

**MINUTES OF THE
JOINT SUBCOMMITTEE ON HUMAN SERVICES/CIPS
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-fifth Session
April 2, 2009**

The Joint Subcommittee on Human Services/CIPS of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Bob Coffin at 8:09 a.m. on Thursday, April 2, 2009, in Room 3137 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Bob Coffin, Chair
Senator Bernice Mathews
Senator William J. Raggio

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Sheila Leslie, Chair
Assemblyman John Ocegüera, Vice Chair
Assemblyman Morse Arberry Jr.
Assemblywoman Barbara E. Buckley
Assemblywoman Heidi S. Gansert
Assemblyman Joseph (Joe) P. Hardy
Assemblywoman Debbie Smith

STAFF MEMBERS PRESENT:

Gary L. Ghiggeri, Senate Fiscal Analyst
Steven J. Abba, Principal Deputy Fiscal Analyst
Rick Combs, Senior Program Analyst
Heidi Sakelarios, Program Analyst
Barbara Richards, Committee Secretary

OTHERS PRESENT:

Michael J. Willden, Director, Department of Health and Human Services
Todd Butterworth, M.B.A, Bureau Chief, Office of Disability Services,
Department of Health and Human Services

CHAIR COFFIN:

We will open the Administration Budget for the Department of Health and Human Services (DHHS), Director's Office. The major issue in this budget is the transfer of programs to other divisions from the Director's Office. We will proceed with the final closings.

RICK COMBS (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The first budget account for closing is the DHHS Administration Account, budget account (B/A) 101-3150. I have provided the Committee with a Closing List ([Exhibit C](#), original is on file in the Research Library).

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HUMAN SERVICES

HEALTH AND HUMAN SERVICES ADMINISTRATION

HHS - Administration – Budget Page DHHS DIRECTOR'S OFC-1 (Volume II)
Budget Account 101-3150

The first major closing issue has to do with the transfer of the Office of Disability Services (ODS), the Senior Rx and the Disability Rx programs from the Director's Office to the Division of Aging Services (DAS). These will be transferred and will create a new Division for Aging and Disability Services (DADS). The Senior Rx and Disability Rx Programs and the five positions administering the programs are recommended by the Governor to be transferred from the Healthy Nevada Fund Account, B/A 262-3261, to the Tobacco Settlement Program Account, B/A 262-3140, in the DAS. That is where the Independent Living Grants for aging are funded. The Healthy Nevada Fund Account would remain in the Director's Office. It would be a pass-through of tobacco settlement funds to the Grants Management Unit (GMU) account, B/A 101-3195, for the grants programs funded in that account.

HHS - Healthy Nevada Fund – Budget Page DHHS DIRECTOR'S OFC-31
(Volume II)
Budget Account 262-3261

HHS – Tobacco Settlement Program – Budget Page AGING-7 (Volume II)
Budget Account 262-3140

HHS - Grants Management Unit – Budget Page DHHS DIRECTOR'S OFC-14
(Volume II)
Budget Account 101-3195

The other side of this transfer will be handled when the DAS closing occurs. We are presenting this for a decision of whether or not to approve the merger. Bill Draft Request (BDR) 18-1172 will be introduced to create the new division. The Director's Office indicated the reason for the merger is to provide continuing services for the life span of all disabled people. The merger would also bring together common services seniors and disabled persons need. Both the DAS and the ODS have in-home care programs, personal care service programs, home modifications for the disabled and other independent living services programs.

BILL DRAFT REQUEST 18-1172: Combines current Divisions for Aging Services with the Office of Disability Services and other disability programs. (Later introduced as [Senate Bill 434](#).)

Testimony was presented during the hearings regarding concerns about the transfers. The Director's Office and the administrator of the DAS have indicated the merger can occur without neglecting either seniors or disabled people. The Director's Office indicates that the level of service received by both groups will improve based on the efficiencies and improved coordination resulting from the merger.

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During the course of the hearings, a number of issues were introduced by the Fiscal Analysis Division Staff. The first one was a question about the number of fiscal and administrative staff remaining in the Director's Office and how many would be available to the DAS. The DAS has indicated the transfer of two fiscal positions from the Director's Office will enable the Division to manage the additional workload generated by the transfers of the 25 positions it would be receiving.

The DAS indicates it intends to use its current Information Technology (IT) contractor with the current technology staff to add ODS programs to its existing Social Assistance Management System. They indicate the current personnel staff is sufficient to support 25 additional positions.

There was concern about the equity in duties and pay for the social service chief position in the respective agencies. The Director's Office indicated if the transfer is approved, the Department of Personnel will be requested to evaluate the pay grades and duties of all the positions. They will determine whether adjustments are needed.

The DAS has indicated it hopes to obtain an additional IT position in the future to assist with the workload and maintain continuity. The plan is to proceed through the 2009-2011 biennium with the current contracts for IT support.

The real issue for the Committee is whether or not the merger makes organizational sense and if efficiencies and better coordination of services will be realized as a result.

