

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Fifth Session  
May 13, 2009**

The Committee on Government Affairs was called to order by Chair Marilyn K. Kirkpatrick at 9:06 a.m. on Wednesday, May 13, 2009, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/75th2009/committees/](http://www.leg.state.nv.us/75th2009/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Marilyn K. Kirkpatrick, Chair  
Assemblyman David P. Bobzien, Vice Chair  
Assemblyman Paul Aizley  
Assemblyman Kelvin Atkinson  
Assemblyman Chad Christensen  
Assemblyman Jerry D. Claborn  
Assemblyman Ed A. Goedhart  
Assemblywoman April Mastroluca  
Assemblyman Harvey J. Munford  
Assemblywoman Peggy Pierce  
Assemblyman James A. Settelmeyer  
Assemblywoman Ellen B. Spiegel  
Assemblyman Lynn D. Stewart  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Mike McGinness, Central Nevada Senatorial District

**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Scott McKenna, Committee Counsel  
Cyndie Carter, Committee Manager  
Cheryl Williams, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Mike Heidemann, Executive Director, Nevada State Firefighter's Association, Reno, Nevada  
Fred Rogne, Fire Chief, Fallon/Churchill Fire Department, Fallon, Nevada  
Dana Bilyeu, Executive Officer, Public Employees' Retirement System  
Bjorn (BJ) Selinder, Fallon, Nevada, representing Churchill, Eureka, and Elko Counties  
Steve Walker, Minden, Nevada, representing Douglas County, Lyon County, Carson City, and Storey County  
Nicole Lamboley, Chief Deputy, Office of the Secretary of State  
Leslie Johnstone, Executive Officer, Public Employees' Benefit Program

**Chair Kirkpatrick:**

[Roll taken.] We will start with Senate Bill 174.

**Senate Bill 174:** Exempts certain retired public employees who are serving as volunteer firefighters from certain consequences of reemployment with a public employer. (BDR 23-768)

**Mike Heidemann, Executive Director, Nevada State Firefighter's Association, Reno, Nevada:**

In my opinion, S.B. 174 is a bill that is a win-win situation for the State of Nevada and the volunteers. This bill provides a reemployment exemption for volunteer firefighters who are currently public employees to continue to volunteer in their communities.

I will give you an example. I live out in Lovelock, and of the 25 members that we have, 14 are employed by public employers, be it the road department, sheriff's department, or school district. Currently, if they were to retire from their position as public employees, they would also have to retire from

the volunteer fire service because the volunteer firefighters also receive a small deemed wage as a volunteer firefighter, and you must retire from both.

This bill would allow that to happen. It is critical, particularly in this economy, based on our 2 to 3 percent annual loss of volunteers all over the state. We have received a recruitment retention grant of \$472,000 just for the purpose of trying to recruit and retain our members. Young people are not stepping up to the plate, and why would they? If you could volunteer for 4-H with two hours of training, why would you want to volunteer as a firefighter and have to take 100 hours of Firefighter 1 training and 120 hours of emergency medical technician (EMT) basic training, and then the state comes in and says you have to have 8 hours of hazmat training for hazardous materials, and the federal government requires 4 hours of Incident Command System (ICS) 100 and 200 and 4 hours of weapons of mass destruction training.

You can see where we are losing our ranks of people who step up and volunteer. This is a bill that is long overdue. We need to get those guys back out there who are in the Public Employees' Retirement System (PERS), particularly in the rural communities, because the communities will not be able to afford to run a fire department if they have to employ people. I would be happy to answer any questions that you may have.

**Chair Kirkpatrick:**

The volunteer firefighters have done a great job, Senator McGinness. They made it sound like being a volunteer firefighter is like being a Girl Scout leader; you have to take all this training before you can sell cookies.

**Senator Mike McGinness, Central Nevada Senatorial District:**

These are the guys you should be talking to. I like to call this a critical volunteer bill. We have designated some employees in prior years as critical employees, and these people are vital to their communities. As explained, when employees who are enrolled in PERS retire, they also have to retire from the volunteer service. We cannot lose the critical service that they provide, so I would appreciate your support. If you have any questions, please look to these guys.

**Chair Kirkpatrick:**

Are there any questions for the Senator?

**Assemblyman Settlemeyer:**

I think it is a good bill. I understand the situation because we have similar problems in Douglas County. I understand the training issue is difficult for the volunteer fire departments.

