

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

**Seventy-Fourth Session
April 16, 2007**

The Committee on Ways and Means was called to order by Chair Morse Arberry Jr. at 8:11 a.m., on Monday, April 16, 2007, in Room 3137 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:

Assemblyman Morse Arberry Jr., Chair
Assemblywoman Sheila Leslie, Vice Chair
Assemblyman Mo Denis
Assemblywoman Heidi S. Gansert
Assemblyman Tom Grady
Assemblyman Joseph P. (Joe) Hardy
Assemblyman Joseph Hogan
Assemblywoman Ellen Koivisto
Assemblyman John W. Marvel
Assemblywoman Kathy McClain
Assemblyman David R. Parks
Assemblywoman Debbie Smith
Assemblywoman Valerie E. Weber

COMMITTEE MEMBERS EXCUSED:

Assemblywoman Barbara E. Buckley

GUEST LEGISLATORS PRESENT:

Senator Mike Schneider, Clark County Senatorial District No. 11
Assemblyman Garn Mabey, Clark County Assembly District No. 2

STAFF MEMBERS PRESENT:

Mark W. Stevens, Assembly Fiscal Analyst
Steve Abba, Principal Deputy Fiscal Analyst
Barron Brooks, Committee Secretary
Patricia Adams, Committee Assistant



Chairmen Arberry opened the hearing on Assembly Bill 455).

Assembly Bill 455: Makes appropriations to High Sierra Industries, Opportunity Village and Washoe Arc for training centers and other services for persons with disabilities. (BDR S-1231)

Senator Schneider stated that he had been on the board of Opportunity Village for approximately 18 years. Opportunity Village served individuals with severe intellectual disabilities in southern Nevada for almost 54 years. Opportunity Village provided vocational training, employment, and therapeutic day training services to over 720 people with severe intellectual disabilities in February, 2007.

Senator Schneider explained that at the end of January 2007, there were 174 adults with severe intellectual disabilities including autism, mental retardation, and brain injury on the waiting list in southern Nevada for services provided by Opportunity Village. The waiting list did not include 237 students between the ages of 17 and 21 who already had cases open with Desert Regional Center, but were not receiving services because they were still in school. Most of those students would need vocational training and employment services like those provided by Opportunity Village.

Senator Schneider added that between 5,000 and 7,000 people per month moved to southern Nevada. If only 1 percent of those individuals had a severe intellectual disability, there would be another 50 to 70 people per month that would need Opportunity Village's services.

Senator Schneider said that Opportunity Village had started a \$44 million capital campaign to build a new 55,000 square-foot Employment and Training Center that would enable them to serve another 250 to 300 people with the most severe intellectual disabilities. Assembly Bill 455 included a one-time appropriation of \$12 million for Opportunity Village. The appropriation was from the surplus of the prior budget and could not be used for operating purposes. During their long history of serving southern Nevada, Opportunity Village earned the trust of the community, so they would be able to match the \$12 million with \$32 million in private contributions. Few other community programs could offer that return on investment. The land for the project had already been acquired from the Bureau of Land Management and the building cost was approximately \$44 million.

Tom Thomas, Managing Partner, Thomas and Mack Company, stated that he had served as the Chairman of the capital campaign for the last year to build the southwest campus of Opportunity Village. Opportunity Village had served the community for over 50 years providing vocational training and a safe work environment for handicapped individuals. While most similar programs nationwide required major subsidizing, Opportunity Village was self-sufficient. Mr. Thomas said that 75 percent of Opportunity Village's operating funds came through its work contracts and private donations. Despite the remarkable level of self-sufficiency, there were times when Opportunity Village needed to call upon the State to assist with its critical mission. Approximately 2 1/2 percent of the U.S. population was mentally handicapped. Over 100 individuals who required the services of Opportunity Village moved to Clark County each month. Additional campuses were needed to meet the growing need for services. Eleven acres had been obtained in southwest Las Vegas, and the new campus would serve over 500 additional clients per day. As mentioned before, the appropriation would be matched with private funds, and all funding would go toward the construction of the building. The programs for the new campus had

already been endowed, so the new campus was already self-sufficient from an operational standpoint. Mr. Thomas pointed out that the individuals served by Opportunity Village ultimately saved the State money by not requiring typical amounts of state and federal assistance. Mr. Thomas referenced [Exhibit C](#), which outlined the positive economic impact of Opportunity Village of Southern Nevada. The bill would allow for construction of a facility which would allow one of the most successful and respected associations for the mentally handicapped to continue providing opportunities to a special segment of the population and the community.

Kimberly Rushton, Chairman, Opportunity Village Arc Board of Directors, stated she recognized the difficulty that the Committee had in ensuring Nevada's economic stability. The unique partnership between the public and private sector allowed for the self-sufficiency of Opportunity Village. It was estimated that Opportunity Village saved Nevada taxpayers between \$11.9 million and \$13.3 million per year by deferring certain costs that might otherwise fall to the State. Opportunity Village generated direct wages and salary payments totaling \$8.5 million per year to support approximately 900 jobs throughout southern Nevada. Opportunity Village reduced the demand for public health and human services through work related activities resulting in a savings for the State of approximately \$8 to \$9 million per year. Organizations like Opportunity Village had a significant societal impact by reducing the stigma associated with having a handicap. All the contributions of Opportunity Village could not be measured in dollars and cents. Opportunity Village helped people who would otherwise not always be able to help themselves.