CHAIR COFFIN:

Do any members of this Committee have concerns or objections to this transfer? Hearing none, I will entertain a motion.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF THE TRANSFER OF THE OFFICE OF DISABILITY SERVICES AND THE SENIOR RX AND DISABILITY RX PROGRAMS TO THE DIVISION OF AGING SERVICES IN B/A 101-3150.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:

We will now hear about the new grant for the Inter-Tribal Council of Nevada.

MR. COMBS:

The grant will include a program to increase awareness and education in youth suicide and training, hopefully to improve the identification of suicide risks and appropriate responses in tribal communities. The funding will partially be used to support the restoration of budget reductions made in the Nevada Indian Commission account. This funding will be discussed later. It amounts to \$150,000 in each year of the biennium. The Director's Office has indicated they have not received a Notice of Award. They had discussions with the Agency and are confident these funds will be available. Our recommendation is that the Committee approve the receipt of the grant.

ASSEMBLYWOMAN BUCKLEY MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF THE AUTHORITY TO RECEIVE FEDERAL STATE/TRIBAL YOUTH SUICIDE PREVENTION GRANT FUNDS THROUGH A CONTRACT WITH THE INTER-TRIBAL COUNCIL OF NEVADA IN B/A 101-3150.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:

The next issue is the elimination of General Fund support for the Nevada 211 System.

E-681 New Revenues or Expenditure Offsets – Page DHHS DIRECTOR'S
OFC-7

MR. COMBS:

The Governor has recommended the elimination of General Fund support for the Nevada 211 system in the upcoming biennium. General Fund expenditures in fiscal year (FY) 2007-2008 totaled approximately \$181,500. Only \$130,834 of that was included in the Base Budget because of one-shot funds expended during the base year. This issue was addressed in the Work Session and three options were presented. Two options were discussed at length with no resolution. The first option was to approve the ongoing General Fund expenditure authority for the system of \$130,834 in each year, but use the \$104,705 from the UnitedHealth Settlement funds to offset the General Fund need in the first year. The General Fund, added to the budget under that scenario, would be \$26,129 in the first year and \$130,834 in the second year.

The other option was to restore the General Fund appropriation for the system of \$130,834 in each year. That would be in addition to the \$104,705 received from the UnitedHealth Settlement in FY 2009-2010.

CHAIR COFFIN:

Are there comments from any member of the Subcommittee?

ASSEMBLYMAN HARDY MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF THE FIRST OPTION IN B/A 101-3150 WHICH KEEPS THE GENERAL FUND APPROPRIATION FOR THE FIRST YEAR OF THE BIENNIUM AT \$26,129 AND \$130,834 IN THE SECOND YEAR.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The other closing items included in this budget account are two part-time positions eliminated in the Base Budget. One will be added back through the approval of the receipt of the Inter-Tribal Council Grant Funds. The other one-half position was for the Head Start Program. That position was not filled due to a shortfall of Head Start funds.

Decision unit E-290 is a proposal that reduces expenditures in this account based on the creation of a wireless ring around Carson City.

E-290 Maximize Internet and Technology – Page DHHS DIRECTOR'S OFC-4

Decision unit E-710 is funding for replacement of computer hardware and software in each year of the biennium.

E-710 Replacement Equipment – Page DHHS DIRECTOR'S OFC-7

Decision units E-800 through E-804, E-865 and E-866 address the cost allocation for fiscal and audit services provided by positions in this account to other Director's Office accounts.

E-800 Cost Allocation – Page DHHS DIRECTOR'S OFC-8

E-801 Cost Allocation – Page DHHS DIRECTOR'S OFC-8

E-802 Cost Allocation – Page DHHS DIRECTOR'S OFC-9

E-803 Cost Allocation – Page DHHS DIRECTOR'S OFC-9

E-804 Cost Allocation – Page DHHS DIRECTOR'S OFC-10

E-865 Cost Allocation – Page DHHS DIRECTOR'S OFC-10

E-866 Cost Allocation – Page DHHS DIRECTOR'S OFC-11

In the process of making the adjustments, expenditures were inadvertently added to the budget. These expenditures have been eliminated and the account's revenue sources based on the elimination have been adjusted.

Decision unit E-904 is a transfer to this account of \$100,000 in each fiscal year of the biennium from the Mental Health and Developmental Services (MHDS) account. These funds are for the costs of the suicide prevention hotline currently administered by the MHDS. The Director's Office has recommended transferring that program to this account which also funds the Office of Suicide Prevention for the Department. Staff requests authority to make technical adjustments.

E-904 Transfer from MHDS: Suicide Hotline Funding – Page DHHS
DIRECTOR'S OFC-11

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF DECISION UNITS E-290, E-710, E-800 THROUGH E-804, E-865, E-866 AND E-904 IN B/A 101-3150, AS RECOMMENDED BY THE STAFF; AND TO GIVE STAFF THE AUTHORITY TO MAKE NECESSARY TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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HEIDI SAKELARIOS (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

The next account is the Grants Management Unit, B/A 101-3195.

HHS - Grants Management Unit – Budget Page DHHS DIRECTOR'S OFC-14
(Volume II)

Budget Account 101-3195

The first item for consideration is \$198,791 of Title XX funding originally recommended to go to nonState agencies, increasing their funding to \$1.4 million during each year of the upcoming biennium. The Department's indicated goal is to increase the funding to 10 percent of the federal grant award. However, these funds can be used to offset General Funds during the upcoming biennium. During the Work Session, the Subcommittee expressed its preference to use these funds to offset General Fund needs in other agencies within the Department. The FAD will continue working with the Director's Office to determine the most appropriate agencies and accounts to receive these funds.

