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

## Seventy-Fifth Session
## March 16, 2009

The Committee on Ways and Means was called to order by Chair Morse Arberry Jr. at 8:11 a.m. on Monday, March 16, 2009, 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/75th2009/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
- Assemblywoman Barbara E. Buckley
- Assemblyman Marcus Conklin
- Assemblyman Mo Denis
- Assemblywoman Heidi S. Gansert
- Assemblyman Pete Goicoechea
- Assemblyman Tom Grady
- Assemblyman Joseph (Joe) P. Hardy
- Assemblyman Joseph M. Hogan
- Assemblywoman Ellen Koivisto
- Assemblywoman Kathy McClain
- Assemblyman John Oceguera
- Assemblywoman Debbie Smith

**STAFF MEMBERS PRESENT**:

- Mark Stevens, Assembly Fiscal Analyst
- Tracy Raxter, Principal Deputy Fiscal Analyst
- Mike Chapman, Senior Program Analyst
- Christine Bashaw, Committee Secretary
- Vickie Kieffer, Committee Assistant

**COMMERCE AND INDUSTRY**
**PUBLIC UTILITIES COMMISSION (224-3920)**
**BUDGET PAGE PUBLIC UTILITIES COM – 1**

Jo Ann P. Kelly, Chair, Public Utilities Commission (PUC) of Nevada, introduced Crystal Jackson, Commission Secretary, PUC, Donna Skau, Assistant Commission Secretary, PUC, and Kirby Lampley, Director of Regulatory Operations, PUC.

Assemblyman Denis disclosed for the record that he was employed by the PUC.

Ms. Jackson provided Exhibit C which was based on the Governor's recommended budget for budget account (BA) 3920. She read the following:

> The Public Utilities Commission regulates public companies engaged in electric, natural gas, telephone, water and sewer services; gas and electric "master meter" service at mobile home parks; some propane systems; and is involved in monitoring gas pipeline and railroad safety.

Ms. Jackson said page 3 listed the PUC's mission, vision, and philosophy. Page 4 depicted the measurement indicators, and the Commission had met all the projections for the 10 indicators, even with the shortage in personnel.

Ms. Jackson referred to the PUC revenues beginning on page 5 of the exhibit and said the first revenue was the annual regulatory assessment, which was the primary source of funding for the Commission's budget account. The Commission's budget request was built around the regulatory assessment set at 1.95 mills for both years of the biennium. The regulatory assessment was assessed on all public utilities in the state, and the statutory maximum was 3.5 mills. Currently, the optimum reserve was between $2.2 million and $2.8 million, which was approximately 25 percent of the expenditures.

Ms. Jackson said the Commission received up to a 50 percent reimbursement from the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration for the gas pipeline safety program as shown on page 6 of the exhibit.

Ms. Jackson said page 7 of the exhibit referred to the Rail Safety Inspection Program. The Commission received revenues from Beatty storage facility fees and a rail assessment on the Union Pacific Railroad and BNSF Railway companies. There was also a universal energy charge which was a direct pass-through to the Division of Welfare and Supportive Services. The *Nevada Revised Statutes* (NRS) allowed the Commission to retain an administrative charge of up to 3 percent, but the PUC retained less than one-half percent of the energy charge.

Ms. Jackson stated that page 8 of the exhibit explained the expenditures. The first expenditure was for expert consultants. The request included $220,000 over the biennium for outside expert consultants. For fiscal year (FY) 2010, the Commission requested $135,000 to retain the services of consultants; of that amount, $75,000 was to assist regulatory operations staff with general rate case support. However, said Ms. Jackson, because of the passage of Assembly Bill No. 103 of the 74th Session (changed schedule for general electric cases), the original estimate of $75,000 for a consultant in FY 2010 was negated. Ms. Jackson stated that at the time the original budget was prepared, the estimate was based on the requirements that were in place in 2007.

Ms. Jackson reported that Sierra Pacific Power Company, now NV Energy North, was expected to file depreciation cases in the latter half of 2009. Subsequently, the timing of depreciation cases and general rate cases for the electric companies was changed (because of the 2007 legislation). As a result, the Commission respectfully requested of the Committee that $75,000 in FY 2010 be removed from the budget request.

