

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

**Seventy-Fifth Session
May 4, 2009**

The Committee on Ways and Means was called to order by Chair Sheila Leslie at 3:30 p.m. on Monday, May 4, 2009, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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/. 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:

Assemblywoman Sheila Leslie, Vice Chair
Assemblywoman Barbara E. Buckley
Assemblyman Marcus Conklin
Assemblyman Mo Denis
Assemblywoman Heidi S. Gansert
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Joseph (Joe) P. Hardy
Assemblyman Joseph M. Hogan
Assemblywoman Ellen Koivisto
Assemblywoman Kathy McClain
Assemblyman John Ocegüera
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

Assemblyman Morse Arberry Jr.

GUEST LEGISLATORS PRESENT:

Assemblyman David Bobzien, Washoe County Assembly District No. 24
Assemblyman Jerry D. Claborn, Clark County Assembly District No. 19
Assemblywoman Peggy Pierce, Clark County Assembly District No. 3
Assemblyman James Settelmeyer, Assembly District No. 39

STAFF MEMBERS PRESENT:

Mark Stevens, Assembly Fiscal Analyst
Anne Bowen, Committee Secretary
Vickie Kieffer, Committee Assistant

Assembly Bill 178: Makes various changes to provisions relating to industrial insurance. (BDR 53-221)

Assemblyman Jerry D. Claborn, Clark County Assembly District 19, testified in support of A.B. 178. Assemblyman Claborn stated the bill made various changes to provisions relating to industrial insurance and the details were being worked out.

Danny Thompson, representing the Nevada AFL-CIO, testified in support of A.B. 178.

Mr. Thompson stated all workers' compensation issues were being negotiated, including A.B. 178. The provisions of the bill that caused the fiscal note were not a part of the negotiations, according to Mr. Thompson.

Chair Leslie requested a brief explanation of what A.B. 178 did since the Committee had not heard it.

Mr. Thompson said the bill did many things, but the provision in section 11 that would require an insurer to deposit \$150,000 to an account in the event there was no survivor to receive benefits had not been a part of the negotiations and in effect had been dropped from the issue as a whole. He said there were a number of other issues that might not make it through negotiations. One of the issues was the conditions under which a workers' compensation injury was accepted or denied, based on the termination of an employee. Mr. Thompson said that another issue involved the circumstance where an injured worker was notified that a claim was accepted but who, when trying to get a newly discovered injury added to the claim, was denied the claim for that injury because the original acceptance letter had not been contested. That issue was a subject of the negotiations. Mr. Thompson did not believe that any of the items mentioned would have an impact on the state.

Chair Leslie interjected that after conferring with Committee members from Commerce and Labor, it appeared that the bill was not ready.

Chair Leslie closed the hearing on A.B. 178 and opened the hearing on A.B. 331 (R1).

Assembly Bill 331 (1st Reprint): Provides for the appointment of a Small Business Ombudsman. (BDR 18-1082)

Assemblyman James A. Settlemeyer, Douglas County Assembly District No. 39, testified in support of A.B. 331 (R1). Assemblyman Settlemeyer stated he was the Region 9 Ombudsman for the Small Business Administration (SBA), and through his dealings on that Board, he believed it was important to attempt to pass a bill such as A.B. 331 (R1).

Assemblyman Settlemeyer said the concept of the bill was to create a system by which businesses, and particularly small businesses, would have the opportunity for access to regulation relief. The ombudsman would examine the different organizations of government and rate them. Assemblyman Settlemeyer said during a budget crisis or surplus, organizations could be ranked to determine funding. The bill contained a clause about terms of imprisonment, and Assemblyman Settlemeyer said the clause stated if someone lied to the ombudsman, there would be a remedy to ensure truthfulness.

Chair Leslie referred to the fiscal note attached to A.B. 331 (R1) and noted it was the first reprint. She wondered whether the fiscal note had remained the same or changed.