Additionally, the Department and the Fiscal Staff identified approximately \$1.9 million in Title XX and Temporary Assistance for Needy Families (TANF) funds that have not been allocated in the 2009-2011 biennium. These funds come from three sources. The first source is remaining funds from previous grant years that total \$600,321. The Department indicates these funds have been left unallocated for unanticipated expenditures during the upcoming biennium. It should be noted that leaving Title XX funds unallocated and available for use at the discretion of the Department is not a practice the

Legislature has subscribed to previously, especially if General Funds can be saved. These are one-time funds in nature. During the Work Session, there did not appear to be a consensus regarding the manner in which these funds should be treated. The discussion was whether the Subcommittee wished to use these funds to offset General Fund expenses within the Department or to save these funds for the future biennium.

CHAIR LESLIE:

My recommendation on both of these items is to use the funds. We should be careful with the \$600,321 since it is one-time money, but we can use it as we have in the past. There are areas in child welfare where we can offset our subsidy payments using our foster care placements. The Department of Child and Family Service (DCFS) has places we have used previously. We should allow our Fiscal Staff to work with the Department to determine the best place for the funds because we can save a significant amount of General Funds.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF THE USE OF TITLE XX AND TANF FUNDS TO OFFSET THE GENERAL FUND NEEDS IN OTHER AGENCIES WITHIN THE DEPARTMENT AND ASK THE FISCAL STAFF TO WORK WITH THE DIRECTOR'S OFFICE TO DETERMINE THE BEST PLACE FOR THE FUNDS IN B/A 101-3195.

ASSEMBLYMAN ARBERRY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

MS. SAKELARIOS:

The next funding to be considered is TANF funds totaling \$620,627 in each year of the biennium which were transferred, but not expended in the Grants Management budget account. These funds could be used in the TANF account to increase the reserve or other TANF initiatives. The funds could be transferred from this account to offset General Fund need in other State agencies currently receiving the Title XX funds. The Director's Office indicated, during the joint Subcommittee hearing, that \$200,000 of the funds transferred from TANF were to be transferred to the DCFS for the Domestic Violence Prevention Program (DVPP). The transfer to that program was inadvertently omitted from the budget, and the Director requested the funds be restored to the budget and to increase the funding for the DVPP. During the Work Session, the Subcommittee concurred with the Department's proposal to use the TANF funds to restore funding for the DVPP. [Exhibit C](#) reflects the increased funding for the DVPP.

During the Work Session for this account, the Subcommittee decided not to make a decision about the remaining \$420,627 of TANF funds available in each year of the biennium until the welfare accounts were discussed. During the Work Session on the TANF account, the Subcommittee expressed interest

in restoring TANF funds to the TANF budget, perhaps using them in Clark and Washoe Counties. Staff recommends reducing the TANF transfer to the GMU by \$420,000 and retaining the funds in the TANF budget account.

The last area of funding is \$20,000 in Title XX funds which were budgeted for the DADS to support its transportation program for seniors. The funding was included in the budget because of a concern funding would not be continued by the Nevada State Energy Office (NSEO) for the Petroleum Overcharge Rebate funds. The NSEO indicated these funds will be available during the upcoming biennium. During the Work Session, the Subcommittee indicated that the available Title XX funds should be used to offset General Fund need within other Department agencies. The FAD will continue to work with the Director's Office to determine the appropriate agencies and accounts to receive these funds.

E-326 Services at Level Closest to People – Page DHHS DIRECTOR'S OFC-18

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO USE \$200,000 OF THE TANF MONEY FOR THE DVPP IN DECISION UNIT E-326 OF B/A 101-3195 AND TRANSFER THE REMAINDER BACK TO THE TANF BUDGET. WHEN THAT BUDGET IS CLOSED, A DECISION CAN BE MADE TO DETERMINE HOW TO UTILIZE THOSE FUNDS, TO GO FORWARD WITH THE RECOMMENDATION ON THE \$20,000 AND HAVE STAFF WORK WITH THE DIRECTOR'S OFFICE TO DETERMINE WHERE THE FUNDS ARE PLACED.

ASSEMBLYMAN ARBERRY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

Ms. SAKELARIOS:

The next item for consideration is the Differential Response Program (DRP) which is implemented in the Family Resource Center. The Director's Office indicated \$170,000 in Casey Family grant program funding has been awarded to the State and is available in each year of the biennium. These funds will allow the DRP to be expanded to five additional sites within the State. It will allow for additional training for providers and for the inclusion of the five new sites within the existing evaluation plan. The Fiscal Staff recommends authorizing the GMU to receive and expand the Casey Family funds.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO AUTHORIZE THE RECEIPT OF \$170,000 IN CASEY FAMILY GRANT FUNDS FOR THE PURPOSE OF EXPANDING THE DIFFERENTIAL RESPONSE PROGRAM FOR THE FAMILY RESOURCE CENTERS IN B/A 101-3195.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

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ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. SAKELARIOS:

Under the other closing items, decision unit E-275 recommends increased funding for enhancements to the Agency's GIFTS software program which is used for managing grants. It includes 15 electronic media readers for the GMU advisory committee to review the applications electronically.