Ms. Jackson stated that $50,000 was requested for a financial consultant for the Ely Energy Center. The Commission had directed its staff to engage the services of an outside consultant to analyze the ability of Sierra Pacific Power Company and Nevada Power Company to adequately finance the proposed Ely Energy Center. Nevada Energy recently announced that the coal plant had been postponed indefinitely. At the current time, the Commission was withdrawing the request for $50,000 for an independent consultant.

Ms. Kelly felt that the Committee might need additional explanation regarding the $50,000 request. The transmission associated with the coal plant was part of the original figures and part of the study. Ms. Jackson indicated that the coal plant would be withdrawn at the present time, but the transmission line and project would go forward. The transmission project had always been an integral part of the Ely Energy Center. Ms. Kelly said the application had been reviewed and the Director of Regulatory Operations (DRO) was asked whether consulting monies would be needed for the transmission project. The estimate provided by the DRO was that approximately $48,000 would be needed for consultants on the transmission project but the funding would span two fiscal years, FY 2009 and FY 2010. Ms. Kelly reported that the funds were included in the FY 2009 budget. Ms. Kelly stated she would know more about the timing after the prehearing meeting on the application in April 2009. Ms. Kelly reiterated that the PUC was withdrawing the $50,000 request but might return to the Interim Finance Committee (IFC) at a later time to request the funding.

Assemblyman Goicoechea said it was his understanding that LS Power had withdrawn its plans to build the coal generation, and was considering moving ahead with the Southwest Intertie Project (SWIP) and that transmission corridor. Assemblyman Goicoechea pointed out that two 500 Kilovolt-Amps (KVA) transmission facilities would be built over the next two years in eastern Nevada, and his concern was having transmission capabilities without generation; he wondered how the PUC anticipated the withdrawal of the $50,000 request.

Ms. Kelly said the LS Power project was an independent power producer and had gone through the Utility Environmental Protection Act (UEPA) process. The LS Power coal plant and the transmission line were always separated in terms of the applications for permitting and in the UEPA process before the PUC. The PUC had no regulatory oversight over LS Power. LS Power's determination would be made on a business basis. That corridor had already been designated, and there was room in the corridor for two transmission lines.

Ms. Kelly stated that since 2006, the regulated utility has had authority from the PUC as part of its preferred plan to construct the transmission line. It was always part of the Ely Energy Center which was connected to the coal plant. In an application just received, there was a separation of the coal plant from the transmission line in the PUC process, but it had not yet been separated in the permitting process. Ms. Kelly stated there was still an ongoing

UEPA application that, at some point, would have to be dealt with. Ms. Kelly said the PUC currently had an application for a stand-alone transmission line that for the first time would interconnect the northern system with the southern system. She stated that application would start an era of complications regarding the operation of the system and north and south exchanges. It also brought into question the tariffs filed for power transmission between the north and south.

Assemblyman Goicoechea said even though there was room to build two transmission lines in that corridor, it was his understanding that LS Power owned the corridor, having acquired it from Idaho Power.

Ms. Kelly asked Mr. Lampley to answer that question. Mr. Lampley said it was his understanding that LS Power had purchased the SWIP corridor from Idaho Power, but he thought the company planned to apply to the Bureau of Land Management (BLM) for additional usage of the corridor. He was sure that the corridor could accommodate two lines and he did not think there would be an issue.

Assemblyman Goicoechea asked whether Nevada Power would have to negotiate with LS Power. Mr. Lampley replied that he did not think so. Assemblyman Goicoechea asked Mr. Lampley to confirm that the right-of-way was purchased from Idaho Power, and it did not give LS Power the right to preclude anyone from being there. Mr. Lampley said he would provide the requested information.

Ms. Jackson continued with Exhibit C, page 8, and said the PUC had requested $10,000 for FY 2010 for additional technical support in educating contractors and the public regarding the state's one-call program.

Ms. Jackson said based on the changes she mentioned for FY 2010, decision unit Enhancement (E) 250 should be reduced by $125,000.

Ms. Jackson said that in FY 2011 the PUC was requesting $85,000: $75,000 was for general rate-case support and $10,000 was for the "call before you dig" program.

Assemblywoman Smith said she hoped the sewer lateral issue was resolved this session and asked whether that would affect the "call before you dig" need for expenditure.

Mr. Lampley said he did not believe so.