**Senator McGinness:**

Coming from a farming community, Mr. Rogne can tell you how many times the volunteer fire department bails these farmers out.

**Chair Kirkpatrick:**

Is there anyone else that would like to testify?

**Red Rogne, Fire Chief, Fallon/Churchill Fire Department, Fallon, Nevada:**

I can relate to your problem, Mr. Settlemeyer. Fallon has 42 volunteer firemen, of which 12 are city, county, state, and telephone company employees. We do participate in the PERS program.

We lost nine firemen in the last six years, including six in 2008. We lost them because of the health insurance issue, and they are very anxious to get back on with the fire department. Most of them were in their late forties and early fifties. We strongly encourage your support of S.B. 174.

**Chair Kirkpatrick:**

Are there any questions?

**Dana Bilyeu, Executive Officer, Nevada Public Employees' Retirement System:**

Senate Bill 174 is an act exempting the reemployed retirees for volunteer service. The PERS Board has adopted a neutral position with respect to this bill. Senate Bill 174 addresses a situation that currently prevents the volunteers from continuing their service; it is actually the Internal Revenue Service (IRS) Code that prevents that. While our statute is written to comply with IRS Code, the Code requires retirement from both positions. If the person is to come back, they can come back in an exemption that has to be within the statute. It is designed to prevent what is called "an in-service distribution." This bill basically works its way through that process for the IRS Code, and so the PERS system is neutral with respect to the bill.

**Chair Kirkpatrick:**

Does anyone have any questions? Is there anyone else who would like to testify in support of S.B. 174?

**Bjorn (BJ) Selinder, Fallon, Nevada, representing Churchill, Eureka, and Elko Counties:**

I am here today in support of S.B. 174. As Mr. Rogne from Churchill County mentioned, a significant number of the people who volunteer for the fire department in Churchill County are public employees and are eligible under PERS, and when they retire we would certainly like to keep them because of all

the fantastic training that they have had. So we would encourage you to look favorably on this bill.

One other thing that I would like to mention: Take a little county like Eureka, which has only 1,480 residents in that entire county. A good number of the people who serve in that fire department are either currently employed and qualify under PERS or are retired. Obviously, there is a rather limited group to choose from in that community, so the provisions of S.B. 174 would allow them to continue in service to the public. With that, I will take any questions that you may have.

**Chair Kirkpatrick:**

Does anyone have any questions? [There were none.]

**Steve Walker, Minden, Nevada, representing Douglas County, Lyon County, Carson City, and Storey County:**

These counties are supportive of this bill. I think it has been well explained, and it is a real simple concept.

**Chair Kirkpatrick:**

Are there any questions? [There were none.]

**Assemblywoman Pierce:**

What is the largest town in Nevada that has a volunteer fire department? I was a little surprised that Fallon had one.

**Fred Rogne:**

I believe Elko is the largest and Fallon is second.

**Assemblywoman Pierce:**

How many people live in Elko?

**Dana Bilyeu:**

About 27,000 people live in Elko County, with about 16,000 in the City of Elko.

**Fred Rogne:**

The City of Fallon and Churchill County combined is 27,000.

**Assemblywoman Pierce:**

And they have a volunteer fire department?

**Fred Rogne:**

Yes, we are volunteers.

**Assemblyman Settlemeyer:**

I think that Douglas County actually beats Fallon.

**Chair Kirkpatrick:**

Are there any other questions?

**Fred Rogne:**

I would like to say that my budget in the Fallon/Churchill County Volunteer Fire Department this year is \$500,000. We were the first volunteer fire department in the nation to get an Insurance Services Office (ISO) Class 1 rating, which is the highest rating you can get. If we were a paid department, my budget would be \$8 million a year.

**Chair Kirkpatrick:**

Wow, that is a lot. Is there anybody who would like testify?

**Mike Heidemann:**

Just a quick comment for the record: I think it is important that we understand that all volunteer departments are not in the PERS system at this time, and Elko is one that is not. The largest group of volunteers happens to come from Douglas County—the East Fork Fire and Paramedic Districts. More than a dozen stations are included under that one group. Currently, around the state, there are only eight departments that I am aware of that participate in the PERS program as volunteers.

