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

Seventy-Fourth Session February 23, 2007

The Committee on Ways and Means was called to order by Chair Morse Arberry Jr. at 8:11 a.m., on Friday, February 23, 2007, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

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

Chairman Arberry asked the Committee to consider introduction of the following Bill Draft Requests (BDR):

 BDR 43-1083—Creates the Justice Assistance Grant Trust Fund in the State Treasury. (Assembly Bill 165)

ASSEMBLYMAN DENIS MOVED FOR COMMITTEE INTRODUCTION OF BDR 43-1083.

ASSEMBLYMAN PARKS SECONDED THE MOTION.

THE MOTION CARRIED.



 BDR 1-662—Makes various changes to provisions governing administrative assessments. (Assembly Bill 166)

ASSEMBLYWOMAN WEBER MOVED FOR COMMITTEE INTRODUCTION OF BDR 1-662.

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION CARRIED.

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Chairman Arberry recognized the Nevada State Office of Energy to hear Budget Account (BA) 101-4868.

Hatice Gecol, Ph.D., Director, Nevada State Office of Energy (NSOE), introduced Neill T. Dimmick, Deputy Director, NSOE, and Suzanne Brunette, Accountant, NSOE.

ELECTED OFFICIALS GOVERNOR'S OFFICE ENERGY CONSERVATION (101-4868) BUDGET PAGE ELECTED-28

Ms. Brunette stated that most of NSOE's funding for operations came from grants. The formula for grant funding for the current year, NSOE's main source of funding, had been reduced by 25 percent. The same amount was expected in Fiscal Year (FY) 2008 but it was not known whether Congress would change the amount. In FY 2005, NSOE was awarded a total of \$394,000 from the formula grant, \$933,000 from the formula grant and other grants in FY 2006, and \$294,000 from the formula grant in FY 2007. Ms. Brunette stated NSOE currently had two vacant positions that were not funded, and the Office was asking for General Fund support [decision unit E251] to fill those positions in FYs 2008 and 2009. Ms. Brunette added that the total recommended amount was \$120,437 in FY 2008 and \$131,504 in FY 2009.

Ms. Brunette stated NSOE was moving the Director's position and its funding from the Governor's Office to NSOE. The move was reflected in decision units E900 and E811. The total recommended amount for both enhancements was \$123,113 in FY 2008 and \$128,841 in FY 2009. Most of the money was being transferred from the Governor's Office. Decision unit E811 was additional funding for the move from a non-classified position to an unclassified position.

Ms. Brunette stated there was an additional amount in the base budget for the Deputy Director position. In FY 2007, NSOE had \$68,889 in general fund support for the Deputy Director position. In FY 2008, the Office was asking for \$118,576, and \$124,685 for FY 2009.

In response to a question from Chairman Arberry, Ms. Brunette stated that NSOE was still trying to obtain additional federal grants, and if received, would offset the General Fund costs.

Chairman Arberry asked how much federal funding would be received and whether a timeline existed for the disbursement. Mr. Dimmick replied that NSOE expected to receive \$294,000 in FY 2007. Mr. Dimmick added that Congress was operating on a continuing resolution, and there would be no additional funding available. For FY 2008, the federal government had filed their budget, and had proposed two-part funding for state energy programs; the base amount was again \$294,000, but there would be additional money

available to be competed for by the states. Mr. Dimmick added that in past years there had been a special projects budget included in the federal government proposal which provided additional funding.

Chairman Arberry questioned why the positions could not be funded by grant funds. Ms. Gecol replied that the positions being transferred from the Governor's account to the Energy Conservation Account had always been supported by the General Fund. The funding for the two positions requested could be used as matching funds to secure more federal grants. Ms. Gecol added that the positions would be dedicated to state duties, and if federally funded, the positions would have to comply with federal requirements. The positions were needed to help comply with chapter 701 of the Nevada Revised Statutes (NRS), and would also help promote renewable energy projects and work to help the renewable energy industry to seek revenue bonds.