E-275 Maximize Internet and Technology – Page DHHS DIRECTOR'S OFC-17

Decision unit E-290 recommends reducing General Funds as a result of the wireless ring which the Department of Information and Technology has proposed to install in Carson City.

E-290 Maximize Internet and Technology – Page DHHS DIRECTOR'S OFC-17

Decision unit E-710 recommends the replacement of desktop and laptop computers.

E-710 Replacement Equipment – Page DHHS DIRECTOR'S OFC-21

CHAIR COFFIN:

These three units are reasonable and can be taken as a group.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE DECISION UNITS E-275, E-290 AND E-710 IN B/A 101-3195 AND WITH AUTHORIZATION FOR STAFF TO MAKE ALL THE TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION IS CARRIED UNANIMOUSLY.

SENATE: THE MOTION IS CARRIED UNANIMOUSLY.

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Ms. SAKELARIOS:

The next account is Problem Gambling, B/A 101-3200.

HHS - Director's Office - Problem Gambling – Budget Page DHHS
DIRECTOR'S OFC-24 (Volume II)
Budget Account 101-3200

The *Executive Budget* included tax revenues of about \$1.6 million in each year of the biennium. The Fiscal Staff has adjusted the tax revenues in this account minimally to reflect the Economic Forum's projections for slot tax revenues during the upcoming biennium. We would request authority to

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adjust the revenues again, based on the Economic Forum's forecast of May 1, 2009.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF B/A 101-3200 AS RECOMMENDED BY THE GOVERNOR; AND AUTHORIZATION FOR STAFF TO ADJUST THE REVENUES FOLLOWING THE ECONOMIC FORUM'S FORECAST OF MAY 1, 2009.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. SAKELARIOS:

The next budget is the Children's Trust Account, B/A 101-3201. There are no major closing issues in this account. Staff recommends the account be closed as recommended by the Governor.

HHS - Children's Trust Account – Budget Page DHHS DIRECTOR'S OFC-26
(Volume II)
Budget Account 101-3201

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE B/A 101-3201 AS RECOMMENDED BY THE GOVERNOR.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The Public Defender budget is B/A 101-1499.

HHS – Public Defender – Budget Page DHHS DIRECTOR'S OFC-43
(Volume II) Budget Account 101-1499

The major closing issues in this account revolve around a Nevada Supreme Court order regarding the representation of indigent defendants in criminal and juvenile delinquency cases. The Governor has recommended funding for three new positions, a deputy public defender, an investigator and an administrative assistant. The investigator position will be located in the Ely office and the other two in the Carson City office.

M-504 Mandates – Page DHHS DIRECTOR'S OFC-45

During the last Work Session, we discussed the fact the court order included performance standards issued by the court. Specific caseload standards have not been established, but the Office used the American Bar Association's caseload recommendations and compared the staffing in the Carson City office to those caseload standards. It indicated they had a need for another deputy public defender position.

The investigator position in Ely is a result of that office not currently being able to provide investigative services for misdemeanor and gross misdemeanor cases in that office.

The administrative assistant position will assist the new attorney position in the Carson City office. At the Work Session there was support for this recommendation by the Subcommittee.

Staff has recommended one technical adjustment to the decision unit. Four trips to a Capital Case Defense Seminar were included in the budget for investigator positions during the upcoming biennium. There are currently two investigator positions in the budget. The addition of the third one would create the need for three trips to the Capital Case Defense Seminar for investigator positions. Removal of those expenditures reduces the budget by about \$1,600 in the second year of the biennium.

CHAIR COFFIN:

These are issues related to the court decision. Our Staff feels these moves, along with others, will keep us in conformity with that decision.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF THE GOVERNOR'S RECOMMENDATION IN DECISION UNIT M-504 TO ADD THESE THREE NEW POSITIONS, IN B/A 101-1499.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

MR. COMBS:

The next item is also in response to the court order. It contains increased training expenditures for the Office's existing staff. The Governor recommends approximately \$10,000 in each fiscal year for general trial advocacy training and the specialized capital case defense training. The court order requires attorneys handling capital cases to complete a comprehensive training course in capital cases, and requires that funds should be made available for all members of a defense team in such cases. The funding would allow for four attorneys and an investigator to attend the seminar in each year. It would allow one attorney to attend the Western Trial Advocacy Institute in Laramie, Wyoming. The Subcommittee and Staff had concerns about the number of attorneys needing to attend the capital case training.

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The Office responded that for each one of these cases, they need two attorneys qualified to work each case.