**Chair Kirkpatrick:**

We were curious how big the fire departments were. Is there anyone else who would like to testify in opposition to S.B. 174? [There were none.] Is there anyone who would like to testify as neutral on S.B. 174? [There were none.] With that, do I have a motion?

ASSEMBLYMAN STEWART MOVED TO DO PASS  
SENATE BILL 174.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Settlemeyer will do the floor statement.

We will now move into work session while everyone is here. I am going to skip Senate Bill 31 because I want to be clear on this bill. We will move to Senate Bill 53 (1st Reprint).

**Senate Bill 53 (1st Reprint)**: Makes various changes relating to the Office of the Secretary of State. (BDR 18-415)

**Susan Scholley, Committee Policy Analyst:**  
[Read bill from work session packet ([Exhibit C](#)).]

**Chair Kirkpatrick:**  
We have had this bill in work session before. Is there any discussion?

**Assemblyman Claborn:**  
Is this the bill regarding notarization of . . .

**Chair Kirkpatrick:**  
No, this is not notarization; that is Senate Bill 92. We do not have that bill today.

**Assemblyman Stewart:**  
I want to make sure that the fiscal note here will be taken care of by the fees that are collected. Is that correct?

**Chair Kirkpatrick:**  
That is my understanding.

**Assemblyman Stewart:**  
Do we have someone from the Secretary of State's Office who can verify that?

**Nicole Lamboley, Chief Deputy, Office of the Secretary of State:**  
Yes, any costs would be accommodated through either a fee or the ability to receive contributions in support of the program, as the bill states.

**Assemblyman Stewart:**  
Finally, I want it on the record that once a year your office gives people the opportunity to update the box; is that correct?

**Nicole Lamboley:**

Yes, that is the current practice.

**Assemblyman Stewart:**

Does your office notify the individuals that the boxes need to be updated?

**Nicole Lamboley:**

Yes.

**Chair Kirkpatrick:**

If you will turn to the second page ([Exhibit D](#)), you will see that Ms. Lamboley answered everyone's questions from the previous hearing. You would have had it in your homework folder yesterday. Is there any other discussion?

**Assemblyman Settlemeyer:**

On the fees, if it was just going to cover expenditures, it would have been a revenue-neutral bill and needed only a majority, but by requiring a two-thirds vote it is actually going to produce some revenues for the state, which is probably a good thing. I still object, because private industry can do this. I will still be voting no.

**Chair Kirkpatrick:**

Is there any further discussion?

**Assemblyman Bobzien:**

I have stated this once before, and I will state it again. As someone who uses private industry sources for online data storage, I look forward to being able to use this service. There are certain documents that I would rather trust with the State of Nevada than a private source, because, God forbid, that private source could go under and I would lose my data. I think this is a great example of the existing infrastructure that is already in place and which the Secretary of State's Office has worked very hard to develop. They are simply trying to extend that service, the offerings, and the value through the State of Nevada.

**Chair Kirkpatrick:**

Is there any other discussion?

**Assemblyman Goedhart:**

I guess it comes to a philosophical discussion of where government starts, where it stops, and what is the role of private industry. We have heard a lot in this session about things we cannot trust to private industry. At one time I worked for Brink's Armored Car in Los Angeles, and we had the largest precious metal storage vault outside of Fort Knox, with gold and all the rest. We were



entrusted with the safeguarding of those assets, and I think we did a pretty good job. I tend to believe that this is a situation where private industry can and does provide these services. I do not think we have to duplicate the services in the public sector.

**Chair Kirkpatrick:**

I think that this does give folks the ability to choose between private industry or the Secretary of State's Office, or their own home for that matter. I think it just comes down to your personal situation.

**Assemblywoman Spiegel:**

I was just going to say what you said.

**Chair Kirkpatrick:**

Is there any other discussion on this bill?

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS  
SENATE BILL 53 (1st REPRINT).

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN,  
GOEDHART, SETTELMAYER AND WOODBURY VOTED NO.)

We will now move on to Senate Bill 63.

Senate Bill 63: Makes various changes concerning public financial  
administration. (BDR 31-493)

**Susan Scholley, Committee Policy Analyst:**

[Read bill from work session packet ([Exhibit E](#)) and ([Exhibit F](#)).]