In response to a question from Chairman Arberry, Ms. Gecol replied that once federal money was received, it would go directly into grant funds.

Chairman Arberry stated that decision unit M300, which recommended fringe benefit adjustments, and M304, which recommended a two percent cost of living adjustment (COLA) in FY 2008 and a four percent COLA in FY 2009, had not been adjusted from the original budget submittal. Chairman Arberry stated it appeared that fringe adjustments and the recommended COLA were included in the new decision units submitted with the revised budget. Ms. Brunette replied it was her understanding that the Chairman's observation was correct, but she would need to clarify it.

Mark Stevens, Assembly Fiscal Analyst, stated that decision unit M304 in the original budget submittal, total expenditures were \$9,296 in the first year and \$26,123 in the second year. Mr. Stevens said that the numbers had not changed in the revised budget, although there were additional positions being recommended in the budget. Mr. Stevens wanted to know whether there were sufficient funds to cover the two grant analyst positions. Ms. Brunette stated she would provide the information to staff.

Chairman Arberry asked for an update on the roughly \$31,000 that had been appropriated during the 73rd Legislative Session to update the state's Energy Assurance Plan. Mr. Dimmick stated that the Energy Assurance Plan had been updated. Mr. Dimmick said he would provide the Committee additional information.

Assemblyman Denis questioned the initiatives the Governor had outlined in his State of the State Address, in particular, the coal-to-liquids fuel. Ms. Gecol replied that the Governor mentioned \$10 million from the Unclaimed Property Account to promote high-tech, biotech, and renewable energy industries. Ms. Gecol stated that there was no initiative for coal-to-liquids, but the Office would be exploring that subject.

In response to question from Assemblywoman Gansert, Ms. Gecol stated that the Governor had signed an Executive Order on February 16, 2007, to encourage the renewable energy industry in Nevada by addressing the permitting issue. Ms. Gecol added that NSOE would be the informational hub, and the Office would be creating a website related to permitting.

In response to a question from Assemblyman Denis, Ms. Brunette stated the additional funding in the Petroleum Overcharge Rebate Account had not been properly accounted for yet because she had not had the time to submit all of the

work programs. Ms. Brunette explained that her time had been diverted to grant work because of the two empty positions, but that the money existed. Ms. Brunette planned to have all of the work programs completed by March 31, 2007, so they could be processed in time for the end of the fiscal year.

Assemblywoman Weber asked what Ms. Gecol's science background was. Ms. Gecol replied that she had a Bachelor's degree in chemical engineering from Istanbul Technical University, a Masters degree in chemical engineering from the University of Colorado, Boulder, and a Ph.D. from the University of Oklahoma, Norman. Her research had focused upon environmental remediation and renewable energy. Ms. Gecol added that she was also a chemical engineering faculty member at the University of Nevada, Reno.

Chairman Arberry thanked NSOE for their testimony and requested to hear the Western Interstate Commission for Higher Education (WICHE) program.

EDUCATION- W.I.C.H.E. PROGRAM W.I.C.H.E. LOAN & STIPEND (614-2681) BUDGET PAGE WICHE-1

Ron Sparks, Executive Director, WICHE, introduced himself and stated he would present the Administrative Budget and the Loan and Stipend Fund Budget. Mr. Sparks stated he would first go over some of the areas WICHE was currently involved with. The Western Undergraduate Exchange Program (WUE) was a program designed to allow students to attend out-of-state schools for 150 percent of in-state tuition. The Western Regional Graduate Program was developed to allow students to attend graduate-level programs unique to the west.

Mr. Sparks explained the programs funded by the budget were the Professional Student Exchange Program (PSEP), designed to give students the opportunity to attend out-of-state schools for programs currently not offered in-state, and the Health-Care Access Program (HCAP). Both programs were developed to meet the underserved needs of the State.

Mr. Sparks stated WICHE was asking for less General Fund money than what had been requested in the last biennium. They were requesting funding for In-State Travel for a new part-time position, to be located in Las Vegas, to be able to meet the needs of the southern part of the State. Mr. Sparks explained that funds had to be moved around during the current year in order to travel to the southern part of the State.