Ms. Jackson said page 9 showed expenditures for information services. The Commission requested approximately $440,000 over the biennium for new and replacement computer hardware and software. The request included approximately $42,000 for a new telephone system for the Las Vegas office. The new system would allow the Las Vegas office to be connected to the state's phone system and allow five-digit dialing to all state agencies, reduce toll charges for calls between Carson City and Las Vegas, and improve service reliability. Ms. Jackson said the PUC had received a revised quote for the new telephone system that was approximately $6,000 less than the quote provided at the time the budget was submitted. She stated that Enhancement (E) 251 should be reduced from $41,816 to $35,586.

Ms. Jackson said the next expenditure was a budget request that included $154,000 over the biennium to fund and administer the training and development plan.
Referring to page 10 of the exhibit, Ms. Jackson concluded her presentation on expenditures with a request to replace four 4X4 utility vehicles over the biennium at a cost of $103,000. Vehicles to be purchased would be flexible-fuel, clean-diesel, or dual-mode hybrid. If that request was approved, two vehicles would be purchased in FY 2010, one for the Rail Inspection program and one for the Gas Pipeline Safety program. Two additional vehicles would be purchased in FY 2011 for the same two programs. Ms. Jackson stated that the cost for the Rail Inspection program vehicles would be recovered through rail assessments, and the vehicles purchased for the Gas Pipeline Safety program would be reimbursed up to 50 percent via a federal grant.

Assemblyman Denis wished to clarify his earlier disclosure and said pursuant to Assembly Standing Rule 23, he was an employee of the PUC and would abstain from voting on, and would not advocate or oppose, matters that pertained to the specific budget of the PUC.

Chair Arberry said the reserve level in the mill assessment was projected to be between $2.5 million and $2.8 million. He asked whether there would be a reduction in the mill assessment from 1.95 mills to 1.80 mills each year.

Ms. Jackson said the current optimum reserve level was between $2.2 million and $2.8 million. If the Governor's recommended budget was passed, it would drop the optimum reserve level to between $2.1 million and $2.5 million. The Commission's reserve exceeded that amount, and following discussions with Fiscal Analysis Division staff and the Budget Division, the Commission would be agreeable for budgeting purposes to reduce the assessment to 1.80 mills, which would maintain the optimum reserve for both fiscal years.

Chair Arberry asked that the PUC continue to monitor its reserve levels, and Mr. Jackson stated that would be done.

Chair Arberry noted that funding had been recommended to retain a financial consultant.

Ms. Kelly said she had explained earlier why the position was being withdrawn. She stated that she would return to the Committee once the prehearings had been completed and her staff had a better understanding regarding what would be needed for the biennium.

Chair Arberry asked whether the funding to retain the expert consultant could be reduced by $75,000.

Ms. Jackson explained that the $75,000 was being withdrawn because the depreciation rate hearings schedule had changed as a result of A.B. No. 103 of the 74th Session. The funds were not needed in FY 2010, however, the PUC had requested funds in FY 2011. Ms. Jackson continued to explain that the $50,000 was also being withdrawn since the Ely Energy Center had been postponed indefinitely.

Assemblyman Goicoechea said he believed the PUC would be back before IFC requesting funding for the Ely Energy Center.

Mr. Lampley said when the north and south were tied together, it would have to be decided how the benefits would be divided, which would determine how the cost was allocated.

Assemblyman Goicoechea said he thought the $50,000 should be left in the budget because it might be harder to come by a year from now.

Ms. Kelly said there was some consulting money in the FY 2009 budget, and she would ask the IFC for $25,000 for FY 2010.

Chair Arberry closed the hearing on budget account (BA) 3920 and opened the hearing on Assembly Bill 222.

**Assembly Bill 222: Makes an appropriation to the Department of Health and Human Services to create the Nevada Autism Task Force and to provide funding for certain autism programs and services. (BDR S-990)**

Assemblywoman Leslie asked Committee members to recall the struggle over the autism issue last session. Now they were going to hear about the progress that had been made. She pointed out there was a bill last session that established the Nevada Autism Task Force, which would be renamed by amendment, to the Commission on Autism Spectrum Disorders (Exhibit D). Another portion of the 2007 bill addressed an addition to the state budget to provide more self-directed services to parents of autistic children.

Assemblywoman Leslie said this year the money was removed from the Governor's proposed budget because of the budget crisis. The second part of Assembly Bill (A.B.) 222 intended to restore the funds. Assemblywoman Leslie said that after the Committee saw today's presentation, which depicted the results from the funding approved last session, it would be as convinced of the need for funding this session as it had been last session.