M-505 Mandates – Page DHHS DIRECTOR'S OFC-45

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF DECISION UNIT M-505 IN B/A 101-1499.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The final issue that addresses the Supreme Court order pertains to the creation of a Statewide Commission for the Oversight of Indigent Defense. The court order, issued on January 4, 2008, indicated the Commission would be established and appointed by the Nevada Supreme Court with advice of the Indigent Defense Commission. The Agency indicated the BDR would appoint 13 members to the Committee by a variety of different entities. They indicated the Chief Justice of the Supreme Court had approved that revision to the makeup of the Commission in February 2009. On March 27, 2009, the Legislative Counsel Bureau received word from the court system that they did not wish for the BDR to be introduced. This is a strange situation. There is a court order requiring the creation of the Commission, a BDR from the Executive Branch Agency to implement the court order, and then the Judicial Branch stating they do not want the bill introduced. We recommend that you close the budget without the \$20,000 in each fiscal year in the budget. If the BDR is introduced to create the Commission, the funding to support the cost of the Commission could be included in the BDR. That funding could be provided to the entity that was determined responsible for administering the Commission. Staff also requests authority to make technical adjustments for revised statewide assessments.

M-506 Mandates – Page DHHS DIRECTOR'S OFC-46

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO FOLLOW THE STAFF'S RECOMMENDATION AND NOT APPROVE THE FUNDS IN DECISION UNIT M-506 OF B/A 101-1499 WITH THE UNDERSTANDING THAT IF THE BDR IS INTRODUCED, THE FUNDING COULD BE INCLUDED IN THE LEGISLATION.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

MR. COMBS:

The only other issue in this budget is some replacement equipment for the Office of the Public Defender, consisting of a server and six laptops with docking stations.

E-710 Replacement Equipment – Page DHHS DIRECTOR'S OFC-48

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF DECISION UNIT E-710, AND TO GIVE STAFF THE AUTHORITY TO MAKE THE NECESSARY TECHNICAL ADJUSTMENTS FOR THE STATEWIDE ASSESSMENTS IN B/A 101-1499.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

Indian Affairs Commission – Budget Page INDIAN COMMISSION-1 (Volume II)
Budget Account 101-2600

MS. SAKELARIOS:

In the *Executive Budget*, the Governor recommended reducing a considerable amount of General Funds in this account, resulting in the reduction of the executive director position. It also reduced pay to the commissioners and eliminated all in-state and out-of-state travel.

E-606 Staffing and Operating Reductions – Page DHHS DIRECTOR'S OFC-51

The Director's Office has indicated that \$15,000 in Casey Family Grant Funds and \$14,000 from the Inter-Tribal Suicide Prevention Grant are available in each year of the upcoming biennium. These funds could be used to restore the budget reductions recommended in the *Executive Budget*. With these grant funds, it would be possible to restore the executive director position to full time; to restore sufficient funding to allow the Commission to meet four times a year; and to allow funding for in-State and out-of-State travel. The executive director's duties would be adjusted slightly to accommodate the deliverables specific to each of the grant sources coming in to this budget account. The use of these grant funds would allow the Subcommittee to restore the reductions proposed in the budget without requiring additional General Funds. Does the Subcommittee wish to approve the receipt of these two grants to restore the reductions recommended in the budget?

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL TO RESTORE THE EXECUTIVE DIRECTOR

POSITION IN DECISION UNIT E-606 TO FULL TIME AND THE OTHER EXPENDITURE REDUCTIONS, AS RECOMMENDED BY THE GOVERNOR IN B/A 101-2600.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:

The next budget is Developmental Disabilities, B/A 101-3154.

HHS – Developmental Disabilities – Budget Page AGING-37 (Volume II)
Budget Account 101-3154

MR. COMBS:

This account currently receives 75-percent of its funding from the Federal Developmental Disabilities Grant and a 25-percent match from State General Funds. This account is currently in the Director's Office, but would be one of the accounts transferred to the new DADS. Decision units E-325, E-500 and E-900 include the transfer of an administrative assistant II position to the Community Base Services Account (CBSA). The Office has indicated the reason for the request is to create additional autonomy for the Governor's Council on Development Disabilities. The autonomy is a requirement of the federal law regarding the Developmental Disabilities Grant. The position, when transferred to the CBSA, would also eliminate the need for repeated transfers between the two accounts.

Another closing item is staffing for the Interagency Board on Transition Services. During the Subcommittee hearing, it was inadvertently indicated there were no General Funds in the Governor's recommended budget to support these staffing services. However, the Agency indicated the personnel costs for the account are fully funded and no additional General Funds are requested to support the staffing costs for the Board. The Agency indicated it will use video-conferencing to conduct the meetings in the upcoming biennium and will streamline its office functions to reduce the staff time allocated to the advisory board.

E-325 Services at Level Closest to People – Page AGING-29

E-500 Adjustments - Transfers In – Page AGING-30

E-900 Trns frm Healthcare Financing and Policy – Page AGING-34

Decision unit E-660 reflects a reduction in General Fund appropriations. It indicates the subgrants for community agencies that identify and establish resources for people with developmental disabilities are being reduced in the upcoming biennium.

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E-660 Program Reductions/Reductions to Services – Page AGING-39

There appears to be a corresponding increase in the Base Budget. The full amount of the federal grant is built into the budget, and the full amount of the General Fund support needed to match that grant is built into the Governor's recommended budget.

Decision unit E-710 includes about \$2,400 in the first year for replacing a computer and a laser printer. Decision units E-800 and E-801 eliminate the cost allocation transfer to the Director's Office administration account and create a transfer to the new DADS program. Staff requests authority to make technical assessments.