Mr. Sparks stated WICHE requested funds for a new accounting system. The new accounting system would allow WICHE to better monitor loans and give students a better opportunity to monitor their own loans. Funds were provided by the 2005 Legislature in the amount of \$67,900. As the budgets closed in the last fiscal year, it was decided that WICHE would look at opportunities other than just purchasing software. They were in the process of working with a company called Educational Computer Systems Inc. (ECSI). There was a system already in place within the Nevada System of Higher Education that was used to monitor loans, and there was an opportunity for WICHE to be able to use the program. Mr. Sparks noted that a large percentage of the funding approved by the 2005 Legislature for the accounting system would be reverted back to the General Fund at the end of the fiscal year.

Mr. Sparks stated there was a problem with how the budget was funded. In the past, WICHE had the ability to spend reserves to fund the agency needs in

October, when they were requesting funds. A decision had been made to remove the reserves from the WICHE account, and WICHE was given the authority to get a General Fund advance. There was a 50 percent cap put on the advance, and he emphasized the need for removing the cap for FY 2007 and upcoming years. Mr. Sparks stated WICHE currently was not collecting sufficient loan payments timely to fund the programs when necessary. During the current fiscal year, WICHE needed \$247,000 in order to fund the budget in a timely manner, but WICHE was able to collect only \$199,000. Mr. Sparks noted that WICHE had other funds coming in and would be able to fund the programs in a timely manner, but because of the process, WICHE had to delay funding the in-state programs. Mr. Sparks added the request was coming through Senator Hardy, who was one of WICHE's commissioners.

Mr. Sparks stated that WICHE was also requesting to place payoffs received from students into a reserve to be used as funds to balance against the General Fund. Mr. Sparks stated that what WICHE was trying to do was make sure that the funds collected in advance remained in the budget. There was a letter of intent from the prior legislative session requesting the WICHE Commission to take a look at placing a payback assessment on the Health Care Access Program (HCAP) students. The Commission had approved a 10 percent payback for the HCAP students. However, the penalty on students not fulfilling their obligation was three times the payback amount. Mr. Sparks requested the penalty be removed, because if there was going to be a payback, the student should not be subject to that amount of penalty.

Mr. Sparks stated that WICHE moved some funding around within the Loan and Stipend Fund Account. The WICHE had allocated two slots to train teachers for the deaf and hearing-impaired in FY 2009, because there was a need for them. Currently, students had to leave the State for this schooling. The WICHE was requesting that three dental slots be supported through the WICHE loan fund, which was not a federal matching fund. Funding would be provided to graduates from the University of Nevada, Las Vegas Dental School. The request was coming from the Nevada Dental Association and was designed to make sure that the dental students graduating from the university were meeting the needs of the underserved.

Mr. Sparks stated that WICHE had eliminated two of their federal loan repayment dental slots.

In response to a question from Assemblywoman Weber, Mr. Sparks stated that the underserved areas represented several areas in Las Vegas as well as rural areas.

In response to questions from Assemblywoman McClain, Mr. Sparks stated that all of the clinics for the underserved were in the Las Vegas area. Mr. Sparks added that despite having removed two of the federal-match dental slots, WICHE was netting one slot for the fiscal year.

In response to a question from Assemblyman Denis, Mr. Sparks stated that 99 percent of the students that went through the HCAP were completing their requirements. Mr. Sparks would be providing exact numbers to the Committee.

Chairman Arberry asked why student fee collections had decreased to \$18,800 each fiscal year. Mr. Sparks stated that it could not be predicted whether the students would pay upfront or not, but because the program was focused more toward the HCAP, the ability to collect the student fees was decreased.

In response to a question from Chairman Arberry, Mr. Sparks stated there were no matching funds from the Nevada Dental Association (NDA). There was a loan repayment program between WICHE and the federal government, under the National Health Service Corps. Mr. Sparks added that they had a letter from the NDA, and WICHE was requesting three slots from the dental school.