Frank Martin, Chairman, Opportunity Village Foundation Board, stated that he had been on the Foundation Board for 12 years and had been the Chairman for two. He became involved with Opportunity Village 40 years ago after his uncle became a client. Opportunity Village was currently experiencing overcrowding in its therapeutic day-training program for adults with autism and other challenging conditions. Project Pride was a program for people with profound disabilities. Within the last 90 days, Opportunity Village had 20 to 25 people referred to them from the Desert Regional Center for services, and that number was expected to grow over the next two years.

Mr. Martin explained that construction costs were going up at a rate of 1 1/2 percent per month. Opportunity Village leased 9,000 square feet to expand its programs while the new building was being built. The leased space would allow Opportunity Village to service another 65 individuals. Through a 501(c)(3) bond, Opportunity Village had borrowed \$24 million to begin construction immediately. Designs for the building were going out to contractors for bid, and Opportunity Village was hoping to award a contract by May 2007 for the construction of the employment and training center. It would then build an arts and enrichment center for individuals with severe disabilities with 100 percent private funds. Opportunity Village was making a tremendous commitment to the future and was asking the Committee to help it fulfill that commitment.

Terri Peck, Board of Directors, Opportunity Village, stated that her daughter was a client of Opportunity Village. She explained that Opportunity Village was a community where handicapped individuals were accepted and taught to be active and independent. The clients of Opportunity Village were loving people and thoroughly enjoyed being there. She asked for the support of the Committee on the bill.

LaVonne Brooks, CEO, High Sierra Industries (HSI), stated that High Sierra Industries had been operating in northern Nevada since 1977. High Sierra Industries served a wide variety of individuals. The money appropriated by the bill for the facilities of Opportunity Village, High Sierra Industries, and Washoe Arc were needed to serve the growing number of individuals requiring services. Ms. Brooks discounted the idea of having all of the organizations operating out of one facility because it was important to have a variety of services. All of the organizations were equally affected by the growing population of Nevada. Ms. Brooks referred to [Exhibit D](#), which showed architectural renderings of the future facility.

Larry Williams, Associate Professor, Department of Psychology, University of Nevada Reno (UNR), stated he was excited about the possible opportunity to collaborate with High Sierra Industries and introduced [Exhibit E](#), which outlined HSI/UNR collaboration of services. Mr. Williams explained that the appropriation for the construction of facilities would ultimately lead to increased services. He was dumbfounded by individuals opposing the bill, because the organizations who would benefit from the appropriation help individuals integrate into the community. Everybody's goal was community integration, but there had to be proper steps taken toward that goal. Sweden, Denmark, and Norway, countries with a 50 percent tax bracket, were the only countries that have been able to succeed in full community integration. "To expect that sort of integration out-of-the-blue in Nevada is a disservice to our clientele with developmental disabilities." Mr. Williams urged the Committee's support of the bill.

B. J. Sullivan, Board of Directors, High Sierra Industries, stated that the new facility was needed and asked for the Committee's support.

James Meyer, CEO, Washoe Arc, stated his support for the bill and introduced Russ Fields, Board of Directors, Washoe Arc.

Mr. Fields stated that his son was born with Cornelia de Lange Syndrome, which resulted in mental retardation. His son still led a rewarding life which included daily work and training at High Sierra Industries. Washoe Arc currently had an aging building which was inadequate to provide needed services. Mr. Field urged the Committee to support the bill and appreciated the opportunity to speak.

Assemblyman Marvel asked whether a site for the new facility had been chosen.

Mr. Fields responded that a site had not been chosen. A site was needed within the McCarran loop of the city, because transportation was a critical issue.

Assemblyman Marvel asked how many clients were in the program.

Mr. Meyer responded that Washoe Arc had approximately 150 clients. Their clientele had grown by 50 percent in four years. Washoe Arc had been in existence for over 150 years, and the current facility had not been renovated for 20 years. The current facility was restricting certain business operations, and Washoe Arc had to lease an additional 10,000 square feet of space to run its document destruction program. Out of the 150 individuals served daily, approximately 18 individuals worked in supported employment, which meant that they worked in the community on the payroll of another business. Another 13 individuals worked in the community and were on the payroll of Washoe Arc. Another 33 individuals were involved with the life enrichment program, which was a program that dealt with the most severely disabled

individuals: 20 percent of the individuals' time was spent in the community, and 17 percent of Washoe Arc's total service hours were spent in the community. The organization sponsored events in the community for people with disabilities including a Halloween dance, a spring luau, a Christmas party, and a Cinco de Mayo dance. There was also an adventure club that Washoe Arc supported through donations, which took individuals skiing, rock climbing, river rafting, and other activities within the community.

Glenn Schlemmer, employee, High Sierra Industries, stated he enjoyed working at Washoe Arc and had been with the company for two years. Washoe Arc handled document destruction from businesses within Carson City, Winnemucca, Elko, and other areas. Two clients included the Internal Revenue Service and the Nevada Gaming Commission. Mr. Schlemmer said that the people there were very caring.