E-710 Replacement Equipment – Page AGING-41

E-800 Cost Allocation – Page AGING-41

E-801 Cost Allocation – Page AGING-42

CHAIR COFFIN:

We can put these into one motion. We have had an indication the General Fund recommended in the budget is sufficient to match the available federal funding. The decision units appear reasonable.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNITS E-325, E-500, E-660, E-710, E-800, E-801 AND E-900; TO CLOSE B/A 101-3154 AS RECOMMENDED BY THE GOVERNOR; WITH THE STAFF'S AUTHORITY TO MAKE THE NECESSARY TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:

We will hear the Community Based Services Budget, B/A 101-3266.

HHS – Community Based Services – Budget Page AGING-49 (Volume II)
Budget Account 101-3266

MR. COMBS:

The major issues in this budget include caseload increases for the Personal Assistance Services (PAS), Traumatic Brain Injury (TBI) and the Independent Living Program (ILP).

M-540 Mandates - Olmstead – Page AGING-17

The Governor recommends General Funds totaling \$368,097 in each year of the biennium to provide daily in-home care services for 17 additional people. Although the ODS is projecting an increase in the average wait times for the program during the biennium, the Director's Office has indicated the caseload is not among its priorities for additional funding. The priority is to retain the current reimbursement rate of \$18.50 per hour. The Governor's recommended budget reduces that rate to \$15.50 per hour.

Based on the information received from the Director's Office, staff recommends approval of the Governor's recommendation to add \$368,097 in each year of the biennium to address the PAS caseload.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE DECISION UNIT M-540 AS RECOMMENDED BY THE GOVERNOR FOR THE PAS PROGRAM IN B/A 101-3266.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

The Governor recommended General Funds totaling \$616,067 in each year of the biennium to provide TBI services for 122 people. The funding included in the Governor's recommended budget appeared to be more than was necessary to serve the current projected caseload for the upcoming biennium. There were revisions made to increase the cost per client. The Governor's recommended budget included \$27,886 per client. The new number is about \$34,313 per client. The average cost is based on a 24-month rolling average of the actual cost of serving the TBI clients. In the Work Session, the Subcommittee expressed support for providing services to 93 people over the biennium which would be an effort to reduce the waiting list to 11 people and decrease the average wait time to 90 days, the Department's Olmstead target. Although the document presented to you in the Work Session indicated the overall savings would be \$213,030, there was an error in the worksheet. The actual savings is \$197,247 over the biennium.

CHAIR COFFIN:

We need to support this recommendation. We will accept a motion.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO ACCEPT THE DECISION OF LAST WEEK AS OUTLINED BY THE STAFF FOR DECISION UNIT M-540, REDUCING OUR SAVINGS TO \$197,247 OVER THE BIENNIUM IN B/A 101-3266.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

MR. COMBS:

The Governor recommended approximately \$1.2 million in each year of the biennium to provide independent living services for 712 people. The 74th Legislative Session approved funding to serve 374 eligible clients over the current biennium. The additional funding for the Independent Living Program (ILP) was an attempt to address wait times and wait lists for the program. The Subcommittee in the Work Session considered a number of options for funding for this program and expressed support for reducing the additional funding by approximately \$605,000 in each year of the biennium. That was based on revised cost estimates and revised caseload projections reflecting the funding to be sufficient to provide services for 559 people over the biennium. The Agency projects the funding will reduce the wait lists to about 105 people and the wait time to approximately 160 days.

SENATOR MATHEWS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO REDUCE ADDITIONAL FUNDING RECOMMENDED FOR THE ILP BY \$605,284 IN EACH YEAR OF THE 2009-2011 BIENNIUM IN DECISION UNIT M-540 OF B/A 101-3266.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

MR. COMBS:

The next item for consideration is the reduction and reimbursement rate for the PAS.

E-660 Program Reductions/Reductions to Services – Page AGING-39

The Governor recommends reducing the appropriations for the PAS in this account by approximately \$522,000 in each year of the biennium. The reimbursement rate would be reduced from the current rate of \$18.50 per hour to \$15.50 per hour. This is the rate paid to agencies employing caregivers who provide in-home services. This reduction was recommended for Personal Care Attendant services provided by the DAS and Personal Care Services provided by the Medicaid program. The Governor's recommendation was discussed at the Work Session. During the Subcommittee hearings for the various agencies impacted by this recommendation, there were concerns about reducing the rates. The decision made last week was based on testimony provided by the contractor for the ODS program who indicated if the rate were reduced they would need to stop providing the service. There was a discussion in the various Subcommittee hearings regarding the fact that the services performed by the agency in this program include case management services. The case management services are conducted by

agency staff in both the DAS and the Medicaid programs. The Subcommittee expressed support for the Department's proposal that the hourly rate of \$18.50 would be retained for this program and the reduction recommended by the Governor of \$3 per hour in the Medicaid and the DAS programs would be restored by one-half to \$17 per hour. The action the Subcommittee would be taking today would be to restore the \$18.50 rate for this program. The DAS and the Medicaid program rates will be voted on when those agencies' budgets come before you.