In response to a question from Chairman Arberry, Mr. Sparks stated that the program was designed so that one year of loans would be paid off for each year the Dentist worked in one of the clinics for the underserved.

In response to a question from Assemblyman Grady, Mr. Sparks stated that WICHE was working with the rural areas and that the loan repayment program was available for individuals going to those areas. Mr. Sparks stated that the three positions were for graduates of the Las Vegas school and that those individuals could serve the rural areas.

In response to a question from Chairman Arberry, Mr. Sparks stated that WICHE funded five federal-matching mental health slots last year, but because of how the budget was structured, WICHE would have to wait to fund the slots in FY 2007. He added that they were requesting one additional position to bring the total to six. The slots were dedicated to work specifically with the Division of Mental Health. In FY 2006, four of the five positions were in the rural areas. Mr. Sparks explained that the slots were funded whether or not the federal money was received.

Chairman Arberry asked what the federal placement restrictions were for the program. Mr. Sparks replied that there were areas in the State that were not approved for the federal money: WICHE would fund those areas regardless and use a different slot for the matching funds.

Chairman Arberry requested Mr. Sparks to explain the teacher slots for deaf and hearing-impaired students. Mr. Sparks stated that coming out of the Interim Committee on Persons with Disabilities, it was requested that WICHE consider supporting the training of teachers for deaf and hearing-impaired students. He added that WICHE did not request additional funding for those slots. Mr. Sparks added that the two slots were under the original HCAP and would be receiving funds up front.

Assemblywoman Weber asked why the slots were not being funded until FY 2009. Mr. Sparks stated that the original budget submittal had them funded in FY 2008, but because of some adjustments made during the budget process, the request had to be changed. Mr. Sparks added that by waiting the additional fiscal year, it gave WICHE more time to determine at whom and where to target the marketing process.

Mr. Stevens informed the Committee that because 54 new training slots were being funded in the second year of the biennium, additional funding for the budget would most likely be required in the subsequent bienniums for those slots.

Mr. Sparks commented that funding had always continued through different bienniums.

Assemblywoman Leslie reiterated that if they approved the additional positions, the Committee would be obligated to fund them in the upcoming years. Ms. Leslie questioned whether WICHE had a defined program for the future. Mr. Sparks replied that they had planned for the future, and he would provide

the information to the Committee.

In response to a question from Assemblyman Denis regarding Dental Lab Technicians, Mr. Sparks stated that WICHE had enough individuals to fill the dental lab technician slots and those students would ultimately help meet the needs of the underserved.

Chairman Arberry asked Mr. Sparks to explain the physician assistant slots in decision unit E401. Mr. Sparks stated that the physician assistant slots were a matching program with Churchill County through Banner Hospital. Mr. Sparks added the slots were guaranteed funding, and that the rural areas benefited significantly from the physician assistants.

In response to question from Assemblywoman Leslie, Mr. Sparks stated that the University Medical Center (UMC) backed out on their matching funds, but WICHE still funded the nursing slots. Mr. Sparks would provide more information in regard to the situation with UMC to the Committee.

Chairman Arberry requested that the veterinary medicine program be discussed for the Committee.

Mr. Sparks stated that one veterinary medicine slot had been cut. Mr. Sparks noted that this program was WICHE's area of highest cost, and the program also had the highest default rate.

Addressing a question from Chairman Arberry, Mr. Sparks stated that WICHE had highly qualified applicants for the veterinary medicine program.

In response to a question from Assemblywoman Koivisto, Mr. Sparks stated that there was a program in place to recover funds.

In response to questions from Chairman Arberry, Mr. Sparks stated that WICHE tried not to use the collection agency to collect on defaulted loans, but added that there were quite a few older loans at the collection agency. The collection agency had a number of avenues to take to recoup costs. The new program tried to deal with issues before going to the collection agency. Mr. Sparks added that the debt would be on the defaulter's credit report.

Chairman Arberry closed the hearing on BA 2681 and opened the hearing on BA 2995.

