

**MINUTES OF THE
JOINT SUBCOMMITTEE ON K-12/HUMAN SERVICES
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-fourth Session
March 13, 2007**

The Joint Subcommittee on K-12/Human Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 8:09 a.m. on Tuesday, March 13, 2007. Chair Barbara K. Cegavske presided 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 Barbara K. Cegavske, Chair
Senator William J. Raggio
Senator Dina Titus
Senator Bernice Mathews

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Sheila Leslie, Chair
Assemblywoman Barbara E. Buckley
Assemblyman Mo Denis
Assemblywoman Heidi S. Gansert
Assemblywoman Debbie Smith
Assemblywoman Valerie E. Weber

STAFF MEMBERS PRESENT:

Gary L. Ghiggeri, Senate Fiscal Analyst
Mark Krmpotic, Senior Program Analyst
Sandra K. Small, Committee Secretary

OTHERS PRESENT:

Nancy K. Ford, Administrator, Division of Welfare and Supportive Services,
Department of Health and Human Services
Roger Mowbray, Deputy Administrator, Administrative Services, Division of
Welfare and Supportive Services, Department of Health and Human
Services
David Stewart, Deputy Administrator, Information Systems, Division of Welfare
and Supportive Services, Department of Health and Human Services
Tamara J. Dufresne, Management Analyst, Division of Welfare and Supportive
Services, Department of Health and Human Services
Michael J. Willden, Director, Department of Health and Human Services
Gary Stagliano, Deputy Administrator, Program and Field Operations, Division of
Welfare and Supportive Services, Department of Health and Human
Services
Paula Berkley, Food Bank of Northern Nevada
Nikki Firpo, Food Stamp Outreach Coordinator, Food Bank of Northern Nevada
Cherie Jamason, President and CEO, Food Bank of Northern Nevada
Tracey A. Woods, Retail Association of Nevada

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Jan Gilbert, Progressive Leadership Alliance of Nevada
Jon L. Sasser, Nevada Legal Services and Washoe Legal Services

CHAIR CEGAVSKE:

We will begin this budget hearing for the Department of Health and Human Services, Division of Welfare and Supportive Services, with an overview of the Division activities.

NANCY K. FORD (Administrator, Division of Welfare and Supportive Services, Department of Health and Human Services):

The Subcommittee has received a copy the Division's 2007-2009 Biennial Budget Review ([Exhibit C](#)).

CHAIR CEGAVSKE:

Would you give the Subcommittee a brief review of the Deficit Reduction Act (DRA) of 2005? The Subcommittee has issues with the work participation (WP) requirement, work verification, Temporary Assistance for Needy Families (TANF) funding and the child-support enforcement fees.

MS. FORD:

The DRA of 2005 was signed by the President in February 2006. The Act made massive changes to programs. Pages 3 and 4 of [Exhibit C](#) outline some of the DRA changes. There are new WP requirements. The WP rates have been 50 percent for all families and 90 percent for 2-parent families. States previously had more flexibility, which has been taken away, resulting in greater difficulty meeting the WP requirement. The DRA requires the Division to have an internal quality control review to verify people reported as working meet the definition of work, all required documents are on file and supervision is documented. We are requesting additional staff to perform this function. The population modifier has been changed. The annual \$3.7 supplemental appropriation is due to sunset in 2009. It has not been reauthorized for the same period as TANF; it is one year short, so we may lose the \$3.7 million. The high-performance bonuses have been eliminated in the DRA. There is a required \$25 annual fee to be assessed against anyone in the Child Support Enforcement Program who has never received public assistance. That fee is due once \$500 is collected. The reduction in collections is reflected in this budget; there is also a bill draft request addressing this situation. The DRA also requires verification of citizenship and identity for Medicaid.

CHAIR CEGAVSKE:

Given the decrease in the caseload reduction credit, does the Division anticipate meeting the all family WP requirement for the federal fiscal year 2007?

MS. FORD:

We anticipate failure of the WP requirement, along with the majority of other states, because we have not had a ramp-up period. The laws took effect October 1, 2006. We have had to dramatically change our programs and systems. We are trying to position ourselves to pass in 2008.

CHAIR CEGAVSKE:

What will the consequences be for that failure?

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Ms. FORD:

The Governor will receive a letter stating the Division has failed and will be assessed a penalty. The penalty is likely to be 5 percent of the block grant which is approximately \$2.2 million. We will then have the opportunity for a corrective action plan. If we meet the corrective action plan, the penalty is not collected. We went through this in 2003 when we failed; met the corrective action plan in 2004; the penalty was not collected.

CHAIR CEGAUSKE:

Will the Division meet the two-parent WP requirements?

Ms. FORD:

We absolutely will not. There is a 90-percent WP rate. It has been universally recognized across the country that this rate is not achievable. It is in the President's 2008 budget to change the 90-percent WP rate to a 50-percent WP rate.

CHAIR CEGAUSKE:

Are the consequences the same?

Ms. FORD:

The consequences are the same except it is applied pro rata based upon the caseload and two-parent families rather than the entire block grant. The penalty would be less than \$2.2 million.

CHAIR LESLIE:

What is the WP rate now?

Ms. FORD:

We are having a difficult time because the rules have changed. The system that calculated the WP rate does not operate. The budget includes a request for a new system to help calculate the WP rate. We think it is about 20 percent. We are dealing with a hard-to-serve population. Nevada has a good economy; our unemployment rates are low. That means people on the TANF rolls, who are capable of self-sufficiency, have jobs. We are left with hard-to-serve clients with significant barriers to work. To go into the WP rate, they have to meet an average of 30 hours a week of countable activities which are specifically and strictly regulated by the federal government. If these clients cannot meet the definition, they cannot go into the WP rate. If they have an average 29.5 hours, it counts as zero. There is no partial credit.

CHAIR LESLIE:

Have the substance-abuse treatment rules changed? Is it still 20 hours of work and up to 10 hours of alternate activities?

Ms. FORD:

The alcohol and drug-abuse activities are limited to four consecutive weeks and six weeks in a calendar year because it is counted as job-search job-readiness. That limits our ability to assist these people. Most people know, if you have mental health or substance abuse issues, they will not be resolved in four to six weeks. They need ongoing treatment. That is one of the comments we have made on the federal regulations as a problem.

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CHAIR LESLIE:

Is there a good possibility that the 90 percent will be reduced to 50 percent?
When will we know?

Ms. FORD:

The change is in the President's 2008 budget. I am hoping the U. S. Congress will introduce a bill to take it out this year.

CHAIR CEGAUSKE:

Given the projected growth in the New Employees of Nevada (NEON) program, will the Division be able to intensify its efforts in improving and maintaining WP?

Welfare - Field Services – Budget Page WELFARE-14 (Volume II)
Budget Account 101-3233

Ms. FORD:

We must become more intensive working with our clients if we are going to meet WP which is the basis for our request in decision unit M-592 in B/A 101-3233.

M-592 Deficit Reduction Act of 2005 – Page WELFARE-17

CHAIR CEGAUSKE:

How did the Division arrive at the 40:1 staffing ratio?

Ms. FORD:

Previously, for employment-training workers, we had a 90:1 ratio. Now we will have to work more intensely with our clients. The 40:1 ratio, we believe, is manageable. Last year we had a 43 percent WP rate. We did that with a separate State program for the hardest to serve population unlikely to meet 30 hours each week. When that population is blended in, which is the current requirement, the WP rate drops to 27 percent. To manage the WP rate, we are shifting our work-mandatory caseload from being a prospective benefit, where the client is paid on the first of the month and reports activities during the month. We found clients do not always report their activities and do not comply with their personal responsibility plan. If they receive a benefit, they go into the WP plan. We are changing to retrospective where the client works a month, reports, then receives a benefit the first to third month. In this way we can manage the WP rate. If they are meeting their personal responsibility plan, they can receive a benefit; if not, they will not and will not go into the WP rate. It will be difficult for our clients. We have an obligation to give our clients every opportunity for success. We want to give a lower caseload to our employment-training workers. If the employment-training worker sees, on a weekly basis, the client is not tracking, the employment-training worker will call the client to offer assistance, find out what the difficulty is and why the client is not showing up for work. We want to provide every opportunity for success. If the client does not succeed, a benefit will not be received. The obligation of the Division to work closely with the difficult client requires a smaller caseload.

CHAIR LESLIE:

How were the 3,500 cases in fiscal year (FY) 2006-2007 projected to 7,700 in FY 2007-2008 and 8,000 cases in FY 2008-2009?

Ms. FORD:

The figures are based on the new retrospective benefit model. Everyone served in separate State programs will be included as mandatory WP participants. All of the people served separately in the past, about 38 percent of the caseload, will be mandatory workers.

CHAIR LESLIE:

Do you have some assumptions you could provide to show how the numbers were developed?

Ms. FORD:

Yes, we will provide our assumptions and information on how the numbers were developed. It is difficult because it is so new. There is no history on which to base projections.

