

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

**Seventy-Third Session
June 4, 2005**

The Committee on Ways and Means was called to order at 9:14 a.m. on Saturday, June 4, 2005. Chairman Morse Arberry Jr. presided in Room 3137 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Morse Arberry Jr., Chairman
Ms. Chris Giunchigliani, Vice Chairwoman
Mr. Mo Denis
Mrs. Heidi S. Gansert
Mr. Lynn Hettrick
Mr. Joseph M. Hogan
Mrs. Ellen Koivisto
Ms. Sheila Leslie
Mr. John Marvel
Ms. Kathy McClain
Mr. Richard Perkins
Mr. Bob Seale
Mrs. Debbie Smith
Ms. Valerie Weber

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

John Carpenter, Assembly District 33

STAFF MEMBERS PRESENT:

Mark Stevens, Assembly Fiscal Analyst
Carol Thomsen, Committee Attaché
Connie Davis, Committee Attaché

Chairman Arberry called the meeting to order and opened the hearing on A.B. 275. The Chair recognized Mr. Carpenter.

Assembly Bill 275 (1st Reprint): Revises certain provisions relating to State Public Works Board and relating to construction or renovation of public school buildings. (BDR 28-614)

John Carpenter, Assembly District 33, stated that he would offer testimony in support of A.B. 275. Per Assemblyman Carpenter, Section 5, subsection (2) of the bill represented an important step for counties and cities that contained building departments with employees knowledgeable in the construction business. Local governmental entities believed that if they were not required to

involve the Public Works Board (PWB) in school district building projects that had been 100 percent financed via local funds, they could save time and money, and actually keep their projects moving more smoothly and more quickly.

Mr. Carpenter explained that counties and cities hired competent architects and engineers and, if local building departments were unable to review the plans, those plans could then be sent out for review. Local building departments could maintain pressure on those persons reviewing the plans to return them as soon as possible. Time was money, said Mr. Carpenter, and it was important to go out to bid as quickly as possible for most building projects. Nevada's citizens would not stand for shoddy workmanship or cutting corners regarding school building projects, therefore, local building departments would follow all building codes and comply with the prevailing wage on each project.

Chairman Arberry stated that he realized A.B. 275 would be beneficial for the school districts and local building departments, but he wondered what downfalls might come about should the legislation actually pass. Mr. Carpenter did not believe there would be downfalls because if local building departments did not contain construction-oriented knowledgeable people, the school districts could contract with the PWB as was currently being done. Areas that contained building departments with construction-oriented knowledgeable employees would not be required to "jump through the hoops" with the PWB. Mr. Carpenter emphasized that A.B. 275 would be very beneficial for the school districts and local building departments.

Chairman Arberry said if he was reading the bill correctly, it would remove the PWB from the process regarding review of plans, designs, and specifications required before a building project could be undertaken by a school district. Mr. Carpenter stated that was correct, the bill would remove the PWB from the process in areas that contained building departments with qualified personnel.

Mr. Carpenter noted that there was a proposed amendment to the bill, which would allow smaller counties that did not have a building department to contract with the PWB to handle school district projects.

Assemblyman Denis asked whether the bill would change the makeup of the PWB membership. Chairman Arberry noted that language included in Section 1 of the bill would change the makeup of the PWB, and he wondered what the makeup of the board had in common with school district construction projects. Chairman Arberry asked whether the Governor, the Lieutenant Governor, and the State Treasurer should be made members of the PWB.

Mr. Carpenter explained that the makeup of the PWB had been added as an amendment to A.B. 275 by the Assembly Committee on Government Affairs. Chairman Arberry asked whether Mr. Carpenter would oppose removal of that language. Mr. Carpenter stated he would not be opposed. Chairman Arberry indicated that the Committee would not agree with adding the Governor, the Lieutenant Governor, and the State Treasurer to the PWB, as it would create an unnecessary added workload.

Daniel O'Brien, Manager, State Public Works Board (PWB), indicated he would testify in support of A.B. 275, which would eliminate the involvement of the PWB in school district plan reviews. The bill would remove the PWB and would also remove the State Fire Marshal from conducting the non-structural life safety inspections. Mr. O'Brien believed the reason the bill was under consideration by the Committee was because of the financial impact on the

State Fire Marshal's Office. According to Mr. O'Brien, the shortfall created by that action had been resolved by the Department of Administration.