The closing action would increase the total General Fund support required in this account by \$593,462 in each year of the biennium. This includes eliminating the decision unit to reduce the rate for the current clients in the program and to add about \$71,000 to module M-540 that adds 17 people to the caseload.

M-540 Mandates - Olmstead – Page AGING-51

CHAIR COFFIN:

That is a good explanation of the original budget and the response of the Subcommittee with concerns represented by public testimony. A motion consistent with our actions at the Work Session would result in a considerable addback when compared to the Governor's budget reductions.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO RESTORE THE REIMBURSEMENT RATE FOR THE PAS PROGRAM TO \$18.50 PER HOUR AS OUTLINED BY OUR STAFF, RECOGNIZING THIS ADDS \$593,462 IN EACH FISCAL YEAR.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

In closing items, under Autism Services, A.B. No. 629 of the 74th Session included \$2 million in one-shot funds to provide funding for the Nevada Autism Task Force created in that bill. The funds would also assist parents in paying for treatment for their children with autism.

The Department's twelfth priority on its add-back list is to continue one-shot funding of \$2 million to assist parents in paying for the treatment of their children with autism. There have been two bills introduced to recreate the Task Force and to provide the same additional amount of one-shot funding for autism services. Testimony was presented by autism advocates and also the Department indicating it would require approximately \$3.2 million to continue services to those persons currently being served by the program. There are 109 children currently receiving those services. Since the proposal from the Department on its add-back list is to continue one-shot funding in the 2009-2011 biennium, the Fiscal Staff recommends

closing the budget without the additional funding for the autism program. If the Committees decide to make funding available for that program, the funding can be included in one of the two pieces of legislation introduced for that purpose.

CHAIR LESLIE:

Why would you put it back as one-shot funding rather than build it into the Base Budget? There is general support for adding the funds. The case was made not to separate these children from their treatment. We will not want that to happen two years from now either. Are you worried about putting it in the Base Budget at this point?

MICHAEL J. WILLDEN (Director, Department of Health and Human Services):

I do not have a good rationale one way or another. There are 109 children coming out of the service. Whether it is one-shot appropriation or in the Base Budget is a technical issue to me. It was one-shot funding last Session and it will be one-shot funding again this Session, unless we make a decision to make it an ongoing program to be funded forever.

CHAIR LESLIE:

We will see how the Subcommittee feels. I would like to see it approved one way or the other. I would prefer to see it in the Base Budget because we are going to have the same discussion next Session.

SENATOR RAGGIO:

We should commit to the \$3.2 million to keep the program going. We have major problems, not only in this biennium but in the next one. If it is one-shot funding, maybe that is the final decision we ought to make. I would agree to the augmented funding on a one-shot basis.

CHAIR COFFIN:

That would probably mean support for a bill to follow. We will go ahead and continue with how it was outlined in the closing document, not adding it into the Base Budget.

ASSEMBLYWOMAN BUCKLEY:

I would prefer to put it in the Base Budget. These families are stressed wondering if their children are going to be cut off from treatment. I would rather they did not have to go through that. I understand Senator Raggio's concern. We are going to have significant trouble in this biennium and in the next biennium.

CHAIR COFFIN:

We have had enough discussion, but is there a motion of any kind?

CHAIR LESLIE:

If we have a commitment to do it this year, I am fine with Senator Raggio's suggestion. I want it to get on the record that I think it should be in the Base Budget. Perhaps when the budget is prepared next time, we will be in better economic times. I will agree with the commitment from the Subcommittee to make sure it gets in the bill. I pledge that I will follow it closely to make sure the funds are in a bill that gets supported.

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CHAIR COFFIN:

It appears there is an agreement on the amount of funds, but disagreement on the method of financing. Chair Leslie has expressed a desire to meet Senator Raggio halfway on this by adding the \$3.2 million in the budget but indicating that it should be considered as one-shot funding for the upcoming biennium only.

SENATOR RAGGIO MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF FUNDING IN THE AMOUNT OF \$3.2 MILLION TO CONTINUE THE SERVICES CURRENTLY PROVIDED, AS A ONE-SHOT APPROPRIATION FOR THIS BIENNIUM IN B/A 101-3266.

STEVEN J. ABBA (Principal Deputy Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Just for clarification purposes, is the motion to include the \$3.2 million in this budget without a bill, or just making an appropriation, and not including it as a commitment for baseline funding in the future biennia?

SENATOR RAGGIO:

I will leave that up to the Staff.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION, SHOWING IT IS IN THE BUDGET FOR THIS UPCOMING BIENNIUM.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:

The next closing item is the Positive Behavioral Support-Nevada Program (PBS-NV).

MR. COMBS:

In the 74th Legislative Session, \$100,000 was approved in each year of the current biennium for the PBS-NV program. The program is operated as a partnership between the Department and the University of Nevada, Reno's Center for Excellence in Developmental Services. It serves as a training and technical assistance resource for educators, service providers and families to provide individualized support for persons with challenging behavior. The funding for the program is eliminated in the Base Budget, although the ODS indicated to the Subcommittee this funding was deleted from the Base Budget inadvertently. The restoration of these funds is not included in the Department's top 16 priorities on its add-back list for additional funding.

CHAIR COFFIN:

Can someone explain how that happened? We need to understand, before we act.

