6?

**Jan Gilbert, representing the Progressive Leadership Alliance of Nevada,
Carson City:**

We get a pretty healthy match from the federal government. This is a 65-35 match. We put up 35 cents, they put up 65 cents. It makes a huge difference for working families.

Larry Struve, Religious Alliance in Nevada, Reno:

We to echo support for S.J.R. 6. This has been a major concern in the faith communities because they are interested in children and families and the safety net that we are providing for them. I have represented the Religious Alliance In Nevada (RAIN), in a coalition called Covering Kids and Families, which is part of the effort to enroll uninsured kids in Nevada Check Up and Medicaid. We are concerned that if Congress does re-authorize this program, we ensure that there is enough money in our state budget to provide the coverage for those children.

Chair Leslie:

We will close the hearing on S.J.R. 6. Is there any objection to passing this bill?

ASSEMBLYWOMAN KOIVISTO MOVED TO DO PASS
SENATE JOINT RESOLUTION 6.

ASSEMBLYWOMAN PARNELL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Leslie:

Assemblyman Hardy, will you handle this on the Floor?
We will open the hearing on Senate Joint Resolution 17.

Senate Joint Resolution 17: Urges Congress to enact the Resident Physician Shortage Reduction Act of 2007. (BDR R-1383)

Senator Barbara Cegavske, Clark County Senatorial District No. 8:

The Resident Physician's Shortage Reduction Act of 2007 amends Title 18 Medicare Section of the Social Security Act to direct the Secretary of Health and Human Services (HHS) to increase, over five cost-reporting periods, the Medicare caps on the total number of five-time equivalent residents in the field of allopathic and osteopathic medicines. From here on, it will be referred to the Graduate Medical Evaluation (GME) positions for states with a shortage of residents. The measure also requires the aggregate number of such increases for a state to be at least 15, but no more than the state resident cap increases. While the federal government is a large supporter of GME throughout the country, the support offered to the centers for Medicare and Medicaid is capped by federal legislation. Although Nevada benefited from a recent redistribution of the GME slots by the General Medical Council (GMC), picking up 26 new slots, the state's population growth will cause Nevada to continue to lag behind in the number of federally supported GME slots. This resolution addresses the concern by attempting to expand the number of federally supported GME slots in Nevada. The need to increase the number of GME slots is most evident based on a review of demographic information, including the following statistics. Nevada is ranked 48th in the number of physicians per 100,000 population. That is 196 compared to the national rate of 262.28. In 2006, among 46 states that have medical schools, Nevada ranked 43rd in the number of graduates, and graduated fewer new physicians per 100,000 population than did the nation as a whole. The importance of having a robust GME program is supported by the National Conference of State Legislators. That study shows that the majority of generalists in metropolitan areas practice in the state in which they complete their most recent GME training.

Chair Leslie:

Are there any questions for the Senator? Is there anyone else who would like to testify on S.J.R. 17? We will close the hearing on S.J.R. 17 and bring it back to the Committee. I will accept a motion.

ASSEMBLYMAN HARDY MOVED TO DO PASS
SENATE JOINT RESOLUTION 17.

ASSEMBLYWOMAN WOMACK SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Leslie:

Assemblywoman Womack, we will give you the Floor statement. We will open the hearing on Senate Concurrent Resolution 18.

Senate Concurrent Resolution 18: Expresses support for vocational rehabilitation programs and services in this State. (BDR R-296)

Senator Barbara Cegavske:

Senate Concurrent Resolution 18 was requested by the Legislative Committee on Persons with Disabilities. This was a committee I chaired during the last interim. The Disability Committee worked with the Strategic Plan Accountability Committee (SPAC) for people with disabilities to prepare recommendations to improve services for people who are disabled. One of the issues that SPAC brought to us concerned the loss of Federal Section 110 funding from the Rehabilitation Service Administration (RSA). The RSA allocated \$3 million more to Nevada than the Rehabilitation Division of the Department of Employment, Training, and Rehabilitation (DETR) was able to match. It projected for the next fiscal year that Nevada would have to send federal money back because of the lack of matching funds. That is what prompted the Disability Committee to request S.C.R. 18. This expresses the support of the Nevada Legislature for the use of state and federal money for the development of facilities, programs, and other resources needed by persons with disabilities to help them prepare for an engaged and gainful employment. This resolution encourages DETR to continue to seek private contributions to make up differences between the current State of Nevada General Funding expenditures and the total matching money needed to allow DETR to use the full allotment of federal money to which the State of Nevada is entitled.

I was just handed a paper from DETR, and I do not remember seeing that before in our Committee. The staff remembered going to Legal and thought we had met Legal's concerns in the bill as it is worded. We thought we had taken care of the issue, and we had not heard about it since we passed it out of Committee. In looking at the matching funds, we thought it appropriate to add language that would ask DETR to try to get some other funding to help with the State of Nevada matching money. When this resolution was heard in the Senate Committee on Human Resources and Education, it had the unanimous support of every member present.

Chair Leslie:

Assemblywomen Koivisto and Gerhardt also served on that Committee.

Michael Coleman, Administrator, Rehabilitation Division, Department of Employment, Training and Rehabilitation:

[Read from prepared text ([Exhibit D](#)).]