Currently, said Mr. O'Brien, the PWB performed plan review only and did not inspect schools. The bill would bring that function to the local level, which Mr. O'Brien believed was a much better way to handle the situation. Most counties did contain building departments that were qualified to conduct plan review. The bill also added inspection as a responsibility of the local building department and Mr. O'Brien explained that there was no current requirement for third-party inspection.

Also, said Mr. O'Brien, the bill would allow school districts in counties with over 400,000 in population to create their own building departments, which would include Washoe and Clark Counties. Mr. O'Brien stated he had spoken to representatives from the Washoe County School District, who had stated they had no intention of creating their own building department, and would continue to utilize the local building departments in Reno and Sparks. The Washoe County School District utilized both the PWB and the local building departments, which doubled the cost. Clark County School District did contain a building department and a representative from that school district would present testimony to the Committee. Mr. O'Brien said the Clark County School District inspected all its projects and had a separate entity for plan review.

Regarding the makeup of the PWB, Mr. O'Brien indicated that the amendment had been supported by the Governor's Office. The Governor believed that he did have sufficient time to devote to the PWB to oversee the projects. Mr. O'Brien reported that at any given time, the PWB would have approximately \$600 million in projects under construction. The Governor believed it would be much better to have constitutional officers involved in that process. Mr. O'Brien explained that the current composition of the PWB included 7 individuals, the Director of the Department of Administration, and 6 appointees, who were appointed by the Governor. The proposed PWB would include 5 members with 2 members appointed by the Governor. Mr. O'Brien believed that it would be in the best interest of the State to approve that proposal, as it would allow the Governor additional input into the workings of the PWB.

Mr. O'Brien mentioned that there had been some concern regarding the smaller counties and he referenced [Exhibit B](#), "Proposed Amendment to Assembly Bill No. 275, June 1, 2005," which outlined the conditions for school districts within counties where the population was under 30,000 to utilize the PWB. It would also give the PWB the authority, provided there was a bona fide county building department, to allow the school district to utilize the local building department for plan review and inspection. Mr. O'Brien said an example would be Churchill County, where the population was under 30,000, but the county did have a bona fide building department.

Assemblywoman Smith asked about the accountability or checks and balances in the school district scenario when they used their own building department. Rose McKinney-James, representing the Clark County School District, stated that the same issue had been discussed at length during a recent meeting of the Senate Committee on Finance and she would attempt to explain the distinction.

Ms. McKinney-James commented that the Clark County School District functioned just like any other public entity when it came to buildings. There was a competitive process in place that allowed the district to select a general contractor and that contractor then had the responsibility for the oversight of the building project. Ms. McKinney-James reported that the district's inspectors

functioned similar to those of a local government and would check the work performed by the contractor. That was the check and balance that the district was looking for; she noted that the district did not build the buildings, but simply contracted for the construction of the buildings and provided well-trained and qualified inspectors to inspect the work performed as a result of the contractual arrangement.

Mrs. Smith asked for clarification regarding the permitting process. Ms. McKinney-James indicated that the school district followed the same codes and requirements as all other local entities. The district had the responsibility for inspection and decisions regarding both the temporary and permanent certificate of occupancy. Ms. McKinney-James emphasized that the school district currently functioned as a building department, as it had for the past 20 years. She explained that there were no requirements, other than what was being addressed through the proposed amendment as depicted by [Exhibit B](#), which would put the school district in the "loop" with any other entity.

Chairman Arberry asked for clarification regarding the fiscal note pertaining to the State Fire Marshal. Mr. O'Brien explained that there would be an impact on the State Fire Marshal based on the removal of the Clark County School District from the plan review process. That issue had been addressed by the Senate Committee on Finance and it had been determined by the Department of Administration to include an appropriation, as stipulated in S.B. 274, the amount of \$163,198 for FY2005-06 and \$200,233 for FY2006-07. Mr. O'Brien reported that those amounts, coupled with reduction of staff based on lesser duties, would make the State Fire Marshal whole. The bill would become effective October 1, 2005, which would provide adequate time for the layoffs within the State Fire Marshal's Office.