ASSEMBLYMAN DENIS:

If you are moving people from one category to another, does that mean the services are received in one category only?

Ms. FORD:

The federal regulations in the DRA include all people in our WP rate. We used to serve them as a separate State program and assisted them to their highest level of self-sufficiency which might be 20 hours each week. That may be all they can do. Now, we must include them in our WP rate and they must meet the 30-hour weekly average or not receive benefits.

ASSEMBLYMAN DENIS:

Does it require more oversight because the client must work more hours?

Ms. FORD:

That is correct. We have an obligation, since we are going to the retrospective benefit, to ensure the client has every opportunity for success.

ASSEMBLYMAN DENIS:

Before they were included in the WP rate, were they overseen at a lower ratio?

Ms. FORD:

Previously they were part of a prospective model and received a monthly check and were not counted in the WP rate.

CHAIR CEGAVSKE:

It appears the 40:1 ratio should be higher.

Ms. FORD:

We are still trying to determine what the impact will be. We do not want to request more staff than can be kept busy. We believe 40 employees will handle the workload given the changes in dynamics. We have existing staff performing employment-training activities who will also participate in the advisory role.

CHAIR CEGAVSKE:

How many staff and how many vacancies do you have now?

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Ms. FORD:

We currently have assigned 41 family-service specialists. All of them may not be assigned the employment-training advisor type role. There is a 3-percent vacancy rate in this B/A, that is 29 vacancies out of 964 authorized full-time equivalents.

CHAIR CEGAVSKE:

What grade are these employees?

Ms. FORD:

They start out as trainees at Grade 28 and progress to Grade 31 after one year.

CHAIR LESLIE:

I am troubled by the caseload issue. Has the caseload been increasing during FY 2006-2007?

Ms. FORD:

The caseload has been moderating and dropping slowly.

CHAIR LESLIE:

Please provide the Subcommittee with the trend information and assumptions made in developing the caseload projections.

CHAIR CEGAVSKE:

The vacancies are also a concern. Will you be able to fill the requested positions when the Division already has vacancies?

Ms. FORD:

At any one time the vacancy rate runs about 3 percent. We do have turnover. The family-services specialists must go through an academy. The academy handles 20 to 25 people at a time which accounts for the vacancies.

CHAIR CEGAVSKE:

Is this the eight-week training program?

Ms. FORD:

No, this is a three-month training program. The student comes to the academy, learns a program, then goes into the field to apply the skills learned.

ASSEMBLYMAN DENIS:

What is the current staffing ratio?

Ms. FORD:

The ratio depends on the caseload. The current staffing ratio, for employment training only, is 90:1. There are different ratios depending upon the type of caseload.

CHAIR CEGAVSKE:

We project a 108:1 staffing ratio in FY 2007-2008 and a ratio of 112:1 for FY 2008-2009.

What will be the role and defined duties of the assistant office managers?

Ms. FORD:

They will oversee the WP endeavors in each of the major field offices to assure WP is getting a high priority. Currently, our managers must handle all of the eligibility programs along with the WP rate. With assistant officer managers in our largest offices, the managers can focus on the WP and develop community resources to be certain we have opportunities available for our clients. If we have that focus in our five major offices, we are more likely to meet the WP rates.

CHAIR CEGAVSKE:

The Division is requesting ten administrative assistant positions to provide clerical support, two lead family-service specialists, three family-service supervisors and five social service managers.

Ms. FORD:

That is correct. This request is based on a support ratio.

CHAIR CEGAVSKE:

What is the vacancy rate in those areas?

Ms. FORD:

We will get that information to the Subcommittee.

CHAIR LESLIE:

Please provide more specifics tied to the assistant managers to support improved WP rates. For instance, what does developing community resources mean?

Ms. FORD:

We will provide that information.

SENATOR RAGGIO:

You stated there is a 90-percent requirement in the budget reduction scenario, but we are far from that, at 20 percent, due to the hard-to-serve client. Is the Division requesting 50 new positions over the biennium to work directly with the TANF under the NEON program to reduce the WP rate? In FY 2006-2007, over \$2 million was budgeted to be used for a wide range of activities including mentoring, monitoring, employment-related training opportunities, on-the-job training and counseling. Another item was subsidized employment. Of the \$2 million budgeted, only \$1 million has been expended. What kind of an effort was put forth to raise that from 20-percent WP? This is a disappointing percentage for a work-incentive program. Was there no need for the additional \$1 million? What is subsidized employment opportunity?

Ms. FORD:

The 90-percent WP rate is for the two-parent group, not all families, which requires a 50-percent WP rate. When there are two parents in the household, the 90-percent WP rate is required. The \$2 million you are referring to is in the TANF B/A 101-3230 for work activities. In the past, we have had difficulties because our contracts were based upon classes. We would contract with the culinary union and community college to provide training. The classes would be cancelled if they were not full. We changed our strategy. In October 2006, the

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Board of Examiners approved some additional contracts which are easier to enter into with our vendors. Now we can identify opportunities for our clients and quickly enter into a contract. Part of the problem with spending the funds in the NEON category was not keeping the classes full, when people do not show up, or classes are cancelled. Now we can tailor the training and education to the specific needs of the client and enter into a quick contract with a vendor.

SENATOR RAGGIO:

What is the penalty or sanction if the client does not show up?

Ms. FORD:

Under the new system, there is no benefit without compliance.

SENATOR RAGGIO:

Was that done in the past?

Ms. FORD:

Under the prospective system, if they did not comply, they were sanctioned. They were told they would be terminated in 30 days and had to come to the district office to pick up their check. If they did not comply, the whole family was terminated from the system.

SENATOR RAGGIO:

It would take frequent contact to make an impression on some of the clients.

Ms. FORD:

That is why we are asking for additional staff.

SENATOR RAGGIO:

How is subsidized employment opportunity handled?

Ms. FORD:

The Division has not worked with subsidized employment. It is something we are considering. The program pays an employer a certain amount to offset costs.

SENATOR RAGGIO:

Subsidized employment was contemplated as part of the activity in this budget. With only half of the funds used, was there any effort to implement this program?

Ms. FORD:

We did it in a couple of instances, but the program was not fully implemented.

SENATOR RAGGIO:

It does not sound as though there was a concerted effort to improve the WP rate.

Ms. FORD:

Last year we had a 43-percent WP rate because we had flexibility. This year, the DRA removed that flexibility. We will pass the WP rates for last year, but this year we will fail due to the implications of the DRA.

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SENATOR RAGGIO:

I believe it is better to keep people working than keep them on the dole.

MS. FORD:

The Division agrees. There is a five-year lifetime limit for receiving public assistance. If we do not get these people to self-sufficiency in a timely manner, they will have no place else to go. Work is much better than receiving public assistance. One can no longer live off public assistance. Many people have significant barriers. They do not have basic living skills: how to get up in the morning to get someplace on time, or how to do things on a day-to-day basis.

SENATOR RAGGIO:

Before the Session ends, I would like to see a definite plan on how the aspects of these programs will be implemented.

MS. FORD:

We will do that.

CHAIR CEGAUSKE:

The Division submitted a Work Verification Plan September 30, 2006. Has this plan been implemented?

MS. FORD:

The Work Verification Plan has been returned with a request for resubmission. We have resubmitted that plan which was again returned with additional guidance on what the federal government wants in the plan. We should hear, by April 2007, whether the plan is approved or not.

CHAIR CEGAUSKE:

Is the problem related to the data you are able to enter into the system?

MS. FORD:

That is part of the system changes needed. The federal agency is looking at our Work Verification Plan to determine if it meets their requirements in verifying documentation, supervision and work activities that have occurred.

CHAIR CEGAUSKE:

Will you need a Nevada Operations of Multi-Automated Data System (NOMADS) change?

MS. FORD:

We will need some NOMADS changes and some changes to other systems to gather the required data.

CHAIR CEGAUSKE:

Where is the Division in the process of making these changes?

MS. FORD:

This is a massive endeavor. In NOMADS, we are segregating the TANF cash from Medicaid. We anticipate it will be fixed by August 2007.

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CHAIR CEGAUSKE:

Have you been able to implement any part of the verification plan?

MS. FORD:

We have been slowly implementing and working with our clients to let them know what is coming. We are informing them we are going to a retrospective grant. As a result, we have seen some decline in our caseload, because people opt out and take Medicaid and food stamps rather than participate in our program. We have been testing our business strategies in our district offices in advance of implementation.

CHAIR LESLIE:

What was it the federal government did not like about the Work Verification Plan? Do you have a written plan the Subcommittee can review?

MS. FORD:

Yes, we will provide the Subcommittee with a copy of the plan. The federal agency does not believe we have enough detail in the Work Verification Plan. They want us to self-regulate. We were waiting for guidance on how they wanted to regulate us. They want us to tell them how to regulate us. The states are reluctant to tell the federal agency how to do that.