Chair Leslie:

Can you point us to the line on the second page of S.C.R. 18, so we can read it for ourselves? We heard from Senator Cegavske that the intent was to encourage you to solicit private funding. I understand that it would be better for the State to come forward, no doubt. Does that mean that you think we would not ever give you General Fund dollars?

Michael Coleman:

I am looking at lines 14 to 25. I understand the pressure the General Fund is under, and I understand that pressure may go up tomorrow with the economic forecast. Those are real issues. This permissive language requires the strong support of the State of Nevada. I know in working with the private sector, typically, contributions are one-time or innovation only. Contributions are not ongoing. If you receive the support, then eventually it goes away. There can be maintenance-of-effort issues. The federal government looks at us for compliance, and that could place a commitment on the State of Nevada to provide General Fund match without appropriate discussions in the Legislature. Senator Cegavske's intent is permissive language because of the fiscal realities which we face.

Chair Leslie:

Although, when we sit on the money committees and we have to accept a grant that is going to affect the budget, it is discussed at great length.

Jack Mayes, Executive Director, Nevada Disability Advocacy and Law Center, Reno:

This piece of legislation came forward out of SPAC's intention to follow-up on the strategic plan. This is the strategic plan, objective number 77 out of 100. It states that SPAC is to monitor and report to each session of the Legislature any matched funding which is returned to the federal government. There is a historical issue with SPAC not utilizing their funds. Part of the problem was their administration had quite a turn-over and there were vacancies at the top level, creating a snowball effect of not being able to draw all their funds. We are concerned that the current project that is proposed for Vocational Rehabilitation is not adequate to meet the federal match. For every

one dollar that has to be cut from Mr. Coleman's budget, we lose four federal dollars.

Michelle Van Geel, Principal Research Analyst:

To provide you some background, the work session for the Disability Committee drafted a resolution to urge the Legislature to provide that funding. Because of the General Fund situation and other information received, a resolution was drafted in support of DETR's services, but asking them to seek private funding.

Chair Leslie:

Senator Cegavske, what do you think? We do not want to make it sound like it has to be private funding.

Senator Cegavske:

We thought we had taken care of the issue by stating it as permissive. We went through Legal trying to find a remedy.

Chair Leslie:

In the first paragraph, you say state and federal. The next paragraph says private contributions.

Assemblyman Joe Hardy:

Is there a portion of the budget which does not go towards the federal match? Can the private contributions be used versus the General Fund monies that go towards the federal match? Either way, I would put the period after "contributions" and get rid of the other part of it, thus avoiding the problem with the federal match.

Michael Coleman:

Within the Division, there are three bureaus and some other programs. The Bureau of Disability Adjudication is 100 percent funded by Social Security, so it is separate. We are talking about the 110 basic grant from the Department of Administration for Vocational Rehabilitation. That comes to us for vocational rehabilitation, services to the blind and the visually impaired. That is the portion we utilize for the state match to pull down resources. One of the primary factors in the funding formula is population. The population in Nevada in 2000 was two million people, and in 2005, approximately two and one half million people. Our availability of resources has gone up. There is approximately \$1.5 million on the table that require about \$300,000 to pull down.

Chair Leslie:

Another thing we could do is change lines 14 to 19, and put "private contributions" in the paragraph before that.

Senator Cegavske:

We were trying to help the situation by making sure that we were encouraging DETR to continue to seek private funds, and that money would help for the federal dollars. It is important not to lose the federal funding. It does not look good for the State when you lose federal dollars. It is not that we do not want to fund this bill, it is that there are some areas where we cannot fund as much as we would like. If we do not have the money, I do not know that we should be applying for federal funding. That is another thing that gets us into trouble.

Chair Leslie:

We know what the issues are. Should we work this out now?

Assemblyman Hardy:

If I had a predictable source of income, I would not be anxious to do away with the permissiveness of this process.

Chair Leslie:

I do not think this resolution is permissive or not permissive.

Assemblywoman Bonnie Parnell:

If the point is to stress the ability to get either state or private funds, I wonder whether you need lines 14 to 19.

Chair Leslie:

That is where I was headed. I was going to insert "private contributions" in the previous paragraph. Then we have it in both places. We do not want to discourage the State from doing its part. That would be my only hesitation in leaving that paragraph in there.

ASSEMBLYWOMAN PARNELL MOVED TO AMEND AND DO PASS
SENATE CONCURRENT RESOLUTION 18.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Leslie:

Assemblywoman Parnell, we will give this one to you for a Floor statement. Good work today, we passed three out of the five, and I think we know where we are headed on the other two.

[Written document, no testimony, submitted from Mary Bryant, Governor's Council on Developmental Disabilities ([Exhibit E](#)).]

[Meeting adjourned at 2:53 p.m.]

RESPECTFULLY SUBMITTED:

Patricia Evans
Committee Secretary

APPROVED BY:

Assemblywoman Sheila Leslie, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Health and Human Services

Date: April 30, 2007

Time of Meeting: 1:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	AGENDA.
	B	*****	ATTENDANCE ROSTER.
SB 458	C	Sarah J. Lutter, Committee Policy Analyst	Emergency Room Wait Times.
SCR 18	D	Michael Coleman, Rehabilitation Division	Support OF <u>SCR 18</u> .
SCR 18	E	Mary Bryant, Governor's Council on Developmental Disabilities	Support OF <u>SCR 18</u> .