Assemblyman Settlemeyer said theoretically he believed the amendment should reduce the fiscal note; however, that had not happened. The amendment on the first reprint had been tailored more to small businesses and not to all businesses. Assemblyman Settlemeyer stated it was difficult to determine exactly what a small business was because the criteria varied according to the type of business. Because there was no set standard, Assemblyman Settlemeyer said the bill used businesses with no more than 50 full-time employees and gross annual sales of no more than \$5 million as the criteria.

Chair Leslie closed the hearing on A.B. 331 (R1) and opened the hearing on A.B. 426 (R1).

Assembly Bill 426 (1st Reprint): Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct a study concerning programs for reusing and recycling computers and other electronics. (BDR S-466)

Assemblywoman Peggy Pierce, Clark County Assembly District 3, testified in support of A.B. 426 (R1).

Assemblywoman Pierce noted that the bill had been amended considerably since it was first introduced. The bill now requested that the Division of Environmental Protection of the State Department of Conservation and Natural Resources examine electronic waste programs in the surrounding states for the next two years and present the findings to the Legislature with a recommendation. She also commented there should no longer be a fiscal note with the bill.

Senator David Parks, Clark County Senate District 7, testified in support of A.B. 426 (R1).

Senator Parks stated the bill that was initially requested had a fiscal note. The fiscal note was removed, and the Division of Environmental Protection of the State Department of Conservation and Natural Resources indicated that within its limited capability, it would conduct a study of electronic waste in the state and attempt to bring back a recommendation next Session. Senator Parks said he did not believe there was any fiscal impact associated with the bill.

Ray Bacon, Executive Director, Nevada Manufacturers Association (NMA), testified in support of A.B. 426 (R1). Mr. Bacon said there were approximately 180 electronic recycling programs being performed in Nevada, and the NMA would be working with those programs to consolidate and implement an effective recycling program.

Kyle Davis, Policy Director, Nevada Conservation League, testified in support of A.B. 426 (R1). Mr. Davis stated this was a very important issue, and he wanted to see a program formed that could be considered in the next legislative session.

Leo Drozdoff, P.E., Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources, stated the Division had worked with Assemblywoman Pierce and Senator Parks on the amended bill and

said the Division supported the amended bill. Mr. Drozdoff noted the amendment removed the fiscal note.

Brian Walker, representing the Retail Association of Nevada (RAN), testified in support of A.B. 426 (R1) and thanked Assemblywoman Pierce and Senator Parks for their leadership.

Joe Johnson, Chapter Political Chair, Sierra Club, testified in support of A.B. 426 (R1).

Chair Leslie closed the hearing on A.B. 426 (R1) and opened the hearing on A.B. 246 (R1).

Assembly Bill 246 (1st Reprint): Provides for the issuance of an apprentice hunting license. (BDR 45-512)

Assemblyman David Bobzien, Washoe County Assembly District 24, testified in support of A.B. 246 (R1).

Assemblyman Bobzien stated that he realized that the issuance of an apprentice hunting license paled in comparison to some of the issues that had been dealt with today; however, one additional ranking in which Nevada underperformed was that the state was currently 49th in the nation for its hunter replacement ratio, which was 30 new hunters for every 100 that left. Assemblyman Bobzien presented Exhibit C, the "Revised Youth Hunting Report" from Families Afield, for information regarding the state's national ranking and how it was computed.

The issue and why it was important, according to Assemblyman Bobzien, was that funding for the Department of Wildlife was dependent both on hunting licenses, as well as through excise taxes on the various goods related to hunting. Fewer hunters meant less funding for the Department of Wildlife. Assemblyman Bobzien stated between 1980 and 2006 in Nevada hunting license sales declined by 58 percent. Assembly Bill 246 (R1) sought to establish an apprentice hunting program, where rather than being required to take the full-day hunter's safety course prior to purchasing a license, there would be a "try-before-you-buy" program. A prospective hunter would be issued an apprentice hunting license good for one year. The apprentice hunter would hunt with a mentor-hunter, someone who was licensed and could provide oversight and experience. The program had been implemented successfully in a number of other states. Assemblyman Bobzien said he was happy to have worked with groups in putting the package together and was also appreciative of the help that he had received from the Nevada Department of Wildlife.