CHAIR LESLIE:

I have been thinking about some of the people who are your clients. Some of them will never be able to hold a job due to a disability or other reasons. During the 5-year time frame, do you have workers trained on how to move clients to federal disability payments or how to develop a long-term permanent plan for clients who are not going to be able to hold a full-time job?

MS. FORD:

That is something we are doing with our social workers. We are helping them focus on processing the Supplemental Security Income (SSI) applications.

CHAIR LESLIE:

That is a difficult process because if they miss an appointment, they are returned to the spinning line for another six months. I worry about some of these people who will reach the five-year limit and will become homeless.

MS. FORD:

We do have the ability, based on hardship, to provide benefits beyond five years. The difficulty with that is they still go into the WP rate. As an example, about 38 percent of our population is hard to serve which means the remaining 62 percent have to meet an 81-percent WP rate to achieve the overall 50-percent rate.

CHAIR CEGAUSKE:

Three new positions have been requested to perform quality assurance functions.

MS. FORD:

We are required to have an independent review outside the family-services specialist to review the WP rates and review the documentation in the case file.

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CHAIR CEGAUSKE:

Are there existing positions performing this function?

MS. FORD:

We do not perform quality control reviews in this area. The President has, in his budget, \$11 million to create an error rate for the TANF. We will have an error rate on the federal level similar to what we have in food stamps. Previously, the TANF reviews have been up to the states. We have not done them. Now we are required to do them. Last week, we received information the federal government is also setting an error rate for child care. We will have to perform reviews on child care based upon federal regulations and requirements starting October 1, 2007. The cost of this review is not in our budget because we just found out about it.

CHAIR LESLIE:

Are you submitting a budget amendment?

MS. FORD:

We are trying to see if there are other ways to do it. It will be a challenge.

CHAIR LESLIE:

Will there be bonuses?

MS. FORD:

There will not be bonuses. The federal government is trying to balance its budget with penalties against the states.

CHAIR CEGAUSKE:

Because of the 120-day Session limitation, the information you submit must be complete to avoid a second hearing.

MS. FORD:

All of the positions we are requesting will be paid for with the TANF funds; there are no General Funds required. We had an unfunded decision unit, M-200, in B/A 101-3233. We dropped decision unit M-200 and decided to go with the WP staff we need and not the caseload increase.

CHAIR CEGAUSKE:

Has the Division received any indication when the regulations for the child support enforcement fee of \$25 will be released? Do you know what the potential costs or liabilities will be?

MS. FORD:

The proposed final regulations were released and we are in the comment period. The \$25 must be collected, in every case that has never received public assistance, once we have collected \$500 in child support. The fee must be collected annually. We are in the process of programming our computer system to do that. The federal government will deduct \$25 a case from our reimbursement schedule, whether we collect it or not. We have options: the State can pay it; the noncustodial parent can pay it; or the custodial parent can pay it. The fee is split: 66 percent to the federal government and 34 percent is retained by the State.

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CHAIR LESLIE:

Are the funds coming to the State?

MS. FORD:

We start collecting the funds the end of this year.

CHAIR LESLIE:

Where will the funds go?

MS. FORD:

The funds will go into the reserve and will be used to fund one position.

CHAIR CEGAVSKE:

Will there be a bill draft request?

MS. FORD:

There is a bill draft request with the proposal.

CHAIR LESLIE:

Are we losing the growth bonus?

MS. FORD:

It will be gone in federal fiscal year 2009 unless it is reauthorized. The President's budget extends it until 2010. The \$3.7 million is frozen at the 2001 level. None of the population growth since 2001 has been recognized.

ASSEMBLYWOMAN BUCKLEY:

The child support enforcement fee can be assessed against the custodial parent, the noncustodial parent or the State. Why did we pick the custodial parent to pay?

MS. FORD:

It will be up to the Legislature because it is in the bill draft request. We put it with the custodial parent because that money is available to us and we can just deduct it. Currently, noncustodial parents pay penalties, interest and other fees.

ASSEMBLYWOMAN BUCKLEY:

That assumes the noncustodial parent is paying.

MS. FORD:

When the noncustodial parent is paying, they pay a lot more. There is a \$5 fee an employer can withhold and another \$2 fee. Our proposal is to deduct it from the custodial parent for ease of administration and to deduct it out of the payment after the \$500 is received. These are people who have never been on public assistance. We are providing a service to them free of charge.

ASSEMBLYWOMAN BUCKLEY:

It might be fair to reduce the penalty for those who are paying and have the noncustodial parent pay the fee. With the dismal child support enforcement collection rate, I am loathe to punish the custodial parent.

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CHAIR CEGAUSKE:

We will move to B/A 101-3228. The major issues are the high-performance bonuses and budget amendments.

HUMAN SERVICES

WELFARE

Welfare - Administration – Budget Page WELFARE-1 (Volume II)
Budget Account 101-3228

ROGER MOWBRAY (Deputy Administrator, Administrative Services, Division of Welfare and Supportive Services, Department of Health and Human Services):

The three budget amendments for decision units E-275, E-277 and E-278 will be leaving the Budget Office today.

E-275 Maximize Internet and Technology – Page WELFARE-6

E-277 Maximize Internet and Technology – Page WELFARE-7

E-278 Maximize Internet and Technology – Page WELFARE-8

CHAIR CEGAUSKE:

What is the effect of these amendments?

MR. MOWBRAY:

The amended decision unit E-275 will increase the budget request \$147,274 over the biennium. The initial request was \$99,500 to procure software. Servers and licensing have been added to the request. The total amount of the revised request for FY 2007-2008 is \$207,007. There is an added cost in FY 2008-2009 of \$39,767.

The amended decision unit E-277 changed the original request of \$150,000 in FY 2007-2008 by spreading the cost over two years. In FY 2007-2008, the cost is reduced to \$128,946; there is an additional cost in FY 2008-2009 of \$29,360 for a net increase of \$8,306.

The amended decision unit E-278 changed the original request of \$100,000 to \$132,960 in FY 2007-2008 and \$8,000 in FY 2008-2009. The net increase is \$40,960.

The General Fund share of these decision units is coming out of the food stamp high-performance bonus. Those funds are matched with other federal funds.

CHAIR CEGAUSKE:

What is the balance in the high-performance bonus account after these decision unit amendments?

MR. MOWBRAY:

The balance is \$551,430. The original bonus was \$1,146,492.

CHAIR CEGAUSKE:

Will this Subcommittee need another hearing to discuss these amendments?

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MR. MOWBRAY:

These amendments are the result of completing a thorough analysis of the requests. We have discussed cost allocation issues which may require a follow-up hearing.

CHAIR CEGAVSKE:

We need the details of the amendments.

MR. MOWBRAY:

We will provide that information.

ASSEMBLYMAN DENIS:

Will the Q5i software help with error trend analysis and data reporting? If that makes you more efficient, does that mean the three quality assurance positions can be eliminated?

MS. FORD:

The quality control positions do a visual file review a computer cannot do. We have no way of calculating WP rates because of the regulation changes. The Q5i software will help us with the WP rate calculations and with transmittals to the federal government. It will help with food stamp error analysis. The federal agency for Food and Nutrition Service encourages all states to purchase this software.

ASSEMBLYMAN DENIS:

Will this software make you more efficient?

MS. FORD:

It will make us more efficient, but we still have the manual endeavors to maintain files.

ASSEMBLYMAN DENIS:

Why is the Division developing an in-house program rather than using an off-the-shelf product for case tracking? What will you use to develop an in-house solution?

DAVID STEWART (Deputy Administrator, Information Systems, Division of Welfare and Supportive Services, Department of Health and Human Services):

The Division will use the existing FileNet application, which is an imaging application, to do the initial recording of all the files and build an index for Division-wide imaging.

ASSEMBLYMAN DENIS:

The Division has an in-house imaging package?

MR. STEWART:

We have a back end, called FileNet, which the Office of the Secretary of State uses. We are using it with the child care application, our forms and notices. We are moving toward Division-wide imaging in the next several months.

ASSEMBLYMAN DENIS:

Will you be able to do Division-wide imaging with the proposed changes?

MR. STEWART:

We will be able to index the case files with the proposed application.

ASSEMBLYMAN DENIS:

Is the Division doing some imaging and will this request allow an expansion?

MR. STEWART:

That is correct.

ASSEMBLYMAN DENIS:

What ongoing maintenance costs will be involved with the IRise computer software?

MR. STEWART:

There are ongoing maintenance costs included in the amendments for this software.

ASSEMBLYMAN DENIS:

How will the automated file-tracking system work?

MR. STEWART:

We will build an application out of FileNet and purchase printers and scanners. We will bar code all the files, scan them in, sort and then file.

ASSEMBLYMAN DENIS:

Will this tie into the case tracking?

MR. STEWART:

They will all tie together eventually.

ASSEMBLYMAN DENIS:

The Division has requested laptop computers rather than desktops for program chiefs. Will they use some type of docking station?