Assemblywoman Leslie said A.B. 222 was presented as a Committee bill because it represented the work of the Ways and Means Committee as well as Senate Finance.

Mary Liveratti, Commissioner, Nevada Commission on Autism Spectrum Disorder, introduced Ralph Toddre, former Chairman of the Nevada Autism Task Force and Jan Crandy who was a member of the Task Force, both of whom were now on the Commission.

Ms. Liveratti said A.B. 222 replicated language in A.B. No. 629 of the 74th Session that recreated the Autism Task Force. Since then, the Task Force had produced its report (Exhibit E) in August 2008. The Governor created the Nevada Commission on Autism Spectrum Disorders after the sunset of the Autism Task Force because advocates said the work needed to continue.

Ms. Liveratti said some of the recommendations in the report (Exhibit E) were to continue the funding, create a group to continue overseeing the plans, and provide insurance coverage for autism, which was addressed in A.B. 162.

Ms. Liveratti said A.B. 222 would appropriate $2 million, which the same amount as that appropriated by the 2007 Legislature. Of the $2 million from last session, $7,000 was used to support the Task Force of 15 members, but most had gone directly to services. Ms. Liveratti explained that the program was modeled after a Division of Mental Health and Development Services program. It was a family-centered and family-directed program that was started in December 2007.

Ms. Liveratti said Ms. Crandy would explain how the money was distributed to the families based on the age of the child.

Ms. Liveratti referred to Exhibit F which covered the information presented today and Exhibit D which was an amendment to A.B. 222. The purpose of the amendment was to replace the Nevada Autism Task Force with the Nevada Commission on Autism Spectrum Disorders. The amendment also provided that the appropriation not sunset but rather be included in The Executive Budget on an ongoing basis.

Chair Arberry asked why the name was being changed. Ms. Liveratti replied that autism included a spectrum of disorders. When autism was discussed there was classic autism, pervasive mental disorders, Asperger Syndrome, and more. She said the spectrum included children suffering from mental retardation to children with high IQ's.

Ms. Crandy read the following statement:

> For the record my name is Jan Crandy and I am a member of the Commission on Autism Spectrum Disorders, the chair of SPAC (Strategic Plan Accountability Committee), which made this one of their priorities last session. I am honored to be the case manager for the autism self-directed program for southern Nevada. I took the position because I wanted to ensure we had good data to prove the program was effective and our data supports that. We will provide an overview of that data for you.

Ms. Crandy referred to the last tab in Exhibit F, the statewide overview, which was split into southern Nevada, northern Nevada, and Elko.

Ms. Crandy continued reading:

> The current number of children served is 109. An additional 22 children were also funded for a limited time, for a total of 137 children (including 6 who received limited funding) who have benefited from this program to date. There are 219 children on the waiting list, hoping to start treatment.
>
> We will need an estimated $3.2 million to fund the children who are currently funded.

Ms. Crandy then discussed how children were selected:

> Because the number of children needing funding was more than the funding available, a scoring system was created with the help of the Autism Task Force. In order to be eligible to receive funding children were scored based on a number of factors.
>
> If you turn to the second tab of the binder (Exhibit F), the gray screened area highlights the scoring system. Children with critical behavior issues were given a priority. Children who were funded scored at least an 8, with most children scoring higher.
>
> Children who were funded were then assessed on a number of indicators to demonstrate progress over the course of treatment. If you turn the page you can see those indicators for the different age groups. Baseline data was also included.

Ms. Crandy noted that several standardized assessments were made including the PDD (Pervasive Development Disorders) Inventory assessment to measure the response to treatment, which would be given again after two years of treatment. She included a copy of that assessment in Exhibit F under the tab marked "Assessments." Ms. Crandy continued reading:

> Forty-nine parents also signed a release for their child to participate in a ten-year follow up which is exciting, so we can follow these children's progress over time, and see if it makes a difference in their school placement.
>
> The funding from this program has also built an infrastructure for the autism community and become an employer, which is another great, exciting thing about this program.
>
> One hundred seventy-nine Nevadans are employed because of this funding, most part-time, but still employed. There are also 39 providers statewide and many of those employ staff too.
>
> In Elko there was also a collaboration which allowed training to take place across agencies with a total of 88 participating in monthly trainings.
>
> Types of treatments funded are ABA (applied behavior analysis), speech, occupational therapy (OT), and social skills.
>
> Life-altering changes have taken place because of this funding. I want to give you a snapshot of what I am talking about. We took 21 children who have received treatment for over a year and looked at 10 indicators to show you the progress.