Marie Stafford, parent of an HSI client, stated that HSI had helped her son become self-sufficient, had given him a social group outside of work, and had given him real purpose and meaning to his life. She urged the Committee's support of the bill.

Meg Affinito, parent of an HSI employee, said that her son was autistic and not high functioning. High Sierra Industries' programs had been terrific for her son and had allowed him to live as independently as possible. She urged the Committee's support of the bill.

Mary Bryant provided the following testimony:

My name is Mary Bryant. I am wearing two hats today. I am testifying as the chairperson of the Nevada Governor's Council on Developmental Disabilities and as a member of SPAC, which is the Strategic Plan Accountability Committee.

The Nevada Governor's Council on Developmental Disabilities (DD) is a consumer-driven Council that actively supports people with developmental disabilities. Sixty percent of the Council is composed of people with developmental disabilities and parents of children with disabilities. The remainder is comprised of representatives of organizations that serve people with developmental disabilities. The mission of the Council is to support people with developmental disabilities to receive the services, supports, and opportunities they need to achieve independence and inclusion into their communities.

SPAC is the accountability committee that monitors the progress of Nevada's Strategic Plan for People with Disabilities. The development of this plan was authorized by the legislature in 2003 as a way to be in compliance with the Supreme Court's Olmstead Decision, which gave the opinion that people with disabilities do not have to live and work in segregated settings. Hundreds of people with disabilities and other interested parties were involved in developing this innovative plan, which was approved by the legislature in 2005. An accountability Committee was appointed so that the plan would not be put away into a drawer and forgotten. We have met on a quarterly basis, often taking to task organizations and state agencies that are dragging their feet about moving in the direction of community inclusion, outlined in the strategic plan.

One of the ways both the DD Council and SPAC carry out their missions is to provide information to policy makers on issues that affect people with disabilities. That is why I am here today.

Both the DD Council and SPAC have had lengthy discussions about A.B. 455 and both groups have voted to oppose this bill.

Both the DD Council and SPAC have concerns that A.B. 455 sends a message of segregation for persons with disabilities. The Nevada Strategic Plan for People with Disabilities and the national trend call for a move away from the outdated model of segregated, sheltered workshops in favor of inclusive community employment for people with disabilities. Many states are closing their sheltered workshops in favor of community employment and other community activities. While both the DD Council and SPAC acknowledge that not every individual will be able to participate in community employment, expanding the capacity of sheltered workshops and building new sheltered workshop campuses will slow the movement towards inclusion in Nevada and discourage programs from placing the emphasis on inclusive employment opportunities.

Although well meaning, the disadvantages of A.B. 455 are as follows:

- This funding will imply support and preference of segregated employment by the State of Nevada.
- It is in direct opposition to the Olmstead Decision, for which Nevada has been working for several years to comply. It will perpetuate the segregation of people with disabilities in the workplace.
- Although this funding is one-shot money, once the new facilities are built, the State will be funding more people to fill those new buildings instead of funding them in community employment.
- The pressure to fill these new campuses will reduce or eliminate the ability of smaller, community-based employment providers to compete for service dollars to serve people with disabilities.
- By eliminating competition, individuals with disabilities will not have an adequate choice of community providers.

With the current budget difficulties, when we seem unable to adequately fund innovative and inclusive services for people with disabilities, both the Nevada Governor's Council on Developmental Disabilities and SPAC believe that State money should not be spent to build more buildings that segregate people with disabilities in Nevada. Thank you for your time.

Diana Rovetti, stated that she advocated having individuals with disabilities, like her son, be included with typical peers and in a typical setting within the community. Ms. Rovetti said she was a personal outcomes interviewer and had interviewed over 400 people with disabilities over the last five years. She had found that many of the people she interviewed did not have a chance to transition into the community after attending school. Those individuals who did have an opportunity to work in the community were much happier and more productive. Individuals with disabilities should be included in the community

and enjoy first-class citizenship. She suggested that instead of spending money on sheltered workshops, the money should be spent to develop programs to support people in worthwhile community-based jobs.

Santa Perez, representing People First of Nevada, provided the following testimony:

My name is Santa Perez and I am representing People First of Nevada. People First is a support group for people with developmental disabilities and our main focus is promoting self-advocacy and self-determination skills. I am also a member of the Governor's Council on Developmental Disabilities.

According to the Olmstead Decision, people with disabilities should live, recreate, and work in the least restrictive environment. We as a community have come so far into being included in mainstream society. So, why are we putting money into segregated programs? People First of Nevada believes that all people should be included in their communities and not be placed in sheltered workshops.

The governor's budget singles out contracts for particular agencies that provide services to people with developmental disabilities that endorse segregation. There are many other agencies that provide different alternatives of inclusion services that should be eligible to apply for those funds. There are 28 other agencies that support people with disabilities in Las Vegas and cities around the State.

Please stop putting people with this ability in sheltered workshops. We are so much more than that. And please embrace inclusion for all people.

Vote no on A.B. 455.

Tim Brown testified against A.B. 455 and stated that money should be appropriated to programs for inclusive training within the community.