**Chair Kirkpatrick:**

Is there any discussion? I did not accept the amendment, because at some point we have to rely on our Fiscal staff. This is the duty of the Executive Branch. Our departments need to work with our Executive Branch, in my opinion. A second amendment came yesterday, and I spoke with Ms. Wallin and told her, "No." We need to learn to talk to each other. My personal recommendation would be Do Pass with no amendments, but I am open for discussion with the Committee.

ASSEMBLYMAN SETTELMAYER MOVED TO DO PASS  
SENATE BILL 63.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will now move on to Senate Bill 66 (2nd Reprint).

Senate Bill 66 (2nd Reprint): Revises certain provisions governing the appropriation of water. (BDR 48-618)

**Susan Scholley, Committee Policy Analyst:**

[Read the bill from the work session packet ([Exhibit G](#)).]

**Chair Kirkpatrick:**

Is there any discussion? Is there a motion?

ASSEMBLYMAN GOEDHART MOVED TO DO PASS  
SENATE BILL 66 (2nd REPRINT).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Just for the audience, so that you know that the Committee gets all their information on what is going to be on work session 24 hours in advance and that is why we look very efficient because the Committee has already seen the bills and has had the ability to go back and ask their questions.

We will now move on to Senate Bill 376 (2nd Reprint).

Senate Bill 376 (2nd Reprint): Makes various changes relating to the prevailing wage requirements. (BDR 28-730)

**Susan Scholley, Committee Policy Analyst:**

[Read the bill from work session packet ([Exhibit H](#)) and ([Exhibit I](#)).]

**Chair Kirkpatrick:**

Is there any discussion?

**Assemblyman Goedhart:**

I have heard a lot of interpretations from both opponents and proponents of this bill, so I am still researching it. Whatever I vote here today, I will reserve the right to change my vote on the floor.

**Chair Kirkpatrick:**

Is there any other discussion? I know that this had many contested hearings. I think that the Labor Commissioner was neutral on this position because his amendments made sense. I believe that the bill will end up in conference committee, if it gets out.

**Assemblyman Settelmeyer:**

I really feel that we are still using the collective bargaining rate rather than the true prevailing rate in the community, and that bothers me. So, I will still be voting no.

**Chair Kirkpatrick:**

Is there anything else? [There was none.] Is there a motion?

ASSEMBLYMAN AIZLEY MOVED TO AMEND AND DO PASS  
SENATE BILL 376 (2nd REPRINT).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CHRISTENSEN,  
GOEDHART, SETTELMEYER, STEWART, AND WOODBURY VOTED  
NO. ASSEMBLYMAN GOEDHART RESERVED THE RIGHT TO  
CHANGE HIS VOTE ON THE FLOOR.)

Mr. Claborn will do the floor statement. We will now move on to Senate Bill 31 (1st Reprint). I want to have some discussion on this bill because I was rethinking it this morning, and I would like to see where the Committee is with this bill.

[Senate Bill 31 \(1st Reprint\)](#): Revises provisions governing certain independent contractors with the State. (BDR 27-305)

**Susan Scholley, Committee Policy Analyst:**

[Read bill from work session packet ([Exhibit J](#)).]

**Chair Kirkpatrick:**

This bill is merely up for discussion today, but it is fine if you want to vote on it.

**Assemblyman Settlemeyer:**

I have a question for Mr. McKenna, our Committee Counsel. When I was listening to the bill, I recalled that the Uniform Commercial Codes (UCC) says anything over \$500 has to be in writing. So I am curious why we have something that says \$2,000 is okay without it being in writing, yet our state subscribes to the Uniform Commercial Code, and it clearly states that the limit is \$500. I was just wondering if you could clear that up for me.

**Scott McKenna, Committee Counsel:**

Let me take a look at the text of the bill and I will email you the answer as soon as I can.

**Chair Kirkpatrick:**

One of my concerns this morning was why we were repealing the \$2,000. I know that as you put work sessions together, it looks good at midnight, but when I rethought it at 6 o'clock in the morning, I wanted to see what the thoughts were from the Committee on the \$2,000. I agree that it should be moved to the other chapter because it makes more sense. Right now it is out there by itself and the oversight could be better, because we are purchasing an independent contractor.

**Assemblyman Settlemeyer:**

I would be okay voting on the bill today. I am just curious how we are going against the UCC, which we subscribe too.

**Chair Kirkpatrick:**

Is there any other discussion on this bill?