Ms. Crandy presented slides showing the progress of different children and short videos of children interacting before and after treatment. She reported that research indicated that if treatment stopped, the children regressed.

Chair Arberry asked about the intensity of the treatment sessions. Ms. Crandy said that sessions were individualized for each child. At the beginning of treatment, the sessions were 30 to 40 hours per week. Ms. Crandy noted that learning opportunities had to be created for the children. The learning opportunities had to be built up and could be in blocks of one, two, or three hours depending on the child.

Ms. Crandy noted that Nevada Early Intervention Services (NEIS) also looked at 21 children in their program. The last tab in Exhibit F provided an overview. She stated that the average number of hours a child with autism received at NEIS was 1.50 hours per week.

Ms. Crandy said the monthly allotment for children in her program was between 9 to 15 hours a week with appropriate supervision by a qualified provider. Although her program was still not providing the recommended 30 to 40 hours a week, it was a lot closer than the 1.5 hours provided by the NEIS program.

According to Ms. Crandy, NEIS also stated that its average cost was $25,920 per child. She believed the average cost of her program, even with an initial first month at a higher amount, was going to be lower than $25,920 per child and her program provided more direct hours of treatment.

Ms. Crandy believed that the current funding was insufficient. The state was reaching less than 7 percent of autistic children. And those that were funded through the program were at risk of regression if their treatment was not continued, and the money previously funded through legislation would have been wasted.

Ms. Crandy said she wanted the children to get treatment and have the best chance to live a normal life. Ms. Crandy concluded by stating that "when you see the changes, it is a miracle and we are part of it because of this program."

Chair Arberry asked how the parents who were in denial were being reached.

Ms. Crandy said it was hard to reach a parent in denial. She knew because she was once such a parent. She noted that there were outreach programs, but there needed to be changes in the way professionals talked to parents.

Mr. Toddre advised the Committee that he would forgo his testimony so the Committee could hear from parents that were actually receiving the funding.

Korri Ward, parent of an autistic child, said she had a short video she would play and thanked the Committee for the funding. Ms. Ward provided a letter (Exhibit G) to the Committee.

In an excerpt from that letter, Ms. Ward noted that her son Douglas was 15 years old. He was autistic with a history of testing below severe and profound mental retardation with aggression toward himself and others. She said Douglas was provided the best treatment her family could afford, but it was not enough.

Ms. Ward said that when Douglas was 11, Philip Baese, Psychiatrist, said "He has been increasingly aggressive at school throughout this year." When Douglas was 12, the school psychologist evaluated him and said, "He is nonverbal with severe behavioral difficulties. Cognitively and adaptively, he functions in the severe mentally retarded range." Finally, L.E. Ruckstuhl, PhD, Licensed Clinical Psychologist indicated that his IQ estimate of Douglas was between 20 to 25 or even lower.

Ms. Ward said she went to the emergency room seeking help for this aggression and was told, "Of course he's aggressive, he is autistic and he's going through puberty."

Ms. Ward shared how the funds were helping her son and other children and showed a video of her son both before and after treatment.

Ms. Ward concluded by asking the Committee to find a way to continue the funding.

Assemblywoman Buckley asked how much funding would have to be restored to not terminate the children from their treatment.

Mr. Toddre said that $3.2 million was needed to continue the funding for the children currently in the program.

Assemblywoman Buckley asked what the cost would be for the children on the waiting list.

Ms. Liveratti said that amount was not known, but there were 219 on the waiting list.

Mr. Toddre said it would be approximately another $5 million or $6 million.

Assemblywoman Buckley said the Committee would do what it could for the children who were in the middle of treatment.

Dustin Johnson, parent from Las Vegas, introduced his wife Amy Johnson who provided a prepared statement (Exhibit H) regarding their son, Benjamin.