Chairman Arberry asked about the status of S.B. 274, and Mr. O'Brien reported that the bill had been passed by the Senate and sent to the Assembly for review.

Ms. McKinney-James commented that the Clark County School District wanted to eliminate a duplication of effort that had been in place for quite a period of time. The plan check performed by the PWB was simply a pass-through service and was the same as the check performed by the school district. Ms. McKinney-James reported that the same situation arose with design checks, and the relationship with the State Fire Marshal's Office was also a duplication of the efforts undertaken by local fire departments. The duplication cost the school district double in fees and, while it recognized that its contribution to the State Fire Marshal was a substantial portion of that agency's budget, the school district believed that for efficiency and savings, it would take advantage of the opportunity to codify itself as an independent building department. Ms. McKinney-James stated that the Clark County School District projected that there would be a substantial savings associated with passage of the bill, and it had qualified individuals on staff who had been performing the services for up to 20 years. The school district believed the bill was an appropriate venue to move its building activities forward. Ms. McKinney-James wanted to ensure that the Committee understood the basis for the request.

Assemblyman Seale asked how often it occurred that a school district had its own building department, which would be separate from the county. Ms. McKinney-James stated that she did not know the answer to that question. Mr. O'Brien said that he did not know either, but believed it would be similar to what occurred with the State and other local jurisdictions. The PWB actually wore "two hats" as project managers and building officials for its projects.

Mr. O'Brien advised that he had been working on separation of those functions in order to alleviate the conflicts. Other cities and counties encountered the same type of situation, such as new building projects that utilized local building departments for review, as well as the local engineering department that acted as project management.

Mr. Seale remarked that Clark County had a well-defined building department that included inspectors, and he wondered whether it would make sense to have the county conduct inspections rather than the school district; he noted that the school district was not in the business of building buildings, but rather was in the business of educating children.

Ms. McKinney-James replied that the Clark County School District had been forced to address phenomenal growth over the past two decades and it did, in fact, have a building department with all the same structures as that of the county. As a point of fact, said Ms. McKinney-James, in discussion with representatives from Clark County, it was pointed out that in order to accept responsibility for the duties performed by the school district, the county would simply have to hire the school district's inspectors. That spoke to the expertise of the district's inspectors and Ms. McKinney-James pointed out that the district had been building both basic facilities and schools. The Clark County School District had a facilities division with the primary responsibility of building, and the district believed it did a very good job. The district simply wanted to codify what it had been doing for the past 20 years.

Anne Loring, representing the Washoe County School District, advised the Committee that the Washoe County School District also stood in support of A.B. 275. She stated she would echo the previous testimony presented by Mr. O'Brien. The Washoe County School District would be covered under Section 14 of the bill, and was also paying fees for double inspections. Ms. Loring believed the bill would have a positive fiscal impact on the Washoe County School District and she urged the Committee's support of the bill.

Chairman Arberry asked whether there was additional testimony to come before the Committee regarding A.B. 275 and, there being none, the Chair declared the hearing closed. Chairman Arberry opened the hearing on S.B. 100.

Senate Bill 100: Makes appropriation to Supreme Court of Nevada for remodeling costs. (BDR S-1217)

Kathleen Harrington, Law Librarian, Supreme Court Law Library, explained that S.B. 100 contained the supplemental appropriation for the Law Library to remodel two small study rooms into a multipurpose public conference room. Ms. Harrington stated that within an 8-month period the Law Library had been forced to turn down 169 requests to use the current conference room because of overlapping bookings. The majority of the requests had been from judges who were involved in the Nevada Supreme Court Settlement Conference Program. Additionally, said Ms. Harrington, private attorneys held arbitration and mediation conferences in the current conference room and it was used by various State agencies, including State Personnel for personnel hearings and the Department of Motor Vehicles (DMV). Presently, stated Ms. Harrington, the two small study rooms were rarely used since other study rooms were available for attorneys, et cetera.

According to Ms. Harrington, the costs were based on two bids from private contractors, which did include furnishings. The Court had attempted to secure a third bid, however, the contractor had failed to respond.

Assemblyman Denis noted that, basically, the Court would combine the two small rooms into a larger conference room. Ms. Harrington stated that was correct.