MR. STEWART:

That is correct.

CHAIR CEGAVSKE:

Assemblyman Denis, have you looked at what the Division is doing?

ASSEMBLYMAN DENIS:

The Division is using FileNet, an off-the-shelf program they are modifying, which seems more efficient than purchasing something new and trying to tie it into the old system.

CHAIR CEGAVSKE:

The Division has requested approximately \$40,000 for a corrective-action planning conference to be attended by all employees. What are the benefits of this type of conference?

Ms. FORD:

The conference will be for up to 200 attendees of the 960 employees in this B/A. The opportunity is to have all of them in a training environment at the same time, hear the same information and ask and answer questions. Currently, we do have corrective-action kick-off meetings, but we do them piecemeal. We do not have an office large enough to hold 200 people. It takes more of the trainers' time if they have to do the training multiple times. People do not hear the same thing at the same time, so multiple messages go out. We propose having the training in Las Vegas to reduce the travel requirements. Attendance is seen as a reward. We want to use the conference for the DRA and TANF changes training.

CHAIR CEGAVSKE:

The Subcommittee is trying to weigh the benefit against the cost.

Ms. FORD:

The staff would appreciate this opportunity and does get a lot out of the training. The food stamp bonus was, in part, due to staff motivation developed during corrective-action training.

SENATOR MATHEWS:

Training is an area subject to abuse. With 200 people in a room, three ask questions and the remainder observe. In my opinion, funds are better spent training the supervisors who train the remaining employees.

Ms. FORD:

We are only training 200. They will take the information back to their offices.

SENATOR MATHEWS:

It does not take 200 to train the remainder.

Ms. FORD:

You are correct, but it is also a reward for staff for the efforts they put forward.

SENATOR MATHEWS:

Request a raise for all of them and train a few to train the rest.

SENATOR RAGGIO:

If you train 200, that is a significant portion of the total staff. If the training motivates and helps to increase effectiveness, for instance, in obtaining the food stamp high-performance bonus, the \$40,000 request to achieve a \$1.1 million bonus is worth considering.

CHAIR CEGAVSKE:

Can the performance bonus funds be used to match federal funds, such as food stamps and Title XIX, and reduce the General Funds recommended for either Administration or Field Services?

Ms. FORD:

I am reluctant to use a finite amount for ongoing costs. We treat the bonus as one-shot money. We use it to assist our staff in improving their ability to

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perform their jobs and potentially earn other bonuses in the future. Yes, it is like General Funds, but it is a finite amount of money.

CHAIR CEGAVSKE:

The major issues in B/A 101-3233 are the relocation and new telephone system for the Elko office and the shift in cost allocation. Is the proposed move intended to provide greater benefit to the Division or the owner of the property?

Welfare - Field Services – Budget Page WELFARE-14 (Volume II)
Budget Account 101-3233

Ms. FORD:

The Elko move is generated by the sale of the building. A building is under construction for the Department of Health and Human Services agencies and the Department of Taxation. We have no choice with respect to finding a new location.

CHAIR LESLIE:

Has the Division signed a lease?

Ms. FORD:

It is not signed yet.

CHAIR LESLIE:

The budget request includes new modular furniture, computer hardware and software and an increase in square footage.

Ms. FORD:

This move would be paid for with high-performance bonus funds, not General Funds. The Division is getting a computer laboratory not available in the Elko area. The lab will be used by other agencies located in that campus.

CHAIR LESLIE:

Would you provide detail to explain the square footage and who is moving into the building? Since a lease has not been signed, there is time for further review.

Ms. FORD:

Commitments have been made; the building is being built.

CHAIR LESLIE:

Has the Division signed something to say it is moving?

Ms. FORD:

It has been a Departmental endeavor. I may not have all of the information.

CHAIR LESLIE:

We like to review these things during the Session.

CHAIR CEGAVSKE:

What will happen if the requested funds for relocation are not approved? Which Divisions are proposed to move to the new location?

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Ms. FORD:

The Divisions of Child and Family Services, Health, Health Care Financing and Policy, Aging Services and the Department of Taxation are planning to move. The Division of Mental Health and Developmental Services is not moving into the Elko campus. The relocation is built into the current leases. There is an increase in rent. We will provide the Committee with additional information.

ASSEMBLYMAN DENIS:

What other agencies will use the computer lab?

Ms. FORD:

Agencies on the same campus will have access to the lab. We have computer labs in Reno and Las Vegas. Other agencies outside the Department, for instance the Department of Public Safety, hold training in the labs.

ASSEMBLYMAN DENIS:

Do outside agencies pay a fee to use the computer labs?

Ms. FORD:

They do not pay a fee. With the cost-allocation plan, it would be difficult to distribute the income.

ASSEMBLYMAN DENIS:

How often do you believe your Department would use the labs?

Ms. FORD:

The Department uses the labs 80 percent of the time.

CHAIR CEGAVSKE:

Do you know if the Department of Information Technology (DoIT) will move the existing telephone system in Elko?

MR. STEWART:

The telephone system requested in the budget is a contingency plan if DoIT is unable to move the existing telephone switch to the new building.

CHAIR CEGAVSKE:

When will we know if the DoIT can use the old switch?

MR. STEWART:

We are still in negotiations with the building. I will get information back to you.

CHAIR CEGAVSKE:

Have you looked at the cost benefit of moving or not moving the switch?

MR. STEWART:

We need a telephone switch. Either the DoIT moves the existing one or we buy a new one.

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ASSEMBLYMAN DENIS:

Is the Division attempting to move the current telephone system, or do you want a new switch allowing five-digit dialing? Do you currently have five-digit dialing?

MR. STEWART:

We do not have five-digit dialing. The new fiber into Elko should already be in place.

ASSEMBLYMAN DENIS:

Does anyone have five-digit dialing in Elko?

MR. STEWART:

I do not know.

ASSEMBLYMAN DENIS:

If you get the new switch, will other agencies tie into the same switch?

MR. STEWART:

I am assuming the DoIT is thinking globally.

CHAIR CEGAVSKE:

The Subcommittee needs to know the switch status before this budget can be closed.

Does the Division anticipate the need for a supplemental appropriation to address the shift in its cost allocation given the potential impact to the Field Services account in FY 2006-2007?

MR. MOWBRAY:

We do not anticipate the need for a supplemental appropriation in FY 2006-2007. We will meet the projected shortfall by managing the cost allocation effectively and with the use of the State's share of collection dollars to cover the General Fund shortfall.

CHAIR CEGAVSKE:

What measures are you using to mitigate the impact on the General Fund?

MR. MOWBRAY:

The shift has occurred due to the decreased TANF caseload. As the proportion of Medicaid and food stamp cases increase, a 50-percent match of General Funds is required. With the implementation of the DRA, the results of the cost allocation will shift towards the TANF. The result manifests itself due to intensive work by staff with the TANF clients. The federally approved cost-allocation plan samples what staff is doing at random moments. We aggregate all information to determine which programs should be charged. As the activities move toward the TANF, so will the cost-allocation results thereby reducing the need for General Funds.

CHAIR CEGAVSKE:

Will the General Funds requested for the biennium be eliminated?

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MR. MOWBRAY:

We are at a difficult time because of the way we do our cost allocation. We have discussed using the results of the quarter ending March 31, 2007, to determine if the shift toward the TANF is assisting us.

CHAIR CEGAVSKE:

Will the Subcommittee have the information no later than April 2007?

MR. MOWBRAY:

That is correct.

CHAIR CEGAVSKE:

The major issues in B/A 101-3230 are the TANF funding, TANF caseloads and the Title XX transfer. How has the Division established the targeted level of unspent TANF funds it wishes to maintain?

Welfare - TANF – Budget Page WELFARE-23 (Volume II)
Budget Account 101-3230

MS. FORD:

There is not a targeted number. A \$20 million reserve is recommended subsequent to the September 11, 2001, occurrence. At that time we had a \$22 million reserve. We went through that reserve quickly as a result of the number of layoffs. We do not have an analysis for the amount needed. Because we went through the \$22 million so quickly, a \$20 million reserve should be maintained.

CHAIR CEGAVSKE:

How are the TANF caseload categories defined? What criteria have been established to qualify for the TANF under the new categories?

MS. FORD:

We are breaking the TANF program into five programs.

1. The TANF loan program is for people pending SSI. They count in the WP rate unless we put them into a different category. If they do receive SSI, our expenses will be reimbursed.
2. We have a self-sufficiency grant. The Legislature authorized this program in 2001. It was not implemented at that time due to September 11. This is a lump-sum payment for a onetime event which, if overcome, allows the client to return to work. For instance, if work tools are stolen or the transmission in a car goes out, the client receives the lump-sum payment. This payment prevents the client from applying for TANF for a period of time based upon the amount of the lump sum.
3. Our regular TANF program addresses the non-needy caretaker and kinship-care populations who do not have to participate in work activities as defined by the federal agency.
4. Temporary assistance is provided to families for up to four months without it counting in our WP rate. This is how we handled the Hurricane

Katrina victims who came to Nevada. We use the temporary program to triage our clients when they first enter the system. We do assessments and aptitude testing to develop a personal-responsibility plan and get them ready to transition into a final program.