Kim Jolly, Management Analyst 3, Nevada Department of Wildlife, testified in support of A.B. 246 (R1).

Ms. Jolly introduced the memo regarding the fiscal note (Exhibit D). Because an amendment was approved in April 2009, a new fiscal note was not requested, according to Ms. Jolly. The NDOW had looked at the new information which provided for significant revenue and reduced cost. Ms. Jolly said the fiscal note was neutralized because of the significant revenue that would be received over the biennium.

Chair Leslie asked if by "neutralized," Ms. Jolly meant there was no fiscal note.

Ms. Jolly explained there was a reduced expenditure for one-time programming costs, and there was revenue that went with the implementation of the program. The revenue was \$81,928 over the biennium and the one-time expenditure for start-up costs was \$57,500.

Chair Leslie said fiscal staff would review [Exhibit D](#), but it appeared that the Department would receive more than it would spend.

Assemblywoman Debbie Smith, Washoe County Assembly District 30, testified in support of [A.B. 246 \(R1\)](#).

Assemblywoman Smith commented that [A.B. 246 \(R1\)](#) could be the most amended bill of the Legislative Session, but it would also be a bill that sportsmen and conservationists alike would be happy with.

Wildlife in Nevada had been subjected to loss of habitat over many years, particularly due to wildfire, and Assemblywoman Smith said there was no sign that situation was going to improve. She said the Committee would hear testimony that over 6 million acres of Nevada's landscape had been lost to wildfire over the past ten years, which was a significant loss of habitat for wildlife.

Assemblywoman Smith explained that she had been contacted by Diana Belding and Judi Caron about an idea they had been researching concerning conducting a raffle similar to those in the other western states for sportsmen to be able to buy a chance for a big game tag. She said the idea had previously been considered but had always been put aside because of Nevada's lottery prohibitions.

Because of Nevada's lottery prohibition, Assemblywoman Smith said the program had to be run by a nonprofit organization, which was clearly defined in the amendment. An advisory board made up of legislative and gubernatorial appointments would be installed. The accountability was clearly laid out. Assemblywoman Smith said support had been generated for the idea because it would not only provide more opportunities for sportsmen but also generate money to help restore the land that had been ravaged by wildfire.

There were several organizations that had signed up to support the entire bill, including the Wildlife Coalition, which was made up of many sportsmen's organizations, from hunting to fishing to the Conservation League. The Conservation League had signed on in support, as had the National Rifle Association (NRA), the Nevada Mining Association, and many individuals. Assemblywoman Smith said there was interest in rural Nevada about what could be done to raise money to repair the damage to the landscape.

Dianna Belding, private citizen, testified in support of [A.B. 246 \(R1\)](#) and presented [Exhibit E](#), a PowerPoint presentation entitled "Restoring Nevada's Landscape."

Ms. Belding noted that in Nevada 6.67 million acres had been destroyed since 1999, and there were only 70.745 million acres in the state.

Megafires wiped out habitat for sagebrush dependent wildlife over wide areas. Ms. Belding said it was critical that restoration and rehabilitation be initiated immediately after fires to prevent even more cheatgrass fires. The Governor had launched a war on cheatgrass, and pre-fire treatments were needed to keep fires small and the habitat resilient.

The Nevada Department of Wildlife (NDOW) had spent \$708,000 on only 5 percent of the burned acreage by utilizing habitat conservation fees from licenses and Question 1 bond money. Ms. Belding emphasized the state needed a lot more money to successfully fight wildfires.