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TODD BUTTERWORTH, M.B.A. (Bureau Chief, Office of Disability Services, Department of Health and Human Services):

I have to take responsibility for this. We put the PBS-NV money into a category called "money follows the person." When we were building the budget, I mistakenly deleted the funds in that category which contained the PBS-NV funds. When we had the opportunity to put our add-back list together, we had that category on the list but it did not get high enough on the priority list.

CHAIR LESLIE:

We can live without this for the biennium. It is a nice thing to have, but with the priority being direct services, my motion would be to accept the Governor's recommendation to delete these funds since they did not make the top 16 on the priority list.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES APPROVAL OF THE GOVERNOR'S RECOMMENDATION IN B/A 101-3266 TO DELETE \$100,000 IN EACH YEAR OF THE BIENNIUM FOR THE PBS-NV PROGRAM.

ASSEMBLYMAN ARBERRY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MR. COMBS:

I want to point out to the Subcommittee there is some funding available for the ILP. The American Recovery and Reinvestment Act of 2009 (ARRA) includes about \$18.2 million for State grants for the ILP. The State is expecting to receive approximately \$240,000 of the funds. The funds will be granted to the Statewide Independent Living Council which has authority over the funds allocation. They have not been included in the Department's calculations of ARRA funds that are available to offset General Fund need during the upcoming biennium. The ODS indicates that the Council has expressed an interest in using a majority of the funds to support the addition of case manager positions for the community-based independent living agencies that provide services for the State program. That would be in hopes of addressing the significant caseload increase of 559 people over the biennium. Since the authority to allocate the funds rests with the Independent Living Council, and since it appears they plan to use the funds to support the caseload growth, it appears reasonable to staff to allow the extra process of a work program for these funds, once they are received.

The remaining decision units, E-325, E-500 and E-900 relate to a recommendation to transfer the administrative assistant position from the Developmental Disabilities account to this account.

E-325 Services at Level Closest to People – Page AGING-52

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E-500 Adjustments - Transfers In – Page AGING-52

E-900 Transfers – Page AGING-56

Decision unit E-710 recommends approximately \$2,700 in the first year and approximately \$1,600 in the second year for replacing some office equipment, some desktop computers and a printer.

E-710 Replacement Equipment – Page AGING-55

Decision unit E-800 and E-801 eliminate the cost allocation to the Director's Office and create the cost allocation to the new DADS.

E-800 Cost Allocation – Page AGING-55

E-801 Cost Allocation – Page AGING-56

The recommendation was considered and approved earlier. The technical adjustments made in the budget relate to the Nevada Relay Program and the telephone surcharge revenue used to fund that program. Based on updated projections of the reserve level at the end of this fiscal year, the balance forward of reserve revenues from 2009 to 2010 has been decreased by approximately \$568,000. The surcharge revenues were increased for FY 2009-2010 and FY 2010-2011 based on the most recent projections provided by the Public Utilities Commission (PUC). The expenditures for the program have been reduced by approximately \$115,000 in the first year and about \$91,000 in the second year, based on the budget submitted for the program to the PUC in March 2009.

Staff requests authority to make technical adjustments.

CHAIR COFFIN:

Let us move forward with a motion. These can be decided with one motion.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE DECISION UNITS E-325, E-500, E-900, E-710 AND E-800 AND E-801 IN B/A 101-3266 AS RECOMMENDED BY STAFF, ALONG WITH THE NECESSARY TECHNICAL ADJUSTMENTS.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:

We will go to the IDEA Part C Compliance budget, B/A 101-3276.

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HHS – IDEA Part C Compliance – Budget Page AGING-59 (Volume II)
Budget Account 101-3276

MS. SAKELARIOS:

Decision unit E-250 recommends this account become the primary recipient of the federal Individuals with Disabilities Education Act (IDEA) Part C grant. Funds would be transferred back to the Health Division's account for the Early Intervention Services (EIS). According to the Department, a methodology has been developed for this grant to distribute the funds. Thirty-one percent of the funds are designated for administrative costs and the remaining 69 percent are designated for provision of direct services. There is a discrepancy between the amount of funding transferred from this account to the EIS account. Working with the Department, we clarified the amount of the transfer from this account to the DHHS should be increased. Based on that information, we revised these closing documents to reflect the increase in funding.

E-250 Working Environment and Wage – Page AGING-60

Decision unit E-800 creates a cost allocation transferred to the DAS based on the recommendation to transfer this account from the Director's Office to the new DADS.

E-800 Cost Allocation – Page AGING-62

CHAIR COFFIN:

We have resolved the concerns and reconciled the differences. One motion could take care of all of this.

ASSEMBLYWOMAN LESLIE MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE DECISION UNITS E-250 AND E-800 IN B/A 101-3276 AS RECOMMENDED BY STAFF WITH THE ADJUSTMENTS MENTIONED.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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CHAIR COFFIN:
The work of the Subcommittee is closed. There is no public testimony and we are adjourned at 9:28 a.m.

RESPECTFULLY SUBMITTED:

Barbara Richards,
Committee Secretary

APPROVED BY:

Senator Bob Coffin, Chair

DATE: _____

Assemblywoman Sheila Leslie, Chair

DATE: _____