The Chair asked if there was further testimony regarding S.B. 100 and, there being none, declared the hearing closed. Chairman Arberry opened the hearing on S.B. 103.

Senate Bill 103: Makes appropriation to Department of Cultural Affairs for development, renovation and expansion of Southern Nevada Railroad Museum. (BDR S-1220)

Scott Sisco, Interim Director, Department of Cultural Affairs, introduced himself to the Committee and stated he would testify on behalf of S.B. 103. The bill requested a one-shot appropriation, which was included in The Executive Budget, and the purpose of the appropriation was for developmental items within the Boulder City Railroad Museum. Mr. Sisco referenced Exhibit C, which included a brochure entitled "Historic Train Rides Aboard the Nevada Southern Railway," along with a detailed explanation of the four items that would be funded via the one-shot appropriation. Those items were:

1. \$10,000 upgrade to an air brake system on Locomotive No. 1000, which was one of the two primary locomotives used by the Museum.
2. \$69,140 "Wye" track reconstruction, which allowed locomotives and other railroad equipment to be turned around.
3. \$30,000 backhoe, which would be used to maintain approximately 40 acres of State property, as well as maintenance of the 50 feet of right-of-way along the approximately four miles of track. That was crucial because of the fire danger.
4. \$750,000 display track and covered canopies, which would allow the Museum to display additional pieces of the collection along an additional track that would be installed.

Mr. Sisco explained that the Museum owned approximately 50 pieces in its collection and used 12 to 15 pieces for display, while the remaining pieces simply sat out in the yard and deteriorated. He noted that the appropriation for covered canopies would allow the Museum to display additional pieces.

With no further testimony to come before the Committee regarding S.B. 103, the Chair declared the hearing closed. Chairman Arberry opened the hearing on S.B. 165.

Senate Bill 165 (2nd Reprint): Specifies permissible uses by State Department of Agriculture of certain fees and other money. (BDR 50-1136)

Peter Krueger, representing Nevada Petroleum Marketers and Convenience Store Association, said that he believed the bill would provide protection for consumer interests. Mr. Krueger indicated that everyone was aware of the high prices for gasoline, and S.B. 165 dealt with the ability of the Department of Agriculture, Division of Measurement Standards, to inspect the meters and pumps of members of the Nevada Petroleum Marketers and Convenience Store Association. He pointed out that the fee had been paid by the industry for years and, in years past, the entire allocation of 55 mils had been retained by

the Department of Agriculture. According to Mr. Kruger, several years ago the Legislature had split the fee to allow a portion to be allocated to the General Fund, which would then be allocated back to the Department of Agriculture to perform its inspection duties.

Mr. Krueger said S.B. 165 would simply allow the full fee of 55 mils, as paid by the industry and collected by the Department of Agriculture, to help fund the inspection of meters. Mr. Krueger emphasized that it was a crucial bill for the industry and he asked for the Committee's support.

Don Henderson, Director, Department of Agriculture, advised that S.B. 165 was an industry bill and one that dealt with the fee already paid by the industry. He referenced [Exhibit D](#), which provided a summary and background information. Mr. Henderson advised the Committee that Governor Guinn would not oppose adoption of S.B. 165, which he viewed as an industry fee. The Governor had actually requested that the industry bring the legislation forward rather than addressing the issue within The Executive Budget.

Chairman Arberry asked why it had not been included in The Executive Budget since the Governor was supportive. Mr. Henderson stated it was his understanding that the Governor had been very firm regarding new fees, increases, et cetera, and, although the bill was revenue-neutral, the Governor's preference was that it was industry money that supported a government agency and the industry should bring the bill forward to the Legislature. Mr. Henderson advised that there was a representative from the Governor's Office present at the hearing should the Committee require further information.

Mr. Henderson emphasized that the bill was revenue-neutral and there would be no fee increase involved. The context of S.B. 165 represented a very simple policy question, which was where to put the revenues generated from the imported fuel inspection fee. The revenue had to be placed either in the General Fund, which was the current practice, where it had historically been used to balance the budget for the Division of Measurement Standards against other industry fees collected by the Division. Mr. Henderson noted that [Exhibit D](#) contained the historic breakout regarding the revenue. Typically, approximately \$300,000 of the revenue was used by the General Fund and not reverted back to the agency.