Wendy Hruska, parent, read the following letter to the Committee:

> My name is Wendy Hruska and I have a three-year-old son Kent who has autism.
>
> Kent was diagnosed just over a year ago. He was almost completely nonverbal, he would not play with other kids, he only wanted to watch Thomas the Tank Engine on TV, and had an especially hard time being in the same room with his brother.
>
> When we got the diagnosis, we felt like we had somehow lost our son. Would he ever be able to function in our world or just be forever wandering in the foggy world of autism? You stop asking all the questions parents ask their kids—will he be a scientist, a football player, or an artist? And you start asking—will he be able to talk, will he be able to go to school, or will he ever hold down a job?
>
> Kent started receiving therapy about ten months ago and the changes we have seen in him are astounding. After two weeks of therapy, he came into the room where I was and said, "There's Mommy." This was the first time he had ever said my name with any meaning. I can't express to you what that meant to me.
>
> Within a month he had expanded his vocabulary tremendously and was starting to put three words together, "blue car go," "more sippy please."
>
> Several months later Kent fell and cut his head and needed stitches. Naturally he was very upset but while we were holding him down he told the doctor with a pleading voice "all done, one more minute." It amazed me that he was able to communicate what he wanted through all that hurt. Before treatment he would have just cried and screamed.
>
> Kent can now tell me what he wants, what he needs, and how he feels. He can tell me he loves me. Therapy has made all the difference for Kent and our family.
>
> My six-year-old was recently asked how it felt when he found out his brother had autism. He said, "It was hard because he wouldn't play with me, and he hit me if I tried to hug him." When asked how things were now that Kent gets therapy, he said, "Oh now it's great because if I hug him he hugs me back and says thank you brother. Kent's my best friend."

> Currently we receive self-directed funding from the Office of Disabilities; our family pays for speech and occupational therapy. Even with this assistance, Kent is only getting about 15 hours of treatment a week. And if you guys don't pass this, we won't be able to give him that, and he will regress. I couldn't bear to see Kent slip away from us; we are just starting to know the wonderful person he is inside. He thinks that the roadrunner is funny, his favorite color is green, and agrees with his brother that french fries are the best food in the world.
>
> Early intervention and treatment is vital to give Kent and others like him a chance at being typical kids and productive adults. We can't financially afford to give Kent this chance on our own. We need help, we need your help.

Ms. Hruska said that Randy Figurski, Speech Pathologist, Autism Training and Technical Center, Nevada Health Division, would share information on the progress of Kent. The information was in Exhibit F under the orange tab marked "Vineland."

Mr. Figurski explained to the Committee how to interpret the graphs in the exhibit. Mr. Figurski said with appropriate amounts of intensive therapy, children could make huge changes. Mr. Figurski was associated with a statewide screening program for parents who discovered their child had autism or other behavioral disorders. To address the issue of denial, a parent could enter into the anonymous program. Most of the screening was done by parents in their home.

Mr. Figurski expressed his support for A.B. 222.

Marc Micek, parent, from Las Vegas read his statement.

> What is the cost of a little girl's life? The discounted price, which I will explain later, is approximately $2,700 a month of which the "Autism Evidence-Based Treatment" program pays $1,555.
>
> Her name is Mina Micek and she was diagnosed with autism at two years of age. My name is Marc Micek and I am her father. Upon hearing my daughter's diagnosis, I was brought to tears, something that I had not experienced for decades. The beautiful little girl who meant more to me than my own life was robbed from me by autism. The disease had locked her away in a "mental prison" where she was unable to communicate with the outside world. I could not understand how such a cruel fate could befall an innocent and helpless child in a just world.
>
> For months on end, my wife and I experienced the darkest nights imaginable trying to learn about the disease that had kidnapped our daughter. We tirelessly searched for help, but there was little to be found. In our darkest hour, we found two stars to help us navigate the pitch blackness. The first light was Jan Crandy who is the coordinator of the Autism Evidence-Based Treatment program in Las Vegas. She pointed us in the direction of the Lovaas Center and helped us to secure some financial assistance through that program. We suddenly felt blessed to be living in a state that cared about the well-being of disabled kids.