**Assemblywoman Spiegel:**

I also have a question on the \$2,000, and I am a little concerned that by removing the cap that the State Board of Examiners could set a cap that would be much higher. We could add language that the State Board of Examiners could put in a cap, but the cap could not exceed \$2,000.

**Chair Kirkpatrick:**

Are there any other questions? I do not have a problem pulling this bill off and seeing if Mr. Smith can get with us, or even taking the \$2,000 piece out, because I do not remember a lot of discussion on the \$2,000. I know that we asked a lot of questions about the process but not the \$2,000. What I can do with the Committee is pull the bill back; we can amend out that section in its entirety and move the bill out, or we can send the bill out the way it is. I am looking for some direction from the Committee.

With that being said, we will pull the bill back and I will wait until tomorrow. Tomorrow will be our last work session, and that is the goal for the Committee. There are approximately six bills left that need to be acted on. We save the hard ones for the end, so there will be a lot of discussion and working on details. We may have to stay open Friday at the call because we are waiting on a couple of Senate bills, but we did not want to hold everything else up. So, these two bills will be bills that can also move out today if the Committee so chooses.

With that we will open the hearing on Senate Bill 41.

**Senate Bill 41:** Makes various changes to provisions relating to public retirement systems. (BDR 23-308)

**Dana Bilyeu, Executive Officer, Public Employees' Retirement System:**  
[Read from prepared testimony ([Exhibit K](#)).]

**Chair Kirkpatrick:**

This is just for clarification; this is just your board's technical cleanup, correct?

**Dana Bilyeu:**

That is correct.

**Chair Kirkpatrick:**

Are there any questions?

**Assemblyman Goedhart:**

What specifically is the difference between the Public Employees' Retirement System (PERS) and the Judicial Retirement System? I am just wondering why people would elect to go one way versus the other.

**Dana Bilyeu:**

The Judicial Retirement System, which was created in 2001, actually allows a faster accumulation of your service credit. The service time multiplier is approximately 3.4091; it is an odd number because the calculation is designed to allow a judge to accumulate 75 percent of service in 22 years. It is an individual decision by each justice of the peace or municipal court judge based on their individual circumstances. There are benefits in the PERS system that are not available in the judicial system, but you have that faster accumulation period, so it is really a personal decision.

If judges were hired prior to 1985, they may want to stay in PERS because they can accumulate up to a 90 percent replacement of their income, but if they were hired after that date, both funds are capped at 75 percent. So it is a choice for them.

**Assemblyman Goedhart:**

You have given me a lot of information. Thank you.

**Chair Kirkpatrick:**

Are there any other questions? I just want to ask a hypothetical question. I thought that the Judicial Retirement System was set up because judges are elected at regular intervals and serve at the discretion of the voters. Do you think that multiplier would change if judges became appointed? Has anyone ever talked about it?

**Dana Bilyeu:**

The genesis for the increased multiplier was the fact that the individuals tend to come to the bench at a later age, so I am not sure that that would necessarily be different for an appointed or an elected judge. For instance, by statute, district court judges require ten years of licensure prior to being elevated to the bench. I am not sure that such a change would necessarily impact it, but I would have to think about it a bit more to reach a conclusion.

**Chair Kirkpatrick:**

Are there any other questions?

**Assemblyman Stewart:**

Are the district judges automatically in the judicial plan?

**Dana Bilyeu:**

District judges who have had no PERS time at all are automatically enrolled in the Judicial Retirement System. If the person who has been elected to the bench has some piece of their service credit in the retirement system, they have a choice between the two plans. We actually go through a very significant counseling session with them to layout the provisions of both plans so that they can make an informed choice.

**Assemblyman Stewart:**

That would be true of the Supreme Court justices as well?

**Dana Bilyeu:**  
That is correct.

**Chair Kirkpatrick:**

Are there any other questions? I am surprised that there are not any judges here. Is there anyone who would like to testify in support of S.B. 41? [There were none.] Is there anyone who is neutral and would like to testify on S.B. 41? [There were none.] Is there anyone who is in opposition to S.B. 41? [There were none.] Would anyone like to make a motion?

ASSEMBLYMAN STEWART MOVED TO DO PASS  
SENATE BILL 41.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN CHRISTENSEN WAS  
ABSENT FOR THE VOTE.)