Ms. Belding referred to page 5 of [Exhibit E](#), which showed the acreage lost to wildfire in each year since 1999. While other emergencies happened as well, there were also opportunities such as acquiring access and partnering with others to enhance habitat.

Ms. Belding said a partial solution to the lack of funding for the NDOW would be the Dream Tag, a raffle for Nevada big game tags to create alternative revenue, enhance at-risk wildlife habitat, and handle NDOW emergencies and opportunities. The Dream Tag was based upon raffles and lotteries in other states, with the Montana Super Tag being the pattern used by the proponents of the Nevada Dream Tag. In 2008 the state of Montana received revenue in the amount of \$356,595 from the Montana Super Tag.

According to Ms. Belding, ineligible hunters were the Nevada Dream Tag market. Those hunters were required to wait 5 to 10 years to apply after a successful draw. There were approximately 19,615 ineligible clients at the present time that could apply for certain species tags. If each of those clients purchased one chance at \$15 per chance, it would generate \$295,615 annually. The revenue would increase exponentially if each client purchased multiple chances.

Assemblywoman Smith commented that often when something, such as a helicopter, needed repair, the NDOW had no money available.

Judi Caron, private citizen, testified in support of [A.B. 246 \(R1\)](#) and stated she would cover the second half of the PowerPoint presentation, which concerned eligibility, price, and the number of chances. To be eligible for the draw, a person had to possess a valid Resource Enhancement Stamp (RES) with a valid sportsman's client number to purchase a chance for the raffle.

Ms. Caron explained that an RES was a paperless stamp costing \$10 annually regardless of residency. What was received for the RES was a sportsman's identification number that placed the holder into the drawing. The client number allowed purchase of multiple chances throughout the application period. The application period for general tags was presently four to five weeks, but to generate more revenue, it had been proposed to expand that period to eight or nine months.

According to Ms. Caron, the client must also meet all Nevada requirements to obtain a valid hunting license, whether resident or non-resident. Restrictions concerning successive year's hunts did not apply as stated in *Nevada Administrative Code* (NAC) 502.361. Ms. Caron said the goal was to get as many hunters as possible to purchase the chances to contribute to revenue for wildlife habitat. The price per chance would be \$5 each per species, and chances would be unlimited during the application period.

Ms. Caron said it was suggested that the chances be sold by means of an electronic purchase through a link on the NDOW website and electronic license agents.

The Dream Tags would be created by the NDOW per statute for big game species. Ms. Caron stated Nevada had nine big game species within the state, but only eight species were hunted. Black bears were also considered a big game species, but tags had never been issued. The Dream Tags would be nontransferable, and the application period would be from September 1 through June 30. The draw date would consistently be on the second Monday in July, and the winners would be selected by a random computerized draw.

Ms. Caron said the money generated from the Dream Tags would fund an appropriate wildlife based foundation (501(c)(3)) made up of five advisors who demonstrated an objective approach to habitat management. Appointees would serve a term of three years and would be allowed to serve two terms.

The Nevada Wildlife Foundation Fund would have a board of advisors consisting of:

- One advisor appointed by the Governor
- One advisor appointed by the Senate Majority Floor Leader
- One advisor appointed by the Assembly Speaker
- One advisor appointed by the Resource Advisory Council
- The Vice Chairman of the Nevada Board of Wildlife Commission

Ms. Caron said the Community Foundation of Western Nevada would be the nonprofit entity that would administer the funds. It would provide service for three distinct constituencies: donors, professional financial and estate advisors, and nonprofit organizations.

The Community Foundation of Western Nevada had been chosen because there would be no start-up costs, and the fee would be 1.5 percent of the funds deposited per year. The Foundation prepared the paperwork and reporting to the Internal Revenue Service, and grant checks were distributed within ten days of request receipt.

Ms. Caron said the money received would be used for wildlife rehabilitation and restoration; pre-fire treatments; major equipment repairs, purchases and rentals; wildlife emergency relocation; emergency water development; and land access.