5. The NEON is a work program where everyone must participate in work as defined by a federal agency. This is where the retrospective grant program is used. Any household with a parent caring for children must be included in the WP rates.

CHAIR CEGAUSKE:

The Division's projections show a drop in caseload in FY 2007-2008 with an increase in FY 2008-2009.

MS. FORD:

We anticipate an initial drop in caseload because people will not understand the new programs. They will not know what to do to participate. Once there is understanding, the caseload will increase. We changed our "disregard policy" to make the programs more attractive for the working poor to receive benefits such as Medicaid for the family and cash assistance over a longer period of time. While we hold on to them longer, we want to transition them to self-sufficiency.

CHAIR CEGAUSKE:

How will the establishment of these categories assist the Division with the DRA compliance?

MS. FORD:

It will help with the WP rates because the TANF loan people, the TANF people, the temporary people and the self-sufficiency grant people do not count in the WP. Only the new NEON category counts in the WP.

CHAIR CEGAUSKE:

Has the Division completed the necessary programming changes to implement these new categories beginning July 1, 2007?

MS. FORD:

We are in the process. It is a complex endeavor. The estimated release date is August.

CHAIR CEGAUSKE:

We will revise the caseload projections with the information you just provided.

CHAIR LESLIE:

Your description of the programs to work around the WP is not in [Exhibit C](#). Please provide the Subcommittee with a written description of each of the categories. It is unfortunate the caseload will decrease due to lack of understanding. It is a bureaucratic mess. It creates havoc in the client's life. What is the average TANF payment? How long has that payment been in effect?

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Ms. FORD:

There has not been a TANF payment increase since 1992. The maximum grant for a family of three is \$348 a month. We are not the lowest in the country.

CHAIR LESLIE:

Caseload projections are down. What happens to people who are ineligible?

Ms. FORD:

Some of the caseload drop is due to the lack of cash benefit. The client is still in our caseload; we are still working with them and trying to help them meet their personal responsibility plan.

CHAIR LESLIE:

Are emergency measures set up for basic needs?

Ms. FORD:

They will still receive food stamps, Medicaid and energy assistance.

CHAIR CEGAVSKE:

Please provide more detail on the factors considered for the Division's projected increase in the TANF cases for FY 2008-2009.

TAMARA J. DUFRESNE (Management Analyst, Division of Welfare and Supportive Services, Department of Health and Human Services):

Some of the caseload increase from FY 2007-2008 to FY 2008-2009 is based on natural fluctuations in the economy. Economic factors such as the unemployment rate or the number of unemployed are reviewed to determine the TANF caseload. When those rates increase, so will the projected number of the TANF clients. We also anticipate clients staying in the system longer.

CHAIR CEGAVSKE:

There is a budget amendment proposing the transfer of the TANF funds to the Title XX program. Does the Division anticipate an increase for the 2007-2009 biennium only?

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

There are two issues in the Title XX transfer. The Department took action the last several months to increase the TANF emergency assistance dollars going to Clark and Washoe Counties due to child welfare issues. We have told both Clark and Washoe Counties the transfers would take place in FYs 2007, 2008 and 2009. We do not know if the TANF funds will support that effort beyond 2009. Child welfare training experienced a shortfall. We needed \$2.3 million each year; the Base Budget had \$1.7 million. The mechanism to correct that problem in the budget was a TANF transfer to Title XX. That is allowable under the TANF block grant. We will use the Title XX funds through our grants management unit to fund Title XX eligible activities within the two county child welfare agencies. We will pull General Funds from those two entities and move them to the training budget. This procedure allows us to free the General Fund amounts from the county integration budgets to fund the child welfare training. Our commitment is for the 2007-2009 biennium. We do not know if the TANF dollars will be available beyond that time. The Division needs to see how the

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DRA, caseload projections and the WP rate develop. There is a \$20 million TANF reserve projected at the end of the next biennium.

SENATOR MATHEWS:

How many employees are there in the Division?

Ms. FORD:

There are approximately 1,200 employees.

SENATOR MATHEWS:

Please provide a breakdown of the employee diversity groups, indicating which employees are in management positions. It is important that this Division resemble the diversity within the State.

CHAIR CEGAVSKE:

We will hear B/A 101-3238. There are issues with the fourth federal penalty assessed, the performance audit and the new position requested for the Delinquency Unit. What corrective action has been taken with respect to the federal penalty? If corrected information had been submitted, would the paternity establishment percentage (PEP) have increased three percentage points or more?

Welfare - Child Support Enforcement Program – Budget Page WELFARE-27
(Volume II)

Budget Account 101-3238

Ms. FORD:

I thought, on January 24, the Division was out of penalty status. Two weeks ago we received our fourth penalty letter. Page 6 of [Exhibit C](#) highlights how the data reliability is computed and how penalties are calculated. The Division is still analyzing the letter to determine if we have grounds to appeal this penalty. The penalty is assessed because of the PEP.

CHAIR CEGAVSKE:

Is that because you have not met the 90 percent?

Ms. FORD:

We did not meet the 90 percent and do not have a base year. The PEP is based on prior years so if there is a failure in a prior year, there will be another failure in the PEP.

CHAIR CEGAVSKE:

What are the identified weaknesses which contribute to the lack of compliance?

Ms. FORD:

The Division believes the problems have been cured. In 2005, the Division passed federal liability across the board, page 6 of [Exhibit C](#). We were assessed a penalty because we failed in 2004. Since we failed in 2004, it cannot be used as a base year making 2005 the base year. The Division must make a 3-percent improvement year over year; in 2007, we must make 69 percent to pass and also pass data reliability. Because we did not have a base year and did not meet 90 percent, a penalty was assessed.

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CHAIR CEGAUSKE:

Was the corrected 2004 data submitted to avoid assessment of the penalty?

MS. FORD:

It would not have made a difference. If we had submitted 2004 data, we still would have failed because we failed in 2003 which is used in the 2004 PEP calculation. The Division believes the procedure has been corrected because we passed in 2005.

CHAIR CEGAUSKE:

What did you do to correct the situation?

MS. FORD:

We did a born out-of-wedlock endeavor and corrected data in the system. The main reason we failed data reliability in the past, was because the system information did not match the case jacket information. We changed the procedure to make data input logical.

GARY STAGLIANO (Deputy Administrator, Program and Field Operations, Division of Welfare and Supportive Services, Department of Health and Human Services):

There are two things involved in data reliability penalties. The electronic information is audited by federal auditors. To establish paternity, we need a birth certificate, a court order or an affidavit of paternity to validate the paternity claim. If the Division says paternity has been established but the paperwork is not in the file, a data reliability error has occurred. The data must be reliable in order to make judgments regarding the PEP. The PEP is only calculated when, referring to page 6 of [Exhibit C](#), the current year line 6, is compared to the prior year line 5. Many states over perform in this area because there is not a static population in both years. Nevada had to cure the data reliability issues by ensuring if staff passed the quality checks in the system, they supported that action with case file information. In 2004, we reviewed every case. We still failed. We had a lot of training issues to be addressed. The policies were not clear. We developed relationships with the Bureau of Vital Statistics to have online access to their paternity information. We have cured the data reliability issues. We think the penalty is unfair because it reflects errors of two years ago which have been overcome.

CHAIR CEGAUSKE:

If the federal government says the Division has not complied, it does not matter how unfair the Division thinks the penalty is.

MR. STAGLIANO:

The federal government has not said the State has not complied; but, technically, we are subject to an error. They have acknowledged the Division passed 66 percent last year in the PEP for federal FY 2005. There will be an audit shortly of 2006; our internal audit provides confidence of achieving 69 percent and our data will be reliable.

CHAIR CEGAUSKE:

Does the Division have a plan implemented to overcome these deficiencies? How will the Division repay those funds?

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MR. STAGLIANO:

We implemented a plan in federal FY 2005, which is why you see a performance difference in 2005, when all of the data reliability was passed and we scored a 66 PEP. We believe the same will occur for federal FY 2006. We believe the problems are cured.

SENATOR RAGGIO:

The process requires a birth certificate, a court order or an affidavit of paternity to establish paternity. Does the Division work with the district attorneys (DA) from all of the counties?

MR. STAGLIANO:

In most counties we have a contract. The DAs operate the child support enforcement program administered by the State.

SENATOR RAGGIO:

Are the DAs cooperating? If they are not complying, the Subcommittee would like to know.

MR. STAGLIANO:

We have had difficulties in prior years. The relationship is now favorable. The DA offices are complying and understand.

CHAIR CEGAVSKE:

What are you doing with the DA offices?