Dan Bickmore, Director of Community Services, Opportunity Village, stated that those who supported the bill were in fact working toward the ultimate goal of inclusion in the community. Mr. Bickmore directed a staff of 25 people that were dedicated to finding people jobs and supporting people in the community to have jobs. Nearly 200 individuals at Opportunity Village were supported off the Opportunity Village's payroll. Funding appropriated in the bill would go toward creating a state-of-the-art culinary center. Opportunity Village had graduated numerous people into restaurants such as the Capital Grill, P.F. Chang's, and the Venetian. The facility would be supporting people with profound disabilities who would otherwise be in an institution or at home. Mr. Bickmore concluded by saying that the brick-and-mortar money would ultimately give individuals inclusion in the community.

Marie Ahsan, parent of an Opportunity Village client, offered her support of A.B. 455.

Diana Harvey testified against the bill and stated that more was needed to be done to develop community inclusive programs for individuals with disabilities. There were other organizations that should be included in the bill.

Chairman Arberry expressed his sensitivity to the issue, because his sister had a disability and had been a client of Opportunity Village. He understood the concerns of everyone who had testified.

Chairman Arberry closed the hearing on A.B. 455.

Chairman Arberry opened the hearing on Assembly Bill 537.

Assembly Bill 537: Makes an appropriation to the City of North Las Vegas for construction of the Clayton Street Bridge. (BDR S-1186)

Kimberly McDonald, representing the City of North Las Vegas, introduced Gregory Rose.

Mr. Rose provided the following testimony and Exhibit F, an information packet on the Clayton Street Bridge:

Good Morning Mr. Chair and members of the Assembly Ways and Means Committee.

I am Gregory Rose, City Manager of the City of North Las Vegas. It is my pleasure to be here today to be with Assemblyman Kelvin Atkinson, to present A.B. 537. In Las Vegas, we have Tom Brady, one of our Public Works Senior Engineers for technical questions you may have.

Assembly Bill 537 is an appropriation request for \$20 million for the construction of Clayton Street Bridge (right-of-way, acquisition, design, and construction) over the Bruce Woodbury Northern Beltway.

In your packets is map of the Bruce Woodbury Beltway (CC-215). It includes 53 miles of facilities that were staged for completion in multiple phases, with an interim phase followed by a final facility. Where North Las Vegas is concerned, the portions of the Beltway that service the northern portions of the Las Vegas Valley have been prioritized last for both the initial and final facilities. This presents a challenge for North Las Vegas regarding the demands of growth and the need for a regional facility which will need to be addressed. As you may be aware, North Las Vegas is the second fastest-growing city in the nation.

When the initial phase was constructed, There was not a connection with any of the proposed North Las Vegas North-South roadways were proposed (Revere Street, Simmons Street, North 5th Street, Losee Road, Pecos Road, or Lamb Boulevard).

Through negotiations and involvement of the development community, partial connections were established only at Losee Road and Simmons Street, also known as Aliante Parkway.

The next phase of the final facility proposed for the Bruce Woodbury Beltway will include 6 travel lanes, 3 travel lanes in each direction, the interchange connections at Decatur Boulevard, Revere Street, Aliante Parkway, and North 5th Street. However, it will not include the much-needed bridge crossing at Clayton Street, as shown on the Clayton Street Bridge map in your packet. This is

needed to connect the Aliante and Parks Highlands master-planned communities. Park Highlands is anticipated to bring 50,000 new residents to the area.

We are very sensitive regarding the state's current problems regarding transportation and fiscal shortfalls. This request for state funding assistance to build the Clayton Street Bridge will avoid another major transportation and growth issue.

In closing, I urge your passage of A.B. 537. We would be grateful for any assistance in funding the Clayton Street Bridge. Thank you for allowing me to be here, and I would be happy to answer any questions.

Jennifer Losovich, representing the Olympia Group, registered support of the bill.

Tim Crowley, Greenspun Corporation, registered his support of the bill.

Vice Chairwoman Leslie closed the hearing on A.B. 537.

Vice Chairwoman Leslie opened the hearing on Assembly Bill 309.

Assembly Bill 309: Makes an appropriation for the Women's Research Institute of Nevada and the National Education for Women's Leadership program at the University of Nevada, Las Vegas. (BDR S-684)

Assemblywoman McClain stated that A.B. 309 was an appropriation to the Women's Research Institute of Nevada, which was housed at UNLV. The bill provided \$200,000 per year.

Julianna Ormsby, former Program Manager, Women's Research Institute of Nevada, introduced [Exhibit G](#), which was a comprehensive brochure on National Education for Women's (NEW) Leadership. The NEW Leadership was in its fifth year of serving all the Nevada System of Higher Education schools. It was a nonpartisan civic engagement and leadership training program which had close to 100 graduates. This year, the program had received a record 60 applications for only 25 spaces. Graduates from the program worked in many different fields. Ms. Ormsby thanked the Committee for its past support and urged its continued support through A.B. 309.

Kimberly McDonald, National Education for Women's Leadership, urged the Committee's support of the bill.

Jim Richardson, Nevada Factory Alliance, registered his support for the bill.

Tim Crowley, Nevada System of Higher Education, registered his support for the bill.

Assemblywoman Smith commented on her experiences with the program and offered her support.

Assemblywoman McClain commented on the possibility of having two institutes, one in the north and one in the south.

Vice Chairwoman Leslie closed the hearing on A.B. 309.

Chairman Arberry opened the hearing on Assembly Bill 412.