Mr. Henderson said that because State budget years had been tight, the Division of Measurement Standards had not realized a substantial enhancement over the previous two biennia. Mr. Henderson stated that the Governor saw fit to include numerous enhancements in The Executive Budget to bring the equipment inventory back up-to-speed within the Division.

Regarding the mechanics of the bill, Mr. Henderson noted that Section 1 simply established a separate, non-reverting account that would be used exclusively to fund the functions and responsibilities held by the Division of Measurement Standards, which was comprised of two bureaus: 1) Bureau of Petroleum Technology; and 2) Bureau of Weights and Measures.

Mr. Henderson explained that Section 2 of the bill represented minor housekeeping issues relative to establishment of the fund. In the not too distant past, the Division of Measurement Standards had functioned as a bureau under the Division of Plant Industry. Mr. Henderson indicated that the revisions offered by the bill were offered simply to ensure that the funding generated through the imported fuel inspection fee was held in the new account

established by Section 1 of the bill, rather than the numerous existing accounts used to fund the activities of the Division of Plant Industry.

Section 3, stated Mr. Henderson, directed the revenues generated from the imported fuel inspection fee to be deposited into a non-reverting account established by Section 1. Section 3 also contained an amendment that was adopted by the Senate Committee on Natural Resources to make certain that the administrative costs incurred by the DMV in the billing and collection of the fee were reimbursed to that agency.

Mr. Henderson stated that Section 5 of the bill had also been amended by the Senate Committee on Finance to change the effective date of the bill from July 1, 2005, to July 1, 2007. As such, passage of S.B. 165 would have no fiscal effect on the upcoming biennium budget, which had been successfully closed.

According to Mr. Henderson, if passed, the advantages of the bill to the Division of Measurement Standards would be numerous. The funding stream associated with the bill would remove the reliance of the Division on the General Fund beginning in the 2007-09 biennium. Mr. Henderson said the Division of Measurement Standards would become a fee-funded State agency with the ability to establish a reserve for the purpose of handling future industry and commercial growth, along with scheduled replacement and upgrade of equipment.

With the Division being heavily dependent upon equipment, devices, and vehicles, or having a very large capital equipment outlay, Mr. Henderson indicated that the ability to establish and manage a budget reserve would become critical for the efficient operation and function of the Division.

Mr. Henderson noted that [Exhibit D](#) contained two tables, one that depicted the current status of the Division and how passage of S.B. 165 would affect the various funding streams to the Division, and the second, which was simply a projection of what the budget would be for the Division for the upcoming biennium after passage of the bill. Mr. Henderson reported that the bill would not represent "windfall" revenues for the Division and funding would be tight, but it was believed that it would be worth the effort.

Assemblyman Marvel asked whether the Department had other Divisions that were solely funded by fees. Mr. Henderson said the Division of Animal Identification was funded by fees and S.B. 165 would make the Division of Measurement Standards a fee-funded division.

Mr. Marvel asked whether the delayed date would prove problematic and Mr. Krueger replied that he had no problem with the delay. He added that the industry wanted the consumer protection and the time would allow the Division to secure the necessary equipment.

Assemblyman Denis referenced [Exhibit D](#) and noted that there would be no General Fund dollars, but the revenue from fees would continue. Mr. Henderson noted that the figures represented device fees, which was a licensure charge for the testing of pumps. Mr. Denis indicated there would also be the \$56,000 petroleum inspection fees, which would remain the same, however, he questioned the remaining petroleum inspection fee that would increase under S.B. 165. Mr. Henderson said that was the fee which was addressed by the bill that historically had been placed in the General Fund. Mr. Denis said rather than the money being placed into the General Fund and then allocated back to the

Division, the money would go directly to the Division, which would provide an increase from the FY2006 amount. Mr. Henderson stated that was correct, and the increase would help establish a reserve for operation and replacement of equipment.

Chairman Arberry closed the hearing on S.B. 165 and opened the hearing on S.B. 520.