EDUCATION- W.I.C.H.E. PROGRAM W.I.C.H.E. ADMINISTRATION (101-2995) BUDGET PAGE WICHE-5

Mr. Sparks stated that there was a new accounting system that WICHE was working to put in place with Educational Computer Systems Inc. (ECSI). The system would cost the State \$6,000 per year to operate, but it would allow WICHE to reduce the amount being paid to the Department of Information Technology for maintaining the current system. Mr. Sparks added that WICHE had been appropriated \$67,900 for this purpose during the prior session, and a significant portion of those funds would be reverted to the General Fund.

Assemblywoman Leslie questioned whether WICHE had considered transferring one of its three existing positions to southern Nevada which would eliminate the need for the new half-time position. Mr. Sparks stated that the additional 0.51 FTE position was needed and that the individual would be housed at one of the

University System campuses for free. He added that the position would not supervise others, and WICHE would work with the Department of Personnel to discuss proper classification of the position. Assemblywoman Leslie requested additional information on the issue. Mr. Sparks replied that he would provide the information to the Committee.

In answer to a question from Chairman Arberry, Mr. Sparks stated that the E805 reclassification of the existing Program Officer 1 to a Program Officer 2 was built into the budget. If the Department of Personnel agrees with the upgrade, WICHE needs the funds to pay for the reclassification.

In response to a question from Chairman Arberry, Mr. Sparks replied that WICHE had a Program Officer 1 who would be reclassified as a Program Officer 2. This position would later supervise the new Program Officer 1 position in the Las Vegas area.

Assemblywoman Leslie questioned why the position was being reclassified when there currently was not anyone for the position to supervise. Mr. Sparks stated that the Department of Personnel would be evaluating that situation.

Chairman Arberry and Assemblyman Denis requested details on the one-time General Fund appropriation in A.B. 104 of the 73rd Legislative Session.

Mr. Sparks reiterated the majority of the money would be returned to the General Fund, because WICHE would be using a pre-existing system at the Nevada System of Higher Education. Mr. Sparks expected the system to be in place by April 2007. He stated that the \$6,000 per year was for the service contract.

In regard to the legislative audit of WICHE, Chairman Arberry asked whether the agency had developed a plan to address the issue of delinquent accounts and whether the agency had accurate data on who had completed the practice requirements of the program. There was a system in place that contacted students yearly as well as after graduation. Mr. Sparks added that WICHE was not losing contact with students as it had in the past and explained that there were three new performance indicators [in BA 2681] that should reflect the changes.

Assemblywoman Leslie asked how many students had completed their practice requirements during FYs 2003 and 2004. Mr. Sparks stated that he would provide that information to the Committee.

Chairman Arberry addressed Mr. Sparks and stated that the Committee might consider eliminating the veterinary medicine program because of the delinquency issues.

Chairman Arberry closed the hearing on BA 2995 and opened the hearing on Assembly Bill (A.B.) 22.

Assembly Bill 22: Authorizes the State Land Registrar to transfer certain real property owned by the State of Nevada to Washoe County and the Sierra Fire Protection District. (BDR S-367)

Paul Lipparelli, Chief Deputy, Washoe County District Attorney, introduced himself. Mr. Lipparelli stated that <u>A.B. 22</u> was one of many bills requested by the Washoe County Commission. The bill would authorize the transfer, by deed, of two parcels of land in Washoe County, from the State to the County.

One parcel was conveyed to the State by a private developer for the purpose of a fire station in the Joy Lake Road area. The parcel was being transferred to the Fire Protection District. The second parcel was in Verdi and was a 3,000 square foot parcel adjacent to the former Verdi Justice Court. The Verdi Justice Court had been merged into the Reno Township, and the site no longer served as the Justice Court. The 3,000 square foot parcel would be consolidated with the former Justice Court parcel and made available to a local charitable group currently developing a museum in the area. Mr. Lipparelli added that the bill had already been to the Committee on Natural Resources, Agriculture, and Mining.