Assemblywoman Smith stated that she did not believe there was a downside to the concept of A.B. 246 (R1) and presented [Exhibit F](#), proposed amendment 4747.

Assemblywoman Koivisto asked how many more hunters would be hunting the limited wildlife. Assemblywoman Smith explained there would only be five tags available, one for each of five species.

Assemblyman Grady referred to [Exhibit F](#), page 3, line 42, and said it stated the total amount of money received by the nonprofit would be accounted for, but it did not indicate any type of audit procedure.

Assemblywoman Smith replied that the proposed amendment had the language that covered reporting to the Interim Finance Committee (IFC), and she said the executive director of the Community Foundation of Western Nevada would be talking about its audit procedures.

Chair Leslie disclosed that she was a former advisory board member of the Community Foundation of Western Nevada.

Chris Askin, President, Community Foundation of Western Nevada, testified in support of A.B. 246 (R1). [Exhibit G](#), the "Community Foundation of Western Nevada Annual Report 2007 was submitted to the Committee."

Mr. Askin said the Community Foundation of Western Nevada was a neutral third-party entity governed by a volunteer board. The Foundation currently administered 200 such funds, and each year underwent a complete audit which was posted on the Internet and included in the Foundation's annual report. Mr. Askin said quarterly statements were provided, but monthly statements could be provided if requested. The Foundation provided complete transparency as necessary for any outside auditors with any organization, according to Mr. Askin.

Mr. Askin said the fee of 1.5 percent was based upon the average daily balance. Typically, the fee for a fund such as the Nevada Wildlife Foundation Fund would be one-half of 1 percent on an annual basis. For that fee, the Foundation conducted due diligence on all grantees, prepared grant acceptance agreements for each of the grantees, collected and reviewed follow-up reports to ensure the grantees performed on a contractual basis to complete the work as necessary, and conducted additional research when requested by the Board of Advisors.

Chair Leslie commented that was a good use of the Community Foundation of Western Nevada.

Assemblyman Pete Goicoechea, Assembly District No. 35, testified in support of A.B. 246 (R1) and submitted a proposed amendment, [Exhibit H](#).

Assemblyman Goicoechea stated the sponsor of A.B. 246 (R1), Assemblyman Bobzien, had agreed to the proposed amendment ([Exhibit H](#)) being included in the bill.

Chad Bliss, private citizen, testified in support of A.B. 246 (R1) and submitted a prepared statement ([Exhibit I](#)).

Mr. Bliss explained the Heritage Tag Program had been established, and there were 15 big game tags set aside. The tags could be distributed through a sealed bid process or through a live auction and awarded to the highest bidder. Assembly Bill 246 (R1) would utilize the same allotment of tags and provide one more avenue of distribution, a draw system. When filling out the application, there would be a box to check to participate in the Silver State Tag draw, and a \$20 fee would be charged.

The fiscal note from the NDOW showed a programming fee with ineligible clients would total \$18,800, and the programming fee without the ineligible clients would total \$12,700. Mr. Bliss explained that an ineligible client was a client who had harvested a big game animal or received a tag for that animal and then was required to be on a five-year or ten-year waiting list.

Mr. Bliss stated the NDOW could use up to 18 percent of Heritage Account funding for administrative costs, and the one-time start-up costs would be paid from those funds.

Chair Leslie complimented everyone who had worked on the bill and said she appreciated all the hard work.

Assemblyman Goicoechea commented that the tags were very sought after and would generate income for the NDOW.

Kenneth E. Mayer, Director, Nevada Department of Wildlife, testified in support of A.B. 246 (R1). Mr. Mayer stated the Department had been working with proponents of the bills and was grateful for everyone attempting to generate money for the NDOW. He believed the Silver State Tag proceeds could range from \$600,000 to over \$2 million.

Kyle Davis, Policy Director, Nevada Conservation League, testified in support of A.B. 246 (R1). He stated the Nevada Conservation League was in support of the bill as well as the two amendments.