Senate Bill 520: Creates State Printing Office within Legislative Counsel Bureau. (BDR 17-1455)

Lorne Malkiewich, Director, Legislative Counsel Bureau (LCB), introduced himself to the Committee and stated he would provide information regarding S.B. 520. According to Mr. Malkiewich, at the end of the 2003 Session, the Legislature had been very concerned that the State Printing Office might not continue, and that office was very important to the function of the Legislature. The Legislature had been asked how it would affect operations should the State Printing Office close, and at that time it was determined that something should be done. At the end of the 2003 Session, said Mr. Malkiewich, it was proposed that the State Printing Office be moved under the auspices of the LCB. Since it was late in session, a shotgun clause had been added to the General Authorizations Act which simply transferred the State Printing Office to the LCB effective July 1, 2003, and giving the Director broad powers.

Mr. Malkiewich advised that the situation had worked out very well and he introduced Kevin Honkomp, State Printer, to the Committee. Part of the legislation passed by the 2003 Legislature had removed the stipulation that State agencies were required to use the State Printing Office, and since that time, the office had been competing for State printing work. Mr. Malkiewich said that the Printing Office had initially suffered a loss of work, but since that time, it had won many jobs back. The Printing Office had been doing a very good job, thanks in part to the work of Mr. Honkomp.

Mr. Malkiewich explained that by moving the Printing Office into the LCB, costs had been kept down. S.B. 520 would simply make the required changes in the *Nevada Revised Statutes* (NRS) to make the change official. It would move the Printing Office out of the Department of Administration into the LCB and would continue to call it the State Printing Office, it would create the position of State Printer, and would codify the one change regarding State agencies being free to use other entities for printing needs. In an effort to broaden the market for the State Printing Office, explained Mr. Malkiewich, the bill made one substantive change, which was to allow the Printing Office to also accept local and federal government business. The office would remain competitive and that would be one way to keep the office viable.

Mr. Malkiewich stated that the benefit of keeping the Printing Office viable would be recognized during session when bills and reprints were ready the next day to be added to bill books. He emphasized that was a very important function for the Legislature, and the Printing Office also printed the NRS and the Supreme Court reports. That substantive change would allow the Printing Office to continue as a viable entity, entirely supported by the money it received from sales.

Assemblyman Marvel complimented the State Printing Office for the many years of extreme efficiency during legislative sessions. Mr. Malkiewich thanked Mr. Marvel for his compliment and noted that there were some very good employees working at the Printing Office who had done remarkable work for

years. It was a very experienced staff and Mr. Honkomp was working on modernizing the operation. Mr. Malkiewich indicated that the employees were aware that the goal of the LCB was for the Printing Office to succeed rather than phasing out the office.

Assemblyman Denis asked whether the Printing Office had to hire additional employees during legislative sessions. Mr. Malkiewich replied that the Printing Office did add staff during session, and one of the reasons the LCB was attempting to expand the work over the interim by allowing the State Printing Office to bid for local and federal government print jobs was to try and maintain an even staff level. That alleviated the need to add staff and provide training during session. Mr. Malkiewich explained that the State Printing Office worked year around, but during the interim it would bid on more printing jobs for State agencies.

Mr. Denis said his concern was that if the State Printing Office was not successful in securing jobs during the interim, there would be employees who had nothing to do. Mr. Malkiewich stated that since the Printing Office was entirely supported by sales, it had to secure enough jobs to pay the bills or employees would be laid off. He noted that LCB did not want to take that action and during the transition there had been no downsizing except through attrition.

Assemblyman Hettrick stated that the Legislature had made a good decision in moving the State Printing Office under the auspices of the LCB. He complimented both Mr. Honkomp and the LCB for putting the Printing Office on a footing where it had to pay its own way. Mr. Hettrick believed that competing for business and offering competitive prices was beneficial to the State.

Chairman Arberry closed the hearing on S.B. 520 and declared the Committee in recess. Chairman Arberry adjourned the meeting of June 3, 2005.

Chairman Arberry called the meeting back to order at 12:44 p.m., and advised that the Committee would consider bills for possible action. The Chair opened the hearing on S.B. 100, and reminded the Committee that it had heard testimony regarding the bill during the earlier meeting.