Assembly Bill 412: Makes an appropriation to the Health Division of the Department of Health and Human Services to purchase an emergency supply of influenza medication. (BDR S-1288)

Assemblyman Hardy stated that the flu pandemic was always a danger and that the influenza vaccine decreased the severity of symptoms and timeframe the flu was contagious.

Brian Labus, Senior Epidemiologist, Southern Nevada Health District, provided an overview of influenza and stated that an influenza pandemic was controlled based on the resources available at the local level. A big concern was secondary infection which included pneumonia. Approximately 36,000 people died each year in the United States from influenza. Mr. Labus described the infection and evolution processes of the virus, called "antigenic drift" and the process behind immunization.

In regard to the production of the vaccine, Mr. Labus stated that predictions had to be made in regard to what vaccination was to be produced. The virus administered through the vaccine was a "dead" virus, so it was impossible to get influenza from the vaccine. There was a three-week delay between when the shot was administered and when protection from the virus was received. He added that an individual's protection from the virus varied with age. There was less of a response to the virus in older individuals.

Mr. Labus stated that a pandemic spread over the period of 6 to 18 months and came in "multiple waves." All pandemics eventually burn out as a result of "herd immunity" which occurs when the disease runs out of susceptible people to infect. Approximately one-third of people get sick with influenza during a pandemic. Mr. Labus explained statistics behind exposure and infection rates. Over the last 100 years, pharmaceutical advancements had reduced the transmission of the disease by 30 percent.

Mr. Labus explained that the "guessing game" with influenza was a matter of when, not if. The more effort that could be made in advance to prepare, the more likely a situation could be successfully handled when it actually occurred.

Assemblywoman Weber asked what was provided by the federal government.

Bradford Lee, State Health Officer, Department of Health and Human Services (DHHS), introduced [Exhibit H](#), which outlined treatment course [vaccine regimen] projections for essential workforce groups. The exhibit outlined Homeland Security and DHHS guidelines. [Exhibit I](#) outlined federal and state antiviral treatment course purchases. Roughly 334,000 courses were held by the federal government for the State. The State had also purchased an additional 132,000 courses, which were held by the DHHS. The City of Las Vegas had purchased 3,000 federally subsidized courses. The State could purchase approximately 235,000 additional courses from the federal government at the federally subsidized price; twenty-five cents of each dollar was subsidized. In total, that would give the State approximately 700,000 treatment courses for a population of approximately 2.6 million people.

In response to Assemblywoman Weber, Mr. Lee said the courses were 80 percent Tamiflu and 20 percent Rulenza.

Michael Willden, Director, DHHS, stated that approximately 470,000 courses were currently available for the State, which was a coverage rate of 18 percent of the Nevada population. Assembly Bill 412 proposed the purchase of about 23,000 additional treatment courses with the \$350,000. Mr. Willden said that 210,000 federal treatment courses would still be available for purchase. To purchase all available courses, \$3.1 million would need to be spent. If all available courses were purchased, approximately 27 percent of the population would be covered. Approximately 37 states had purchased their full allotment, but Nevada was not one of them. The only local government that had purchased courses from the government was the City of Las Vegas.

In answer to Assemblywoman Weber, Mr. Willden stated that there were three recognized local health authorities in the State: Clark County, Washoe County, and Carson City. None of them had purchased their own courses. The local health authorities had encouraged the State to purchase more courses.

Assemblyman Hogan questioned the length of time that the courses could be deemed valuable or useful.

Mr. Lee responded that the antivirals currently were effective for seasonal flu, but the Center for Disease Control recommendation was not to use them to avoid viral mutations to the avian flu. If the avian flu mutated, it was not known whether the courses would still be beneficial. The avian flu had a 50 percent mortality rate versus 1 percent for the average flu. No questions could be answered with certainty, but the intent of the course purchases was to provide insurance.

Scott Craigie, representing Roche Pharmaceuticals, stated there was a need to have all health care and emergency response personnel in the community covered, and the current courses available within the State did not accomplish that. Mr. Craigie stated that the issue of purchasing the vaccine was a "darned if you do, darned if you don't" situation, because it was literally impossible to know the proper amount to have on hand. He noted other states had "rolling purchasing plans" that maintained a certain number of vaccines at all times.

Mr. Willden referenced [Exhibit H](#), which showed the breakdown of essential workforce occupations in Nevada.

Mr. Willden referenced [Exhibit I](#), and stated that the 334,000 courses held by federal DHHS were unrestricted, which meant that they could go to any group of individuals. The 132,000 courses held by State DHHS were restricted to public health first responders and their families.

Mr. Craigie referenced [Exhibit J](#), an associated press article titled "Bird flu would hit tourism states hardest." Nevada was more likely to be affected by an influenza pandemic in the early stages. September 11, 2001, proved how sensitive Nevada was to certain events.

Chairmen Arberry closed the hearing on A.B. 412.

Chairman Arberry opened the hearing on Assembly Bill 444.

Assembly Bill 444: Makes an appropriation to the Board of Medical Examiners for a pilot program to provide medical care to the indigent. (BDR S-355)

Assemblyman Mabey began his testimony in support of Assembly Bill 444.