MR. STAGLIANO:

The contracts with the DA offices were renegotiated during calendar year 2005. Conformance with policy and the application of a penalty were included in the new contracts. Each DA is measured individually for data reliability, adherence to policy and performance numbers. If the DA office falls below tolerance levels, corrective-action plans are administered. We have seen significant improvement in the child-support area.

CHAIR CEGAVSKE:

Is this action going to be sufficient to avoid further penalties?

MR. STAGLIANO:

We have not received the 2006 federal audit results, but our internal audit gives us a high level of confidence we will pass all of the data reliability and PEP.

CHAIR CEGAVSKE:

The Division is projecting 69 percent which is not where the federal government wants us to be. How will the Division pay back the \$1.7 million?

MR. STAGLIANO:

The \$1.7 million is a reduction in the TANF block grant.

MR. MOWBRAY:

There are two components to the penalty: the reduction of the TANF block grant and the replacement of the penalty amount with State funds. The federal government has agreed to use the fact we met our WP rate in 2004, 2005 and

2006. When we meet the WP rate, the State's contribution to the TANF can be reduced from 80 percent of what it previously was to 75 percent. That is a difference of \$1.6 million for each of the years the WP rate was met, a total credit of \$5 million. We are able to meet the conditions of the penalty using this strategy. The Division will not be requesting additional General Funds, or using General Funds budgeted for another purpose, to pay the penalties.

ASSEMBLYWOMAN BUCKLEY:

Nevada ranks 49th in paternity establishment, 45th in establishing orders and 49th in the amount of child support collected. In 2006, Nevada collected child support in only 46 percent of the cases. We have not broken the halfway mark in the number of cases someone is owed child support. Nevada ranks 48th in cases with arrearages in payment status. We rank 47th in cost effectiveness. Are we doing the best we can with our money? These are dismal statistics. I hear no sense of urgency or acknowledgement that Nevada's system is in a state of crisis. The Division states it is doing better and has collected a little bit more. Tell that to one out of two custodial parents. These are the reasons the Legislature requested a performance audit last Session. Are you planning on implementing the audit's recommendations? Which recommendations will require legislation? What is the status of the Division's work with the Judiciary Subcommittee? Has the Division submitted a bill draft request on this issue? When will you convince me the Division is making this an urgent issue receiving full attention?

Ms. FORD:

We are concerned with the results of the performance audit. We want to comply with the recommendations, some of which we can implement currently. We can centralize some of the activities such as the financial institutions data match. The Division had plans to implement some of the recommendations before the audit results were received, such as changing our paternity affidavits to be based on penalty of perjury rather than having the affidavit notarized. We concur with all of the recommendations presented in the audit.

We have proposed three bill draft requests through the Assembly Judiciary Committee. We would like to convert from being a hearing master program to being an administrative hearing officer program. This change would expedite many cases. Currently, our system is legally based. I will provide the Subcommittee with more detail. The Division did not introduce a bill draft request because the MAXIMUS performance audit was released December 29, 2006. Our bill draft requests were due April 2006.

ASSEMBLYWOMAN BUCKLEY:

When can we receive a list of the recommendations and the budget amendments required?

Ms. FORD:

The Division will get that to you within the next week.

ASSEMBLYWOMAN WEBER:

Will the Division have the systems and resources available to get to the 90-percent acceptable performance rate?

MS. FORD:

We are progressing in that direction. We are required to increase the PEP 3 percent year over year. We are trying to simplify ways of establishing paternity. We have a hospital-based paternity program. Hospital staff is educated on the importance of obtaining acknowledgments and trained how to do that. We are being aggressive on establishing paternity at the earliest possible date. We have an electronic interface with the Office of Vital Records to look at birth certificates online.

ASSEMBLYWOMAN WEBER:

Should we see a greater than 3-percent increase in performance level? The 3 percent is a minimum.

MS. FORD:

The Division has challenges. It does not have General Funds and is funded solely on the State's share of collections received. When the Division pays a TANF cash grant, every dollar recovered is shared with the federal government based upon the federal medical assistance percentage. Approximately 54 cents on every dollar goes to the federal government; the State keeps the remaining 46 cents. The Division must be careful where we spend the funds. With the changes in the DRA, we will have a declining population for collecting the TANF dollar. It is difficult to move forward with system changes, staffing and ramping up to help this program, because we do not have the funding.

CHAIR CEGAUSKE:

There are ten audit recommendations. Please provide the Subcommittee with each audit recommendation and the detail of what the Division is doing for each of them. Have any of the recommendations been implemented?

MS. FORD:

We have implemented paternity establishment in the hospitals and several others.

CHAIR CEGAUSKE:

Could one of the existing vacancies fill the new position requested in decision unit E-326?

MR. STAGLIANO:

The Division pools vacancies. The position numbers do not always go back to where the vacancy occurred. The positions are not static. We are always attempting to best utilize personnel to meet statewide objectives. Leaving this position vacant was a technical error and gives the appearance the position is not needed. Normally we rotate our positions.

ASSEMBLYWOMAN BUCKLEY:

Are there four vacant positions?

MR. STAGLIANO:

There is one vacant support enforcement specialist position, not four.

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ASSEMBLYWOMAN BUCKLEY:

This position intervenes when child-support payments become delinquent by contacting the noncustodial parent. If we leave positions vacant, there should be no surprise the collection rates are bad.

MR. STAGLIANO:

The requested position for the delinquency unit would perform the endeavors you refer to and is consistent with one of the audit recommendations. The vacant position is one rotated through the pool of positions. Positions are filled on a last-vacated first-filled basis.

CHAIR CEGAUSKE:

The recommendation will be to eliminate the requested position unless further justification is provided.

We will open the discussion on B/A 101-3239. This is a federal pass-through budget. The Subcommittee has no questions on this budget so we will move to B/A 101-3232. The major issue is increased caseloads. The *Executive Budget* did not recommend a State-funded increase in the supplement amount.

Welfare - Child Support Federal Reimbursement – Budget Page WELFARE-34
(Volume II)

Budget Account 101-3239

Welfare - Assistance to Aged and Blind – Budget Page WELFARE-37 (Volume II)
Budget Account 101-3232

MS. FORD:

The B/A 101-3232 reflects projections in caseload and cost-of-living increases. This is a State supplement pass-through for the aged and blind. The federal government issues checks and charges an administrative fee. The Division has not requested an increase in the State's share of the supplement.

CHAIR CEGAUSKE:

We will open the hearing on B/A 101-3267. In 2005, the Legislature approved additional federal funds of \$2.9 million over the 2005-2007 biennium for the implementation of the Nevada child care system to replace the private child care management system used by program contractors. What is the status of the implementation of this system?

Welfare - Child Assistance and Development – Budget Page WELFARE-39
(Volume II)

Budget Account 101-3267

MS. FORD:

The child care system is progressing. It is being coded; release and implementation is anticipated in December 2007.

CHAIR CEGAUSKE:

Will the use of contractors assisting with administration of the child care assistance and development programs be eliminated?

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Ms. FORD:

The Division will evaluate the use of contractors during the next biennium. The Economic Opportunity Board in Las Vegas no longer exists. The Division has assumed the child care program in southern Nevada in conjunction with the University of Nevada, Las Vegas.

CHAIR CEGAVSKE:

What about the United Way?

Ms. FORD:

The United Way is our fiscal intermediary. This situation will be evaluated during the next biennium and a decision for the next budget cycle regarding contracting will be made. The computer system is the foundation for those decisions.

CHAIR LESLIE:

The southern Nevada situation was difficult; everyone worked together to accomplish the needed services. Where are you going statewide? The Children's Cabinet has the contract in northern Nevada. The community is used to that location for child care services. The Cabinet has expertise developed over the years. I want to know what benefit people in the community will receive by canceling the Cabinet's contract. Going to Kings Row for services does not seem like a good idea. The Children's Cabinet also provides assistance in other areas which may not be duplicated if their contract is cancelled. What happened to the Assistance with Child Care for the Employed (ACE) clients?

Ms. FORD:

The ACE clients are in discretionary child care. It was a transition from the TANF to work. It is not necessary to have the ACE category because the client continues to receive discretionary child care. Discretionary child care goes up to 70 percent of State medium income. It is a high-income level. The Children's Cabinet does a wonderful job. Our concern is to provide services to the people. Child care is a program that serves people who may not be eligible for other public-assistance programs; it is important they have access.

SENATOR RAGGIO:

What assistance is rendered through discretionary child care?

Ms. FORD:

The Division provides a subsidy for child care paid to the child care provider. There is a sliding fee scale; the client may have a co-payment.

SENATOR RAGGIO:

Are the performance indicators accurate in this budget? Was the actual number of families served just fewer than 4,000 in FY 2005-2006?

Ms. FORD:

The performance indicators are correct. We may serve the same children month after month. The unduplicated number represents the number of different children served during the year.

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SENATOR RAGGIO:

The number of children served appears to remain constant into the biennium.

MS. FORD:

That is correct.