Senate Bill 100: Makes appropriation to Supreme Court of Nevada for remodeling costs. (BDR S-1217)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, LCB, explained that S.B. 100 was the remodel of the Supreme Court Law Library, and \$20,000 was included in The Executive Budget.

ASSEMBLYMAN MARVEL MOVED TO DO PASS S.B. 100.

ASSEMBLYMAN HETTRICK SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani, Assemblyman Seale, and Speaker Perkins were not present for the vote.)

The Chair opened the hearing on S.B. 101.

**Senate Bill 101: Makes appropriation to Legislative Counsel Bureau.
(BDR S-1218)**

Mr. Stevens explained that S.B. 101 was a one-shot appropriation to the LCB for a number of items for the upcoming biennium and the amount was included in The Executive Budget.

ASSEMBLYMAN HETTRICK MOVED TO DO PASS S.B. 101.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani, Assemblyman Seale, and Speaker Perkins were not present for the vote.)

The Chair opened the hearing on S.B. 103.

Senate Bill 103: Makes appropriation to Department of Cultural Affairs for development, renovation and expansion of Southern Nevada Railroad Museum. (BDR S-1220)

Mr. Stevens explained that the Committee had heard testimony regarding S.B. 103 during the earlier meeting and it was a one-shot appropriation that was included in The Executive Budget.

ASSEMBLYMAN DENIS MOVED TO DO PASS S.B. 103.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Giunchigliani and Assemblyman Seale were not present for the vote.)

The Chair opened the hearing on S.B. 304.

Senate Bill 304 (2nd Reprint): Authorizes Attorney General to issue identity theft passports to victims of identity theft. (BDR 15-940)

Mr. Stevens stated that the bill had been heard earlier by the Committee and it involved issuing identity theft passports to victims of identity theft. The bill did contain a General Fund appropriation that was not included in The Executive Budget in the amount of \$24,000 in the first year of the biennium and \$11,000 the second year.

ASSEMBLYMAN MARVEL MOVED TO DO PASS S.B. 304.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Speaker Perkins and Assemblyman Seale were not present for the vote.)

The Chair opened the hearing on S.B. 390.

Senate Bill 390 (2nd Reprint): Makes various changes regarding applicability and administration of certain taxes on transfers of real property. (BDR 32-760)

Mr. Stevens explained that S.B. 390 had been heard by the Committee on June 3, 2005, when there had been discussion regarding a possible amendment. County recorders had recommended an amendment to Section 8, which would change the effective date to January 1, 2006, rather than July 1, 2005.

ASSEMBLYMAN MARVEL MOVED TO AMEND AND DO PASS
S.B. 390.

ASSEMBLYMAN SEALE SECONDED THE MOTION.

THE MOTION CARRIED. (Speaker Perkins and Assemblywoman Giunchigliani were not present for the vote.)

* * * * *

The Chair opened the hearing on S.B. 520.

Senate Bill 520: Creates State Printing Office within Legislative Counsel Bureau. (BDR 17-1455)

Mr. Stevens stated the bill had been heard by the Committee during the morning meeting and it involved the State Printing Office.

ASSEMBLYWOMAN LESLIE MOVED TO DO PASS S.B. 520.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION CARRIED. (Speaker Perkins was not present for the vote.)

* * * * *

The Chair opened the hearing on A. B. 176.

Assembly Bill 176 (1st Reprint): Requires portion of money in Fund for Healthy Nevada to be used to provide dental benefits to certain senior citizens. (BDR 40-347)

Assemblywoman McClain explained that A.B. 176 required an amendment that would change the language in Section 2(d) to read, "Reserve *not less than \$200,000, but* not more than 30 percent *unless required to reserve the minimum of \$200,000* of all revenues..., " and eliminating "...minus \$500,000...."

Mr. Stevens indicated that funding for the Independent Living program would require an amendment to A.B. 176 that would also amend A.B. 248, which had already passed, and which provided \$50,000 from the tobacco settlement revenues for assisted living. Ms. McClain asked whether the Committee could

amend a bill that had already been passed, and Mr. Stevens replied in the affirmative.

Ms. McClain asked whether changing the amount to not less than \$150,000 would clarify the action.