> The second light was Erik Lovaas and the Lovaas Center. He showed us that autism could be overcome with intensive Applied Behavior Analysis (ABA) therapy. He had independently verified clinical proof that ABA worked. In 1987, Dr. O. Ivar Lovaas (Erik Lovaas' father) published the results of his "Young Autism Project" study where 47 percent of the autistic children who participated in the UCLA (University of California, Los Angeles) study achieved "normal functioning" levels and were able to attend mainstream schools. Armed with hope, partial funding from the state, and a plan to extradite our daughter from the grips of autism, we started Mina's ABA program through the Lovaas Center.
>
> Since then, Mina has been tirelessly working for over a year now and has made significant progress. Autism does not take a break for holidays or weekends and neither does Mina. When we started the program, our daughter could only say a handful of words. She was cold and detached from us and the rest of the world. She would spin around in circles and line up her toys. She could not say Mommy or Daddy or look into our eyes. It was very difficult to get her to even sit nicely in her chair, which is a prerequisite for any learning to take place.
>
> Now I am proud to say that her ABA therapy (made possible by the funding from the state) has helped her to make significant progress. She now knows hundreds of words and is starting to use short three to five word sentences to express herself. She can readily show physical affection and address her Mommy and Daddy by name. She is attending UNLV preschool; this is an inclusive environment with typical developing peers with assistance from special education aides twice a week and (she) can follow the daily curriculum to the best of her ability. Her eye contact has improved. I feel blessed that she can now look me in the eyes instead of looking through me. ABA is making a profound difference in my daughter's life, and I am grateful for the assistance provided by the state.
>
> However, ABA therapy is very expensive. I am a high school computer science and mathematics instructor with a modest salary, which puts intensive ABA therapy out of my reach. Previously, I mentioned that the $2,700 per month cost of ABA therapy was a discounted price. The actual cost is much more, but my wife and I act as lead tutors and provide a significant amount of therapy to our daughter each week to reduce the costs. If the Autism Evidence-Based Treatment program is cancelled in June of this year, we will move from being barely able to afford our program to running in the red. An ABA program takes many years to successfully implement, and we are only in the beginning stages. We will most certainly run out of money before the program is completed without continued assistance from the state.
>
> Our fate is sealed. We will soldier on and continue our daughter's program with or without the help of the state. We will spend all of our modest nest egg until everything is gone, and we have nothing left to give. For us, there is not a choice.

> As Legislators, you have difficult choices to make. You are faced with a host of worthy programs and not enough money to fund them. But you need to know that canceling my daughter's funding is not a faceless crime. You now have a face and a name to attach to the A.B. 222 bill. The decision you make today will make all the difference in this little girl's life. The money contained in this bill is not charity, but an investment. When she graduates from high school, starts her first job, or walks down the aisle on her wedding day, you will know that you have made the right decision and have made a difference in a life. Please vote to fund the A.B. 222 bill. And thank you for your consideration and time.

Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional Technical Employees, said he had approximately 35 years of working with special needs students, both as an Administrator in the Clark County School District and as a teacher of 13 years. He noted that school systems did not have the resources to help those children. The funding would make a difference for the families of those children.

Brian Patchett, President and CEO, Easter Seals Southern Nevada, said Easter Seals Southern Nevada, voiced support for A.B. 222. Easter Seals had an autism program which provided ABA services and 50 percent of the children relied on the funding from the state.

Deborah Mineberg, Director of Autism Services, Easter Seals Southern Nevada, said she was here in support of A.B. 222. Her program provided services to children with autism, 18 months to 8 years of age, and their families. Ms. Mineberg discussed the progress being made by children and families.

Rachelle Reynolds, parent in Las Vegas, provided a letter (Exhibit I). She had two sons with autism.

David Vowell, parent, said he wanted to be known as Jack's dad. Mr. Vowell provided a letter (Exhibit J) and testified in support of A.B. 222.

Mr. Toddre thanked the Committee for its time and consideration of A.B. 222.

Chair Arberry said the Committee would hear testimony from one more person in Las Vegas.

Jesus Alvarez, parent from Las Vegas, testified in regard to his son, Joshua, and said he would read a letter he was forced to write last year.

> To whom it may concern: I regret to inform you that due to serious life changing events that have transpired in the past two years, I am no longer able to make my mortgage payments.
>
> In May of 2006, my son was diagnosed with autism. As a result, I have had to make many sacrifices in order to provide him with the therapy he requires to lead his life.
>
> Sadly, I am not alone as many parents with children affected by autism have had to make similar choices as private insurance does not cover the behavioral therapy, speech therapy, and occupational therapies that are needed in order to give children living with autism a fighting chance.