He noted that the \$200,000 appropriation may or may not be the proper amount for the bill. He would like to open a medical center where individuals could come to receive free medical care. The key part would be that a physician would be able to volunteer time without being concerned about liability. This would be especially beneficial for retired physicians. Referencing [Exhibit K](#), Dr. Mabey said there was a little-known section of the Health Insurance Portability and Accountability Act (HIPAA) that provided an answer, utilizing the Federal Tort Claims Act (FTCA). Section 194 of HIPAA, or what was now referred to as the "Federal Tort Claims Act Coverage of Free Clinic Volunteer Health Care Professionals" was now in effect. The Act defined a health care provider who provided services at free clinics to be a "deemed" employee of the Federal Public Health Service for purposes of liability protection. By being deemed an employee, medical malpractice protection was provided under the FTCA for volunteers at free clinics across the country. There was no cost to participate, but free clinics must apply and meet certain criteria.

Assemblyman Mabey explained that there were currently approximately 900 retired physicians in Nevada. These individuals would be able to obtain a free license to provide services without having to have liability insurance.

Assemblyman Arberry questioned whether any facilities currently existed and what would be done to prevent physicians with a malpractice history from working in the facilities.

Assemblyman Mabey replied that he was not aware of any place a retired physician could practice in the State of Nevada. Assemblyman Mabey stated that the board would go through the same licensing procedures as any other physician would.

Assemblyman Marvel questioned whether the physicians would be exempt from continuing education.

Assemblyman Mabey was not sure, and stated that was an issue that would have to be worked out.

Chairman Arberry questioned the liability of the clinic.

Assemblyman Mabey replied that the clinic would be immune from liability issues. Mr. Mabey gave the example of the clinic operating in Vermont that operated strictly on public donations.

Keith Lee, State Board of Medical Examiners, stated that a retired physician need not comply with continuing medical education requirements; however, in [A.B. 385](#) as approved by the Assembly Commerce and Labor Committee, a separate licensure was created for retired physicians who wished to practice in indigent clinics. A physician holding that license could be required to obtain additional medical education.

Mr. Lee added that the Board of Medical Examiners was not equipped from either an accounting or personnel standpoint to accept money and then administer it, in the nature of a grant, to a nonprofit organization. There may be existing nonprofit organizations in the State that could handle the issue.

Jeanette Belz, Nevada Psychiatric Association, expressed the support of the bill by the Nevada Psychiatric Association.

In answer to a question from Chairman Arberry regarding prescriptions, Assemblyman Mabey stated that retired physicians could still write prescriptions. Dr. Mabey reiterated the need for the program and noted there was an unused resource in retired physicians. Federal law limited liability for providers of free health care to \$50,000 in a malpractice case and provided payment to defend the lawsuit.

In response to Assemblyman Denis, Dr. Mabey stated that there would be no payments required for patients at the free clinics.

Vice Chairwoman Leslie closed the hearing on A.B. 444.

Vice Chairwoman Leslie opened the hearing on Assembly Bill 530.

Assembly Bill 530: Creates the Office of Ombudsman of Consumer Affairs for Minorities. (BDR 18-1375)

Assemblyman Denis stated that A.B. 530 created the Office of Ombudsman for Minority Affairs and removed the sunset for the Commission on Minority Affairs. The bill also allowed the ombudsman to serve as the Executive Secretary of the Commission and appropriated money for the Commission to carry out its duties.

Assemblyman Denis told a story of a group of constituents who had been scammed out of money, which brought to light similar situations in the community. The Office of Ombudsman for Minority Affairs would be able to give out information to communities and communicate with the community as to who to contact in those situations.

During his research for the bill, Assemblyman Denis found out that the Commission on Minority Affairs was going to sunset. He said the Commission's mission was a "great cause" and one that should be continued. The bill would provide additional administrative support by providing an executive secretary, the ombudsman, and financial support for meetings. There was a \$15,000 fiscal note: \$10,000 in the first year of biennium and \$5,000 in the second. The ombudsman would be an unclassified position within the Department of Business and Industry and cost between \$55,000 and \$75,000.

Vice Chairwoman Leslie confirmed that the appropriation to pay for the ombudsman position was not currently in the bill.

Mendy Elliott, Director, Department of Business and Industry, stated that the Department had budgeted \$67,635 in the first year and \$96,848 in the second year for personnel expenses. Out-of-state travel would be \$960 per year; operating costs were \$5,770 in year one and \$7,628 in year two; equipment costs were \$6,099 in year one; information services costs were \$5,823 in year one and \$912 in year two; and training costs were \$450 per year. In total, the position would cost \$86,737 in year one and \$106,798 in year two. Ms. Elliott referenced Exhibit L, which provided line item detail and summary of the position's costs.

Assemblywoman Weber asked whether there was already a Consumer Fraud Division under the Attorney General.

Assemblyman Denis replied that there was a consumer protection function in the Attorney General's office as well as consumer advocates in Business and Industry.

Assemblywoman Weber stated that she had a large Asian population in her district and cited fraudulent activity related to the tsunami. She had gone to the Attorney General's office to deal with the issue.

Ms. Elliott stated that part of the benefit of the bill was that the ombudsman would interface with the minority counsel. The ombudsman would provide coordination with agencies throughout the State to bring resources to the community.

Assemblywoman Weber asked whether there were Asian citizens on the Commission for Minority Affairs.