Bjorn Selinder, representing Churchill, Eureka, and Elko Counties, testified in support of A.B. 246 (R1), as it would be amended per the provisions proposed by Assemblywoman Smith and Assemblyman Goicoechea. He commented that in these tough economic times, it was refreshing that there was a movement to enhance and protect Nevada's wildlife habitat while generating new revenue.

Ira Hansen, private citizen, testified in support of the original A.B. 246 (R1) and the amendment proposed by Assemblyman Goicoechea but said he was opposed to proposed amendment 4747 from Assemblywoman Smith. He said he had just received the amendments and thought the idea that the sportsmen were all in favor of amendment 4747, when no one had seen it, was highly questionable. Mr. Hansen said the State Wildlife Commission opposed A.B. 437, which was similar to the amendment proposed by Assemblywoman Smith.

Mr. Hansen noted that the provisions of A.B. 437 (Assemblywoman Smith's amendment) were never sent to the county advisory boards for review, which was standard protocol before bills went to the Commission and then to the Legislature. According to Mr. Hansen, the degree of new bureaucracy that proposed amendment 4747 raised also presented a problem. Mr. Hansen said he was a very active sportsman, and there was a series of available tags, such as Partnership in Wildlife Tags and the Governor's Tags, that were very expensive. One of the most coveted tags cost \$100,000. According to Mr. Hansen, the new amendment proposed by Assemblywoman Smith was in direct competition for the same dollars as the amendment being proposed by Assemblyman Goicoechea.

Mr. Hansen said he was concerned that the amendment created a private group outside the Department of Wildlife or the Wildlife Commission, when there were already organizations in place that could receive that money and put it in a Heritage Fund or an organization of that type. He maintained the State did not need to engage an outside organization. Mr. Hansen also wondered why an additional bureaucratic level of five people would be established with none of the members being sportsmen.

Assemblyman Jerry D. Claborn, Clark County Assembly District No. 19, stated that because he had just received a copy of the latest amendment, he declared he was neutral regarding A.B. 246 (R1).

Assemblywoman Smith clarified that the use of a non-profit organization was required because of the state's lottery prohibition. While it was a more difficult route to follow for the proponents of amendment 4747, it was required.

Ms. Caron testified that she had attended the Wildlife Commission meeting when the provisions of Assemblywoman Smith's amendment (A.B. 437) were considered. She believed the concept was opposed because the accountability provisions were not included in the draft language and that the Commission had misinterpreted the proposal. Ms. Caron said that various local wildlife advisory boards had these provisions on their agendas and noted some supported the concept, some opposed the concept, and others stayed neutral or took no action on the concept. She said that when the Wildlife Commission considered these provisions a second time, some commissioners expressed support for the bill draft while others opposed it, but those in opposition wanted a chance to review the amended language when it became available. Ms. Caron said the concept in Assemblywoman Smith's amendment was not unanimously opposed by the Commission.

Chair Leslie closed the hearing on A.B. 246 (R1).

Chair Leslie asked the Committee to consider introduction of the following bill draft requests:

- **BDR 32-1188**—Increases fee charged by State for collecting local sales and use taxes.
- **BDR S-1285**—Makes an appropriation for the coordination of services in Nevada schools.
- **BDR 32-1299**—Imposes a tax on the provision of video service to subscribers in the state.
- **BDR S-1206**—Temporarily suspends the requirement to transfer money from the Abandoned Property Trust Account in the General Fund to the Millennium Scholarship Trust Fund.
- **BDR—35-1309**—Requires the establishment of a commercial wedding program at the Boulder Dam-Valley of Fire State Park.
- **BDR 31-1178**—Revises the provisions governing the fees charged by certain governmental entities for accepting payments by credit cards, debit cards, and electronic transfers of money.

ASSEMBLYWOMAN BUCKLEY MOVED FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUESTS 31-1188, S-1285,
32-1299, S-1206, 35-1309, AND 31-1178.