SENATOR RAGGIO:

Does the Division pay the provider for child care? There is a large amount of money involved. Is a lot of this for the TANF and NEON programs?

MS. FORD:

The child care subsidy averages \$238 per child.

SENATOR RAGGIO:

There is a lot of money involved in this program: \$51 million in FY 2007-2008 and \$49 million in FY 2008-2009. Is most of it for the TANF and NEON programs?

MS. FORD:

The TANF and NEON clients receive a 100-percent subsidy. The funds are not just for subsidies. We have quality endeavors. The federal government requires quality-endeavor expenditures for early childhood and infant care.

SENATOR RAGGIO:

Did you say the University of Nevada and the Children's Cabinet are providing services?

MS. FORD:

The University of Nevada, Las Vegas and the Children's Cabinet in northern Nevada are assisting with child care programs.

CHAIR CEGAVSKE:

We will move to B/A 101-4862. The Division has requested new positions to eliminate contract positions. Why do you believe this will be successful?

Welfare - Energy Assistance Program – Budget Page WELFARE-43 (Volume II)
Budget Account 101-4862

MS. FORD:

We have six State employees and twenty contract employees. Contract employees stay an average of eight months. By the time they are proficient, they leave. We need a core staff. Four of the six positions are in the north because the Las Vegas office did not open until the Universal Energy Charge came into effect. If six of the contract staff are converted to State employees, we would have competent staff and improve the case-processing times. The State staff will continue to be augmented with contract staff.

CHAIR CEGAVSKE:

The performance indicator for case-processing time does not show improvement.

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Ms. FORD:

We expect the four-week processing time will be reduced with the additional permanent staff. The performance indicator for the average energy assistance payment should be \$822 for FY 2005-2006. The number of households served was actually 17,446. We failed to update the performance indicators.

CHAIR CEGAVSKE:

Please provide the Subcommittee with the correct performance indicator numbers. We need this information now rather than later. It makes a difference in the decision-making process. If we must have another meeting, the Session may need to be extended. No one wants to stay longer than 120 days.

Ms. FORD:

The corrected numbers were provided in the expanded narrative.

CHAIR CEGAVSKE:

Does the Division anticipate changes in client eligibility or payment criteria during the 2007-2009 biennium?

Ms. FORD:

We do not anticipate any changes in the next biennium. This is an annual program and an annual benefit. Any changes must be made in advance of the State FY. We are working with the Low Income Energy Advisory Committee to look at program alternatives for the time we start running out of reserve and spend faster than the funds come in.

CHAIR CEGAVSKE:

What kind of changes will you be considering?

Ms. FORD:

We will be considering whether or not there will be a maximum on usage when determining a benefit or a maximum benefit. I like the idea of maximum usage because it discourages people from over utilizing energy. Currently, there is no conservation incentive.

CHAIR CEGAVSKE:

Have you projected what the waiting list might be in a few years?

Ms. FORD:

There has not been a waiting list. We have not projected one. My goal is to not run out of funds because I hate to close a program.

ASSEMBLYMAN DENIS:

Does it take four weeks to process an application from the time the client applies until the time assistance is received? Can they only apply once a year?

Ms. FORD:

Yes, it takes that long to process an application and they can only apply once a year. The assistance is paid to the energy provider, not the client. We encourage the client to pay the difference. We divide the assistance amount by 12 and tell the client to pay the difference monthly so the assistance lasts a year.

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ASSEMBLYMAN DENIS:
Does it cover a calendar year?

Ms. FORD:
It is a rolling year.

ASSEMBLYWOMAN SMITH:
Do you have any information on the 2-1-1 line and its impact on this budget?

Ms. FORD:
I do not have any information, but will see if I can get some to you.

ASSEMBLYWOMAN GANSERT:
Does the energy credit, sent to the utility company, follow the client when they move?

Ms. FORD:
The power company will notify us of the move and refund the money. If the client remains in Nevada, we can reinstitute the assistance.

ASSEMBLYWOMAN GANSERT:
Does the client reapply or is it transferred?

Ms. FORD:
It is transferred.

The decision unit E-710, for replacement computer equipment, is a one shot in Senate Bill 252.

SENATE BILL 252: Makes appropriations to the Division of Welfare and Supportive Services of the Department of Health and Human Services for the replacement of certain office equipment and computers. (BDR S-1217)

CHAIR CEGAUSKE:
The hearing is now open for public comment.

PAULA BERKLEY (Food Bank of Northern Nevada):
The Food Bank has taken on a project with the Retailers Association. We request an enhancement to the Welfare Division budget. The Food Stamp Program is the first line of defense against hunger. It is the foundation of the National Nutrition Safety Network. Nevada is only participating in the Food Stamp Program at a 54-percent rate. The partnership you will hear about today addresses the obstacles of participation. The Food Stamp Program is an income-eligible program. The income calculation is complicated, including income, assets and expenditures. It takes three different steps to complete the process. First an application is completed, then an interview, followed by the State's determination. Most people give up before they get to the third step. The Food Stamp Program brings \$125 million dollars to Nevada. It is not a trivial program. If the program were maximized, we would bring in another \$162 million. The Food Stamp Program is funded 100 percent by the federal government. The State is required to pay 50 percent of the administrative fee. The United States Department of Agriculture (USDA) has shown that for every

\$5 in food stamps paid, another \$9 enters the State. The Food Bank has been trying to get seniors signed up for food stamps for the last 1.5 years. During that time, we have identified the obstacles and developed a program to overcome those obstacles. Ms. Nikki Firpo spent 27 years at the Welfare Division, including time as the food stamp manager. She is now working for the Food Bank.

NIKKI FIRPO (Food Stamp Outreach Coordinator, Food Bank of Northern Nevada): There is a lot of misinformation in the community. People believe owning their own home or not having a picture identification makes them ineligible for the program. I walk them through the process by helping them fill out an application; I have a waiver and am able to do the interview and collect documentation; I then take the information to Welfare. A visit to the Welfare Division by the applicant is not required, easing the Welfare Division's burden. There is another waiver in the works to expand this program from just seniors to the entire population. With a "trusted partner" concept we will be able to work directly with clients; complete the application, do the interview, collect documents and deliver the information to the Welfare Division. This speeds up the process for the client and helps the Welfare Division. I have included in the Food Bank of Northern Nevada packet ([Exhibit D](#), original is on file in Research Library) information about some of the people I have helped.

CHAIR CEGAUSKE:

Have you talked to the Welfare Division about this project?

Ms. FIRPO:

I work directly with the Welfare Division. Because I work under a waiver, I must provide statistics regarding the number of people helped and the number eligible. The Welfare Division has given me access to NOMADS for research purposes.

CHAIR CEGAUSKE:

How would you perform the verification process on income and assets?

Ms. FIRPO:

The clients know what they need to provide. I carry a photocopy machine to copy the required verification.

CHAIR CEGAUSKE:

Who makes the final eligibility determination?

Ms. FIRPO:

The Welfare Division eligibility worker takes what I provide and determines eligibility. The client may be contacted by telephone or mail to clarify any question.

CHAIR CEGAUSKE:

Does the Welfare Division perform outreach to the seniors?

Ms. FIRPO:

The seniors would have to go to the Welfare Division for an interview. Seniors do not have transportation.

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CHAIR CEGAVSKE:

We need to ask the Division why it cannot perform this function.

MS. FIRPO:

This is a time-consuming process. The Division has high caseloads. The senior receives a rapid-fire laundry list of items needed; it is difficult. I slow the process down with a one-on-one interaction at the senior's level rather than the bureaucratic level.

CHAIR CEGAVSKE:

Is the Food Bank requesting an enhancement to B/A 101-3233 for a training officer to cost \$56,852 in FY 2008-2009?

MS. BERKLEY:

The federal government will pay half, lowering the request to \$38,000 in FY 2008-2009.

CHAIR CEGAVSKE:

In [Exhibit D](#), the request is for \$41,037 for FY 2007-2008 and \$56,852 for FY 2008-2009.

MS. BERKLEY:

The first year we will not need the position. The second year, FY 2008-2009, we will. It will take time to get the program in place.

CHAIR CEGAVSKE:

Does the Division have people who make public contact? It is my understanding the Welfare Division does home visits.

MR. STAGLIANO:

I have been working with Ms. Berkley on this project. The concept is to have a training officer educate the different community action agencies to perform the things Ms. Firpo is doing. The Division does not do this type of outreach. Ms. Firpo is not time constrained and can wait while the senior searches for the required documentation. In one visit she can obtain all the documentation. The Welfare Division reviews the application and makes the eligibility determination.

CHAIR CEGAVSKE:

What will the impact be in two years on the General Fund if the Welfare Division provided this service?

MR. STAGLIANO:

I would have to collect information from Ms. Firpo. Time is not the issue with Ms. Firpo; in the Division's case, we are under stringent guidelines to process cases within a certain period of time.