In response to a question from Assemblywoman Leslie, Mr. Lipparelli stated the transfer of the first parcel was part of the transfer of the operations of the former Nevada Division of Forestry station to the Fire Protection District. The property that the State would be authorized to transfer to the district was given to the State by the property developer for the purposes of a fire station.

Pam Wilcox, Administrator, Nevada Division of State Lands, stated she recommended the legislation and would answer questions. She added that both parcels came to the State at no cost to the State.

In response to a question from Dr. Hardy, Miss Wilcox replied that according to the legislation, the property at Joy Lake would be deed restricted when it was transferred. There was no need for a deed restriction for the Verdi parcel.

Chairman Arberry closed the hearing on A.B. 22 and opened the hearing on Assembly Bill (A.B.) 30.

Assembly Bill 30: Revises certain provisions governing the distribution of proceeds from certain administrative assessments. (BDR 14-558)

Captain Philip K. O'Neill, Division Chief, Records and Technology Division, Nevada Department of Public Safety, stated that A.B. 30 revised the provisions governing the distribution of proceeds collected from the Administrative Court Assessments. Based on legislative authorization, some proceeds were used to operate a statewide computerized interoperative system for information related to law enforcement. The bill requested that the proceeds be distributed to the Department of Public Safety (DPS) rather than the Highway Patrol. During the prior legislative session, technology was removed from the Highway Patrol to the new Division of Records and Technology, which was now responsible for the operation of the state law enforcement information system.

Mark Stevens, Assembly Fiscal Analyst, stated that the bill would clarify where the administrative assessment revenues would be deposited. There were no issues with additional fees.

Chairman Arberry closed the hearing on $\underline{A.B.\ 30}$ and opened the hearing on Assembly Bill (A.B.) 85.

<u>Assembly Bill 85</u>: Makes an appropriation to the Judicial Retirement Fund for the unfunded accrued liability for the members of the Judicial Retirement System. (BDR S-90)

Assemblywoman Gansert stated that <u>A.B. 85</u> proposed to fund the unfunded liability for the Judicial Retirement System. The amount needed for full funding was \$22 million. The State's current plan required installments in the amount of \$1.7 million per year for the next 30 years. According to the Fiscal Division the total amount required during that 30 years, was about \$85 million.

Ms. Gansert stated that paying for the unfunded liability would show the taxpayers that the Legislature was making a concerted effort to reduce future costs.

In response to a question from Assemblyman Hogan, Dana Bilyeu, Executive Officer, Public Employees Retirement System (PERS) stated that if the unfunded liability was paid off, it would make the system 100 percent funded for the current liability. Ms. Bilyeu concluded that there could be a situation in the future where the system would be over-funded or under-funded.

In response to a question from Assemblywoman Koivisto, Ms. Bilyeu replied that the Judicial Retirement System was a true employer-paid program and was not cost-shared by the individual judges.

Ms. Bilyeu commented that the amount in the bill did not equal the most recent valuation of the unfunded accrued liability. As of January 2006, the unfunded accrued liability was \$23,576,850. It was her understanding that the intent of the bill was to pay off the current unfunded accrued liability amount. valuation amount for the current year would be available shortly.

Former Assemblyman Lynn Hettrick stated he supported the bill and pointed out that in 2003, the Committee put \$5 million into the unfunded liability of the Judges Retirement System, which at that time was approximately \$19 million. Mr. Hettrick stated it would be better to pay \$21 million now than \$84 million later.

Ron Titus, Court Administrator, Administrative Office of the Courts stated he supported the bill.

Chairman Arberry adjourned the meeting at 9:48 A.M.		
	RESPECTFULLY SUBMITTED:	
	Barron Brooks Committee Secretary	
APPROVED BY:		
Assemblyman Morse Arberry Jr., Chair		
DATE:		

EXHIBITS

Committee Name: Committee on Ways and Means

Date: February 23, 2007 Time of Meeting: 8:11 a.m.

Bill	Exhibit	Witness / Agency	Description
	Α		Agenda
	В		Attendance Roster