ASSEMBLYMAN OCEGUERA SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Arberry was not present
for the vote.)

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[Assembly Bill 20 \(1st Reprint\)](#): Revises provision governing homes for individual residential care and other facilities and agencies licensed by the Health Division of the Department of Health and Human Services. (BDR 40-335)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), stated A.B. 20 (R1) had been heard on April 30, 2009.

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS AS AMENDED ASSEMBLY BILL 20 (R1).

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Arberry was not present for the vote.)

Assembly Bill 81 (1st Reprint): Makes various changes relating to the Central Repository for Nevada Records of Criminal History (BDR 14-314)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), stated A.B. 81 (R1) was heard on April 27, 2009, and involved changes affecting the Criminal History Repository. The Criminal History Repository was in agreement with the bill, according to Mr. Stevens. No fiscal note was attached to the bill.

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS AS AMENDED ASSEMBLY BILL 81 (R1).

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Arberry was not present for the vote.)

Assembly Bill 227 (1st Reprint): Revises provision relating to the provision of foster care. (BDR 38-187)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), stated A.B. 227 (R1) was heard on April 29, 2009. Mr. Stevens said there were amendments to the bill, and one amendment changed the word "shall" to "may" to make it permissive instead of mandatory.

Assemblywoman Smith commented that the intent of the bill was still unclear, and she did not believe the counties and the state were in complete agreement about the bill. She stated the bill should be held for further consideration.

Chair Leslie agreed the Committee should take no action at this time regarding A.B. 227 (R1).

Assembly Bill 279 (1st Reprint): Requires the preservation of certain biological evidence under certain circumstances. (BDR 14-518)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), stated A.B. 279 (R1) was heard on April 29, 2009. There were a number of issues in the bill and proposed amendments. One of the options discussed was to retain section 2 and then a decision could be made as to whether to retain the remaining sections. Mr. Stevens said there were a variety of amendments proposed pertaining to A.B. 279 (R1).

Chair Leslie declared A.B. 279 (1st Reprint) held for further discussion.

Assembly Bill 359 (2nd Reprint): Revises provisions governing certain personnel who work with children with autism. (BDR 34-1024)

Assemblywoman Smith commented that the fiscal note was removed with the amendments to A.B. 359 (R2). The bill was amended in the Committee on Health and Human Services and had two components. One component was setting best practices in the Department of Health and Human Services, and the other component was education.

Assemblywoman Buckley said her only question about A.B. 359 (R2) was section 9, which she paraphrased as "notwithstanding any other provision of the law to the contrary, if we receive money from the American Recovery and Reinvestment Act of 2009 (ARRA), the education stimulus money that is designated for expenditure from the Distributive School Account (DSA) to assist school districts with training, the money must be deposited in the grant funds." Assemblywoman Buckley said that provision concerned her because the state could not afford to take any education stimulus money and devote it for training. She said that if section 9 was deleted she could support the bill.

Assemblywoman Smith said she would have an amendment prepared to address section 9 of the bill.

Assemblyman Hardy said he was under the impression that the ARRA had some money specifically marked for autism.

Assemblywoman Buckley said if the ARRA funds contained money designated only for autism, that money would automatically go to autism.

Assemblywoman Gansert suggested changing the word "must" on line 11 to "may."

According to Assemblywoman Buckley, section 9 was not worded very clearly, and she did not want any confusion that the ARRA stimulus money would be earmarked to a different place.

Assemblywoman Smith said that so far it had been very clear where all designated stimulus dollars were to go.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 359 (R2), DELETING SECTION 9 AND
SECTION 10.

ASSEMBLYMAN DENIS SECONDED THE MOTION

THE MOTION PASSED. (Assemblyman Arberry was not present
for the vote.)

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Assembly Bill 426 (1st Reprint): Requires the Division of Environmental Protection of the State Department of Conservation and Natural Resources to conduct a study concerning program for reusing and recycling computers and other electronics. (BDR S-466)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau (LCB), commented that A.B. 426 (R1) had been heard today.