> Shortly after he was diagnosed, we began his behavioral therapy. Because of his special needs, my wife was forced to care for him full-time, causing us to lose her income.
>
> It was at this time that I called ING Direct and asked if any special consideration could be give to help us through this difficult time (grace periods, extensions, etc.). I was given a firm, "no!"
>
> With therapy bills piling up, one less income, and no assistance from ING Direct, we decided to place our home on the market to be sold. But with the decline in the real estate market, our attempts were unsuccessful no matter what we did to try and attract potential buyers.
>
> Desperate, having depleted our savings and wanting to give our child what he needed, we decided to relocate to Nevada so our son could begin the only evidenced-based form of therapy, ABA, through the Lovaas Center of Behavior Intervention.
>
> I resigned from my nine-year career at BellSouth in March 2007 and made lump sum hardship requests for both my 401k and retirement pensions in order to help facilitate our move and provide my son with his ABA therapy while I found work.
>
> We moved to Las Vegas, Nevada and after two months of searching, I finally gained employment. I have been in Las Vegas for over a year and have yet to make half of the salary I earned while employed at BellSouth in Miami.
>
> During all this, I have made every payment on time, including the elevated insurance payment and property tax payments which were paid separately since ING Direct does not offer an escrow account.
>
> Finally, in August 2008, with far less income and no other resources to draw from, mounting therapy bills, and a home in Florida that I have been unable to sell, I've come to the realization that I can no longer afford to make my payments. Because of the love I have for my son, I am facing financial turmoil, losing my home, and losing the credit that I have worked so hard to establish and maintain.
>
> Please accept my sincere apologies, but as you can see, I have moved mountains to make it this far. I no longer have the means to continue to do so. Respectfully, Jesus Alverez Jr.

Mr. Alvarez implored the Committee to pass A.B. 222.

Chair Arberry thanked all persons who presented testimony to the Committee.

The following persons presented written testimony and asked that it be entered into the record of the meeting:

> Tammy Bingham, Mesquite, Exhibit K
> Dorinda Cappasola, Las Vegas, Exhibit L
> Christy DeJonker, Las Vegas, Exhibit M
> Stephanie Hill, Las Vegas, Exhibit N

Bob Jarman, Las Vegas, Exhibit O
Nicole Kalkowski, Las Vegas, Exhibit P
Krista Long, Las Vegas, Exhibit Q
Melissa Stedeford, Las Vegas, Exhibit R
Tyler Watson, Henderson, Exhibit S

Mark Stevens, Assembly Fiscal Analyst, Fiscal Division, Legislative Counsel Bureau, advised the Committee on the agenda for future meetings.

With no further business to come before the Committee, Chair Arberry adjourned the meeting at 9:49 a.m.

RESPECTFULLY SUBMITTED:

Christine Bashaw
Committee Secretary

APPROVED BY:

Assemblyman Morse Arberry Jr., Chair

DATE:

# EXHIBITS

**Committee Name: Committee on Ways and Means**

**Date: March 16, 2009 Time of Meeting: 8:11 a.m.**

| Bill | Exhibit | Witness / Agency | Description |
|---|---|---|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| | C | Jo Ann Kelly, Public Utilities Commission | Budget Account |
| AB 222 | D | Mary Liveratti, Nevada Commission on Autism Spectrum Disorder | Amendment for A.B. 222 |
| AB 222 | E | Mary Liveratti, Nevada Commission on Autism Spectrum Disorder | 2008 Report of the Nevada Autism Task Force |
| AB 222 | F | Jan Crandy, Nevada Commission on Autism Spectrum Disorder | Support for A.B. 222 |
| AB 222 | G | Korri Ward, Parent | Letter |
| AB 222 | H | Dustin and Amy Johnson, Parents | Letter |
| AB222 | I | Rachelle Reynolds, Parent | Letter |
| AB2 22 | J | David Vowell, Parent | Letter |
| AB 222 | K | Tammy Bingham, Parent | Letter |
| AB 222 | L | Dorinda Cappasola, Parent | Letter |
| AB 222 | M | Christy DeJonker, Parent | Letter |
| AB 222 | N | Stephanie Hill, Parent | Letter |
| AB 222 | O | Bob Jarman, Parent | Letter |
| AB 222 | P | Nicole Kalkowski, Parent | Letter |
| AB 222 | Q | Krista Long, Parent | Letter |
| AB 222 | R | Melissa Stedeford, Parent | Letter |
| AB 222 | S | Tyler Watson, Parent | Letter |