CHAIR CEGAVSKE:

The Subcommittee needs to know what the ongoing costs would be. We will need a revised enhancement request and a projection from the Division of ongoing costs.

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MR. STAGLIANO:

The Subcommittee needs a revised fiscal note and, if the Division addresses the Statewide population much like Ms. Firpo is doing, wants the fiscal impact. Is that correct?

CHAIR CEGAVSKE:

The Food Bank should provide the revised fiscal note because it is their request. The Division should provide the projected ongoing costs for the second year.

MS. FIRPO:

The Food Bank wants to create "trusted partners" so many people, like the Food Bank, can perform the functions I do. Head Start said they could become a "trusted partner," if trained to perform the functions, because their clients are eligible for food stamps. We are trying to reduce the impact on the Welfare Division and take the time-consuming duties out of their realm.

CHAIR CEGAVSKE:

Is there a bill draft request?

MS. BERKLEY:

No, there is not which is why we are requesting this enhancement.

CHERIE JAMASON (President and CEO, Food Bank of Northern Nevada):

I have been with the Food Bank 19 years. Over the past 25 years, the Food Bank has distributed 50 million pounds of food to people needing emergency food aid. We have not approached ending hunger in Nevada. We looked for ways to intervene so people do not have to come to food pantries and request emergency food aid. The best answer is the USDA's Food and Nutrition Program which we know as food stamps. Of the people we serve, 80 percent are eligible for food stamps; only 30 percent are using the benefit. If they had access to food stamps, many would not stand in line at emergency food pantries; for many families, this occurs more than twice a month because they do not earn enough to make ends meet. We began food stamp outreach with a USDA grant which funds Ms. Firpo's position for two years. The USDA also has a food stamp outreach matching grant. The USDA is interested in increasing participation in the food stamp program in Nevada. We have found partners in the community. We have been working with the Welfare Division to develop this "trusted partner" concept. Grocery stores will be partners in the community. All food stamp money funnels through grocery stores. We are generating contracts with the five major grocery stores to use their advertising for food stamp awareness. There is over \$1 million available in matching funds through the grocery store opportunity. The Food Bank feels it will be able to provide this program at no cost to the State using our resources and the resources of the USDA.

CHAIR CEGAVSKE:

Does the federal government need to approve this program?

MS. JAMASON:

We have all the matching money needed.

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CHAIR CEGAVSKE:

You said no General Funds are needed.

MS. JAMASON:

We do not need General Funds for what we are doing. This opportunity enables Nevada to gather additional federal funds to feed people who are hungry in this community so they can be healthier, work harder and make more money.

CHAIR CEGAVSKE:

Because of the partnership with the retailers and the federal grant funds, do you anticipate a request for General Funds?

MS. JAMASON:

For the Food Bank's budget, the answer is no. To spread the program so it is effectively utilized in southern Nevada, the rural communities and Reno, having a training office at the Welfare Division would make a lot of sense. We would learn how to do the job right. The federal government will match 50 percent of the cost.

CHAIR CEGAVSKE:

Does the federal government match have restrictions on how the funds are used? Can the funds be used for salary?

MS. JAMASON:

There are no restrictions; the funds can be used for salaries.

CHAIR CEGAVSKE:

The remaining 50 percent of the salary cost would come from the partnerships with the retailers?

MS. JAMASON:

No, the other half must come from the Welfare Division.

CHAIR CEGAVSKE:

The other half must be paid with State funds?

MS. JAMASON:

That is the federal requirement.

MS. BERKLEY:

Ms. Firpo and four other outreach workers are paid with federal funds. The State is receiving five outreach workers. The Food Bank wants to increase that participation with additional federal dollars. The grocery stores provide the food stamp advertising. With the training, other nonprofit organizations can provide outreach.

TRACEY A. WOODS (Retail Association of Nevada):

We are the private portion of this nonprofit/public/private effort. We appreciate the Food Bank bringing this project to us. Our members are willing to participate with public service advertising. It is a good program.

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JAN GILBERT (Nevada Progressive Leadership Alliance):

When DRA passed, we met multiple times with the Welfare Division. The requested advisor was part of the group decision. There is a great need for one-on-one assistance for harder to serve people. The countable activities are fewer: school, drug and alcohol treatments do not count. We support the Division's request for 40 positions.

I am a member of the Low Income Energy Advisory Committee. We support the six full-time workers as opposed to contract workers. The turnover is tremendous, which is part of the reason we cannot get the universal energy assistance to the client.

The \$348 a month maximum for a family of three has not increased since 1991. Look at some of the surplus and use it to help families with a grant increase. We did see the surplus disappear after September 11, 2001. We have fewer clients on welfare now. We could make a difference in people's lives with \$50 a month.

Ms. BUCKLEY:

Recognizing that so many of the people on welfare are the hardest to serve and are combating many social issues, do you think 40 caseworkers will make a difference? Should we combine this effort with other things, for instance, using some of the reserves for incentives? Can the well-meaning person combat poverty, previous abuse and the many issues one confronts with this welfare population?

Ms. GILBERT:

We have battled with this issue during our meetings. There are things we know the advisors will not be able to do. The system is not perfect. The DRA is a disaster. All states will fail. The Welfare Division has assured us the advisors will be people with experience; not the beginner eligibility worker.

JON L. SASSER (Nevada Legal Services and Washoe Legal Services):

As a member of the Low Income Energy Advisory Committee, I recommend the conversion of positions from contract to permanent. Most of these positions are in Las Vegas.

With respect to the TANF, the \$348 grant level should be increased. The reserve level is increasing and estimated to be \$26 million in FY 2006-2007 and \$28 million in FY 2007-2008 ([Exhibit E](#)). We have a caseload which is flat or decreasing for the last two years. The day the new requirements become effective, the caseload is projected to fall from 21,227 to 15,295; a drop of 6,000 in one month. That anticipates the number of people who will fail under the new program. Caseloads are decreasing; the reserve is increasing. This is a good opportunity to increase the grant level. Another option, which is less expensive and does not help everyone, would be to reinstate the child support pass-through. The DRA restored the eligibility of federal matching funds for child support pass-through.

The Division has made the choice to pay nothing to those who do not work the 30-hour average per month. This is not a federal requirement. Since the client is not a cash recipient, the client does not count in the WP rate. Is that really fair?

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Thirty-eight percent of the caseload is hard to serve. That is the same percentage as the drop in caseload projection.

CHAIR LESLIE:

Mr. Sasser, will you please provide the Subcommittee with your written comments?

MR. SASSER:

Yes, I will.

SENATOR TITUS:

If the 30 hours is not a federal requirement, I would like to know what the Division's alternatives are to meet the new federal requirements.

MS. FORD:

The federal requirement for the WP rate is 50 percent of the caseload must have an average of 30 hours countable activities each week. Our proposal is not that everyone must meet the 30 hours. They must meet their personal responsibility plan. We are building an override capability into the system. If someone meets 29.5 hours, we can issue a check. In this way, we can manage the WP rate and know where we are at any point in time to know if we will meet the 50 percent. We need to meet the 50-percent point, not 100 percent. We have some flexibility.

SENATOR TITUS:

Earlier, Ms. Ford stated if a client worked 29.5 hours, the client would receive nothing.

MS. FORD:

If the client works 29.5 hours, the client counts for zero in the WP rate. We may still issue a cash grant if the person is meeting their personal responsibility plan and is progressing toward meeting the 30 hours. If a person begins in the middle of a month, there will not be a 30-hour average for every week of that month. If the client is progressing, they will receive a benefit. The Division is not saying a client must meet the 30-hour average or receive nothing. The goal is 50 percent, not 100 percent.

SENATOR TITUS:

When you said "zero" you meant counts as zero not receives zero. What is your reaction to the testimony we have just heard?

MS. FORD:

Mr. Sasser forgot to mention the override capability.

MR. SASSER:

My understanding of the "pay-for-performance" policy is you have to work in order to get paid. Yes, there will be a hardship exemption or an override capability. The Division will have flexibility, but the general policy is to pay for performance.

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Ms. FORD:

The personal responsibility plan is tailored to the individual. The plan may not require 30 hours. As long as the client is meeting the plan, they will receive a check. We must be personal with our clients; not everyone has the same problems or needs. That is why we need the advisors; to provide individualized assessment and attention.

ASSEMBLYWOMAN BUCKLEY:

I would like more information. If the Division has the capability of overriding a number of cases, how will the determination be made objectively? Will the Division's procedures be clear? Is it the intent of the Division to take full opportunity of its override ability?

CHAIR CEGAVSKE:

Do you have policies and procedures in place for the override?

Ms. FORD:

We will provide that information.

CHAIR LESLIE:

There being no further comments or testimony, this meeting is adjourned at 10:57 a.m.

RESPECTFULLY SUBMITTED:

Sandra K. Small,
Committee Secretary

APPROVED BY:

Senator Barbara K. Cegavske, Chair

DATE: _____

Assemblywoman Sheila Leslie, Chair

DATE: _____