Assemblyman Denis stated that there were and that he would provide a list to Assemblywoman Weber.

Vice Chairwoman Leslie confirmed that the discussion was in regard to the existing Nevada Commission on Minority Affairs.

Assemblywoman Smith stated that the position seemed like a good resource for the 211 phone system.

Vice Chairwoman Leslie confirmed that the Office of Minority Health, which was in the Department of Health and Human Services, was not connected or affected by the bill.

Jan Gilbert, Progressive Leadership Alliance of Nevada, registered her support for the bill. She referenced a report called *Vital Beyond Belief*, regarding economic contributions that Hispanics made in the community. The Ombudsman would play a great role in assisting immigrant communities.

Julianna Ormsby, Nevada Womens' Lobby, registered her support for the bill.

Andrew Barbano, Reno-Sparks NAACP, registered support for the bill. The Commission on Minority Affairs needed the appropriation to continue functioning.

James Campos, Commissioner, Consumer Affairs Division, registered support for the bill and volunteered to answer any questions.

Ms. Elliott stated that the Director's Office was committed to providing additional support to the ombudsman as well as to the Commission to ensure success.

Assemblyman Hogan stated the importance of funding the Commission.

Vice Chairwoman Leslie closed the hearing on A.B. 530.

Chairman Arberry opened the hearing on Assembly Bill 553.

Assembly Bill 553: Makes appropriations relating to education. (BDR S-427)

Assemblywoman Smith stated that the bill provided appropriations for programs that the Legislative Committee on Education deemed valuable and pertinent to the goals of the State. There were several different programs funded by the bill. Exhibit M was submitted, which provided a breakdown of the appropriations in Assembly Bill 553:

- Section 1 provided funding for the Nevada Department of Education (NDE) to assist school districts and charter schools to provide programs and assessments for career and academic planning in grades 8 and 10.
- Section 2 provided funding to NDE for personal digital assistant assessment technology in early literacy and mathematics in kindergarten and grades 1 and 2.
- Section 3 was an allocation to school districts to support a program of bilingual aides in kindergarten classrooms.
- Section 4 provided funding for a vendor to provide personalized study guides to assist pupils in the transition from middle school to high school.
- Section 5 provided funding for a vendor to provide personalized study guides to assist pupils in grades 11 and 12 to pass the high school proficiency examination.
- Section 6 provided funding to continue contractual services with the Grow Network to provide the reporting of test scores, web-based data and instructional tools, and related services.
- Section 7 provided that NDE transfer funds from the Distributive School Account (DSA) to the four school districts serving as fiscal agents for the Regional Training Programs.
- Section 8 provided that the Legislative Bureau of Educational Accountability and Program Evaluation be authorized to receive funds from the DSA for evaluation of the Regional Training Programs.
- Section 9 provided that NDE transfer funds from the DSA to the Statewide Council for the Coordination of the Regional Training Programs for administrator training.

Rafael Magallan, Director of State Services, The College Board, registered his support for Section 1 of the bill.

Eugene Paslov, Executive Director of Governmental Relations, Wireless Generation, stated that Wireless Generation was a software company which had personal digital assistant (PDA) technology that was practical and useful in the classroom. He was present to support Section 2 of the bill. The Nevada Education Reform Act started at grade 3, and there was not currently a system to integrate an accountability system into kindergarten, grade 1, and grade 2. There needed to be a method for teachers to monitor the literacy and mathematics skills of their students. The progress monitoring system must be related to Nevada education standards. The PDAs would greatly help to monitor progress and improve instruction in kindergarten, grade 1, and grade 2.

Anne Loring, Washoe County School District, stated she would speak in regard to Sections 1 and 3. Section 3 was an appropriation for bilingual aides in the kindergarten classroom. She cited prior benefits through a program called Kinder Amigos. Bilingual aides were enormously beneficial for getting young students ready to learn and provided communication with the parents. In regard to Section 1, the Preliminary SAT (PSAT) was particularly valuable when administered to sophomore students. It was a great planning tool and was influential in increasing participation in the advanced placement classes.

Stacey Ellmore, Senior Consultant, ACT, stated she was present to speak in support of Section 1 of the bill, which included appropriations for two of ACT's college and work readiness programs. "Explore" and "Plan" were part of ACT's educational planning and assessment system. The programs were college and work readiness indicators that included academic assessments in English, math, reading, and science. There was also a career interest inventory to help students make decisions in regard to education and work. "Explore" and "Plan" offered students a growth model in which they could evaluate their progress.

Ms. Ellmore referenced [Exhibit N](#), which provided additional information on ACT's programs. She concluded by stating that ACT was uniquely positioned to assist Nevada in preparing students for success and was experienced at state-level reform. ACT was deeply committed to assisting the state's efforts and welcomed the opportunity to work together.

Darlene Hart, Director of Education Solutions, Grow Network, McGraw-Hill, stated she would testify in support of two programs outlined in Sections 4, 5, and 6 of the bill. The first program was a reporting program for student assessment results which had been supported by the State over the last two biennia. The second program was a personalized study guide program which had received support from the Interim Education Committee. Ms. Hart introduced [Exhibit O](#), which provided detailed information on the programs.

Ms. Hart stated that the Grow Report Program engaged parents and educators around assessment results to help their students succeed by providing guidance and helping students at different levels master the Nevada standards.