Assemblywoman Leslie advised that she had been working with LCB staff on the amendment. She stated that action by the Subcommittee saved approximately \$300,000 per year in tobacco settlement funding, which had been replaced by General Fund dollars. Ms. Leslie said \$150,000 of the tobacco settlement funds would be used to fund A.B. 176 and the remaining \$150,000 would be added to A.B. 248. The reason the amount in the amendment read \$200,000 was that A.B. 248 had contained a \$50,000 appropriation.

ASSEMBLYWOMAN LESLIE MOVED TO AMEND AND DO PASS
A.B. 176.

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED. (Speaker Perkins was not present for the vote.)

The Chair opened the hearing on S.B. 306.

Senate Bill 306 (3rd Reprint): Authorizes pledge of certain sales and use tax proceeds and state funding for certain projects for promotion of economic development and tourism. (BDR 21-1286)

Mr. Stevens stated that S.B. 306 would allow tourism improvement districts to be established by local entities, and would defer sales tax from retail sales in those districts that would be utilized for bond sales.

Assemblywoman Giunchigliani indicated that she had worked extensively with Assemblywoman Smith and the sponsors of the legislation, and she explained the changes addressed by the proposed amendment ([Exhibit E](#)).

ASSEMBLYWOMAN GIUNCHIGLIANI MOVED TO AMEND AND DO
PASS S.B. 306.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED. (Speaker Perkins was not present for the vote.)

The Chair opened the hearing on A.B. 567.

Assembly Bill 567: Creates Account for Repair, Replacement and Renovation of School Buildings and Facilities. (BDR 34-1443)

Assemblywoman Giunchigliani stated that A.B. 567 was the revolving loan account for construction and portable school units, basically for the rural

counties. The amendment to the bill was explained by Ms. Giunchigliani, [Exhibit F](#).

Mr. Stevens pointed out that there was a provision in the bill that 10 percent of any reversion in the Distributive School Account (DSA) would be placed into the account for Repair, Replacement and Renovation of School Buildings and Facilities. During the current fiscal year, Mr. Stevens indicated the amount would have been \$14 million, however, the effective date of the bill would not allow the reversion for the current fiscal year. In the future, 10 percent of any additional monies within the DSA at the end of the biennium would be allocated to the aforementioned account.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
[A.B. 567](#).

ASSEMBLYWOMAN McCLAIN SECONDED THE MOTION.

THE MOTION CARRIED. (Speaker Perkins was not present for the vote.)

* * * * *

The Chair opened the hearing on [S.B. 341](#).

[Senate Bill 341 \(3rd Reprint\):](#) Makes various changes concerning sex offenders and offenders convicted of crimes against children. (BDR 14-678)

Chairman Arberry noted there had been much discussion surrounding [S.B. 341](#), however, it appeared that there would be an amendment forthcoming for the Committee's consideration. The Chair held further action regarding [S.B. 341](#).

* * * * *

Mr. Stevens advised that the Committee should meet again on June 4, 2005, as the Appropriations Act had to be introduced on June 5, 2005. He stated that he and Gary Ghiggeri, Senate Fiscal Analyst, LCB, would review the language of the Act to ensure that members of both the Senate Committee on Finance and the Assembly Committee on Ways and Means were comfortable with the verbiage of the Appropriations Act, which traditionally was not amended. Therefore, if there were concerns by Committee members, staff would need to know that prior to introduction of the Act.

With no further business to come before the Committee, the Chair declared the Committee in recess at the Call of the Chair.

The meeting of June 4, 2005, was declared adjourned by Chairman Arberry during the meeting of June 5, 2006.

RESPECTFULLY SUBMITTED:

Carol Thomsen
Committee Attaché

APPROVED BY:

Assemblyman Morse Arberry Jr., Chairman

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Ways and Means</u>			
Date: <u>June 4, 2005</u>		Time of Meeting: <u>9:00 a.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
AB 275	B	Daniel O’Brien, PWB	Proposed Amendment to AB 275
SB 103	C	Scott Sisco, Cultural Affairs	Explanation of one-shot appropriation and brochure
SB 165	D	Don Henderson, Agriculture	Summary and background information
SB 306	E	Chris Giunchigliani	Amendment to SB 306
AB 567	F	Chris Giunchigliani	Amendment to AB 567