ASSEMBLYWOMAN MCCLAIN MOVED TO DO PASS AS
AMENDED ASSEMBLY BILL 426 (R1).

ASSEMBLYWOMAN KOIVISTO SECONDED THE MOTION.

THE MOTION PASSED. (Assemblyman Arberry was not present
for the vote.)

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Assembly Bill 461 (1st Reprint): Makes various changes relating to older
persons. (BDR 15-126)

Assemblywoman McClain stated there was no longer a fiscal note with the bill,
but the policy was still intact.

Assemblyman Hardy compared page 2, line 14 to page 3, line 4 of
A.B. 461 (R1) and indicated there appeared to be a conflict.

Assemblywoman Buckley referred to page 3 of the bill and said the language
regarding attorneys was in opposition to attorney/client privilege. She said she
could not support language in the bill that required an attorney to ignore
attorney/client privilege.

Assemblywoman McClain stated attorneys and clergy were always included in
the law until last session.

Chair Leslie declared A.B. 461 (R1) held.

Assembly Bill 488: Revises provision governing the employment of retired
public employees. (BDR 23-782)

Mark Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative
Counsel Bureau (LCB), explained that A.B. 488 had been heard by the
Committee on April 29, 2009. Mr. Stevens noted the amendments that had
been worked out with the Public Employees Retirement System (PERS) for
continuation of the critical labor shortage provisions, particularly involving
K-12 education. The bill would further require the PERS to perform an
experience study for the period of July 1, 2009, through June 30, 2014, and
report to the Legislature regarding the cost of the provision.

ASSEMBLYWOMAN BUCKLEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 488.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

Assemblywoman Gansert asked whether the bill contained a fiscal note and
Mr. Stevens explained the amendment would remove the fiscal note and tighten
the positions covered by the critical labor shortage provisions. Mr. Stevens said
the PERS had agreed the contribution rate would not change during the
experience period of five years. That was a sufficient amount of time to
determine whether the provisions worked to restrict the number of people
utilizing the critical labor shortage provision.

THE MOTION PASSED. (Assemblyman Arberry was not present
for the vote.)

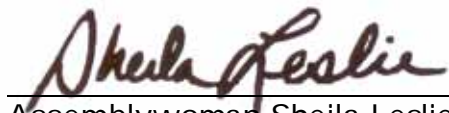
* * * * *

Chair Leslie adjourned the meeting at 7:51 p.m.

RESPECTFULLY SUBMITTED:

Anne Bowen
Committee Secretary

APPROVED BY:



Assemblywoman Sheila Leslie, Chair

DATE: _____

| <u>EXHIBITS</u> | | | |
|--|---------|--|--|
| Committee Name: <u>Committee on Ways and Means</u> | | | |
| Date: <u>May 4, 2009</u> | | Time of Meeting: <u>3:30 p.m.</u> | |
| Bill | Exhibit | Witness / Agency | Description |
| | A | | Agenda |
| | B | | Guest sign-in sheet |
| A.B. 246 | C | Assemblyman David Bobzien | Families Afield Revised Youth Hunting Report |
| A.B. 246 | D | Kim Jolly, Nevada Department of Wildlife | Description of Fiscal Effect |
| A.B. 246 | E | Dianna Belding and Judi Caron | Restoring Nevada's Landscape PowerPoint |
| A.B. 246 | F | Assemblywoman Debbie Smith | Mock-up proposed amendment 4747 to A.B. 246 |
| A.B. 246 | G | Chris Askin, President, Community Foundation of Western Nevada | Annual Report of Community Foundation of Western Nevada 2007 |
| A.B. 246 | H | Assemblyman Pete Goicoechea | Amendment to A.B. 246 |
| A.B. 246 | I | Chad Bliss | Testimony of Chad Bliss |