Ms. Hart stated that the MyGuide Program was a proven learning tool for struggling eighth grade and high school students to receive individualized instruction for success in key subjects. It had been adopted in Texas and Arizona.

Ms. Hart explained that the Grow Network's mission was to transform data into meaningful opportunities to learn. The Grow Network currently reported on over 35 percent of U.S. students in grades three through eight who were taking state assessments. Technology was used to allow parents to see their children's scores immediately after they were calculated. In addition to linking data to individualized personal content, technology was used to report in multiple languages. The Grow Network had been working with Qatar to provide reports in Arabic. In Nevada, engagement tools had been provided to parents through print reports and online resources. Parents received reports for all four of the state assessments. The reports encouraged active parent participation by providing parents detailed information on the assessments being administered. Information was also provided in Spanish.

In conclusion, Ms. Hart asked for the Committee's continued support for the reporting program that had been effective in the State. Continuation of the program would cost approximately \$2.8 million over the biennium. In addition to the reporting program, support was needed for the personalized study program to provide individual learning tools for students to help prepare for postsecondary education. Both of the programs ensured that students in the State received the support that they need to be successful.

Jennette Belz, Associated General Contractors, Nevada Chapter, registered support for Section 1 of the bill.

Chairman Arberry closed the hearing on [A.B. 553](#) and requested Committee action on other bills.

[Assembly Bill 541](#): Makes a supplemental appropriation to the State Distributive School Account for unanticipated expenses for Fiscal Year 2006-2007 for providing health care subsidies to retired school district employees. (BDR S-1249)

Mark Stevens, Assembly Fiscal Analyst, stated that the three bills the Committee would be considering were all supplemental appropriations included

in The Executive Budget. Assembly Bill 541 was an \$8.2 million supplemental appropriation to the distributive school account to pay for retiree health insurance subsidies.

ASSEMBLYWOMAN SMITH MOVED TO DO PASS A.B. 541.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

THE MOTION CARRIED.

* * * * *

Assembly Bill 542: Makes supplemental appropriations to the Department of Health and Human Services for payment of stale Medicaid claims. (BDR S-1255)

Mark Stevens, Assembly Fiscal Analyst, stated that Assembly Bill 542 was a supplemental appropriation to the Division of MHDS, which involved payments for stale claims related to Medicaid to the Desert Regional Center and to the Rural Regional Center.

ASSEMBLYWOMAN LESLIE MOVED TO DO PASS A.B. 542.

ASSEMBLYMAN PARKS SECONDED THE MOTION.

THE MOTION CARRIED.

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Assembly Bill 543: Makes supplemental appropriations to the Department of Motor Vehicles for various costs. (BDR S-1263)

Mark Stevens, Assembly Fiscal Analyst, stated that Assembly Bill 543 was a supplemental appropriation for a number of budget accounts within the Department of Motor Vehicles. The Department advised the Committee that there could be revisions to the amounts. The Department had been working with staff and suggested the following amendments: in Section 1, the amount would be changed to \$615,116; in Section 2, there would be no change; in Subsection 3 the amount could be eliminated completely; in Subsection 4 the amount could be eliminated completely; and in Subsection 5 the amount could be reduced by \$5,378.

ASSEMBLYWOMAN MCCLAIN MOVED TO AMEND AND DO PASS
AS AMENDED A.B. 543.

ASSEMBLYMAN MARVEL SECONDED THE MOTION.

THE MOTION CARRIED.

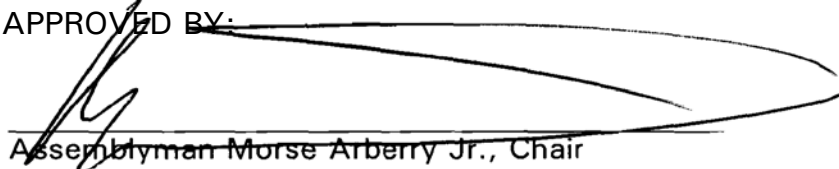
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Being no further comments, questions, or Committee business,
Chairman Arberry adjourned the meeting at 11 a.m.

RESPECTFULLY SUBMITTED:

Barron Brooks
Committee Secretary

APPROVED BY:



Assemblyman Morse Arberry Jr., Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Ways and Means</u>			
Date: <u>April 16, 2007</u>		Time of Meeting: <u>8:11 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 455	C	Kimberly Rushton	Community Impact
A.B. 455	D	Larry Williams	HSI Building Detail
A.B. 455	E	Larry Williams	HIS-UNR Collaboration
A.B. 537	F	Gregory Rose	Clayton Street Bridge info
A.B. 309	G	Assemblywoman McClain	NEW Leadership Nevada info
A.B. 412	H	Bradford Lee	Treatment course projections
A.B. 412	I	Brian Labus	Treatment course purchases
A.B. 412	J	Scott Craigie	Bird Flu report
A.B. 444	K	Assemblyman Mabey	Tort Claims Act Coverage info
A.B. 530	L	Assemblyman Denis	NV Comm. on Minority Affairs
A.B. 553	M	Assemblywoman Smith	A.B. 553 Proposal
A.B. 553	N	Stacey Ellmore	ACT info
A.B. 553	O	Darlene Hart	The Grow Network info