Just so the Committee knows, I am comfortable if you tell me tomorrow that you do not want to vote for this bill on the floor after you have had time to think about it, but we could do it either today or tomorrow.

We will now open the hearing on Senate Bill 103 (1st Reprint).

**Senate Bill 103 (1st Reprint):** Revises provisions relating to the Public Employees' Benefits Program. (BDR 23-422)

**Leslie Johnstone, Executive Officer, Public Employees' Benefits Program:**

Senate Bill 103 (1st Reprint) is the program's housekeeping bill, and I will go through the major topics that are included. Primarily it has some cleanup language for the implementation of two bills, Senate Bill No. 544 of the 74th Session and Senate Bill No. 547 of the 74th Session, that were approved in the 2007 Session. It cleans up things such as what it means to be a participating agency in the Public Employees' Benefits Program (PEBP). The intent there was that PEBP would be the only option available to employers in order to be defined as participating.

It also bifurcates the reinstatement provisions that are currently in statute for local government plans versus PEBP. We administer that reinstatement a little bit differently, and so we wanted to break it out into two separate sections. The language strengthens the program's collection authority of employer subsidies for retirees pursuant to Assembly Bill No. 286 of the 72nd Session from nonstate employers. It leaves it as discretionary, but removes

the mandatory language for the program to offer what was called "a flexible benefit plan" to Medicare retirees. We are suggesting that that be made discretionary because we have had little take on that plan offering in the current plan. For instance, we had only 23 retirees take advantage of that option. So for administrative expediency we would like to make it discretionary.

The bill also clarifies the board's authority to allocate assessments that are collected from state agencies for the subsidy that goes back out to the active employees through the rate structure. With that, I would be glad to answer any questions you might have.

**Chair Kirkpatrick:**

Are there any questions from the Committee? Ms. Johnstone, there was an Assembly member who had requested an amendment that would allow for one person on the board with an insurance qualification. Do you have any discussion on that, because if there is a floor amendment I always want it to be as public as possible?

**Leslie Johnstone:**

The board is made up of nine individuals and they are appointed by the Governor. One of the active state employee members must have experience in actuarial, insurance, or employee benefits expertise. We also have two nonstate positions that have tended to come from the private sector and part of their qualifications in the statute is that they have expertise in actuarial or the insurance industry.

**Chair Kirkpatrick:**

Actuarial and insurance could be construed as two different things. Do you know if they are one or the other? I think some of the employees wanted someone who knew more about the prescription part of it and whether they were getting a good HMO or a bad HMO. An actuary is more on the financial end, as opposed to someone who looks at the benefits.

**Leslie Johnstone:**

And I would say of all three of those positions that I laid out, their expertise is more on the insurance and employee benefits side of it.

**Chair Kirkpatrick:**

Are there any other questions? Is there anyone who would like to testify in support of S.B. 103 (R1)? [There were none.] Is there anyone who would like to testify in opposition to S.B. 103 (R1)? [There were none.] Is there anyone who is neutral on S.B. 103 (R1) and would like to testify? [There were none.]



Are there any other questions from the Committee?

[Assemblyman Aizley, Assemblyman Stewart, and Assemblyman Munford all disclosed that they are retired State of Nevada employees and they are covered by PEBP as their secondary coverage.]

**Chair Kirkpatrick:**

With that we will close the hearing on S.B. 103 (R1). Is there anything else from the Committee? Is there anything from the public? [There was none.]

Meeting adjourned [at 9:53 a.m.].

RESPECTFULLY SUBMITTED:

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Cheryl Williams  
Committee Secretary

APPROVED BY:

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Assemblywoman Marilyn K. Kirkpatrick, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Government Affairs

**Date:** May 13, 2009

**Time of Meeting:** 9:06 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 53 (R1)	C	Susan Scholley	Work Session Document
S.B. 53 (R1)	D	Nicole Lamboley	Answers to questions
S.B. 63	E	Susan Scholley	Work Session Document
S.B. 63	F	Kim Wallin	Amendment
S.B. 66 (R2)	G	Susan Scholley	Work Session Document
S.B. 376 (R2)	H	Susan Scholley	Work Session Document
S.B. 376 (R2)	I	Susan Scholley	Amendment
S.B. 31 (R1)	J	Susan Scholley	Work Session Document
S.B. 41	K	Dana Bilyeu	Prepared Testimony