

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

**Seventy-Eighth Session
May 7, 2015**

The Senate Committee on Finance was called to order by Chair Ben Kieckhefer at 6:11 p.m. on Thursday, May 7, 2015, in Room 2134 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ben Kieckhefer, Chair
Senator Michael Roberson, Vice Chair
Senator Pete Goicoechea
Senator Mark A. Lipparelli
Senator David R. Parks
Senator Joyce Woodhouse
Senator Debbie Smith

GUEST LEGISLATORS PRESENT:

Senator Mark A. Manendo, Senatorial District No. 21

STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Emily Cervi, Committee Assistant
Lona Domenici, Committee Manager
Trish O'Flinn, Committee Secretary

OTHERS PRESENT:

Brett Kandt, Special Assistant Attorney General, Office of the Attorney General
Scott Anderson, Chief Deputy, Office of the Secretary of State
Peggy Lear Bowen
Robert Compan, Farmers Group Inc.
Deonne Contine, Executive Director, Department of Taxation
Lisa Foster, Allstate Insurance

James Wadhams, Nevada Independent Insurance Agents Association, Nevada
Association of Health Underwriters, Nevada Association of Insurance and
Financial Advisors

Bill Hoffman, P.E., Deputy Director, Department of Transportation

Kelly Martinez, City of Las Vegas

Colleen Cripps, Ph.D., Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources

Brian Reeder, Nevada Chapter, Associated General Contractors of America, Inc.

J.J. Goicoechea, Chairman, Eureka County Commission

Jake Tibbitts, State Land Use Planning Advisory Council

Janine Hansen, Nevada Committee for Full Statehood, Nevada Families for
Freedom

Kent Ervin

Chair Kieckhefer:

We will take the four bills on the work session first and then move back to the
regular agenda.

Mark Krmpotic (Senate Fiscal Analyst):

The first item this evening is Senate Bill (S.B.) 428 which makes appropriations
to the State Department of Conservation and Natural Resources' (DCNR)
Division of Forestry for the replacement of major equipment items.

SENATE BILL 428: Makes appropriations to the State Department of
Conservation and Natural Resources for the replacement of emergency
response, firefighting and other critical equipment and vehicles.
(BDR S-1223)

The equipment includes an aviation fuel truck, two type-3 engines and a water
tender. Questions about the prices for these vehicles were raised at a previous
hearing. The water tender was listed at \$333,150, \$316,025 for a
type-3 engine and \$175,415 for an aviation fuel truck. Fiscal staff has obtained
updated quotes from the Division. For the most part, the dollar amounts
included in the appropriation are holding. Staff would recommend a slight
decrease of \$2,062 in the appropriation in subsection 1, section 1 from
\$1,142,675 to \$1,140,613. With respect to the water tender, the purchase
includes a chassis and a water tank. Staff has reviewed the appropriation in
subsection 2, section 1 for \$1,791,351 for nine crew carriers. Staff

recommends an increase of \$4,167 to \$1,795,418. The net increase to the appropriation is approximately \$2,100.

SENATOR PARKS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 428 WITH THE AMENDMENTS TO THE AMOUNTS AS NOTED BY FISCAL STAFF.

SENATOR LIPPARELLI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

The next item is S.B. 429.

SENATE BILL 429: Makes a supplemental appropriation to the State Distributive School Account for a shortfall resulting from an unanticipated increase in K-12 enrollment for the 2013-2014 and 2014-2015 school years. (BDR S-1231)

Mr. Krmpotic:

This bill makes a supplemental appropriation to the Distributive School Account (DSA) made by the 2013 Legislature for fiscal year (FY) 2015 based on increased enrollment. The bill as introduced calls for an appropriation of \$77.7 million. Revised information has been received by staff following the meeting of the Economic Forum respecting various revenue elements used to calculate the State's obligation for Kindergarten through Grade 12 (K-12) education.

The following adjustments have been agreed upon by staff in the Legislative Counsel Bureau's Fiscal Analysis Division, the Department of Administration's Budget Division and the Department of Education (NDE):

- A gain of approximately \$4 million in local school-support tax revenues.
- A gain of \$2.7 million in the one-third property tax revenues.
- A gain of \$2.9 million in room tax revenues.
- Eureka and Lander Counties have not required any State money to fund K-12 education due to the abundance of local revenues. Therefore, an

adjustment to the DSA for negative payments was made. The original amount built into the budget, and assumed in the supplemental appropriation, was \$9.7 million; that has gone down to \$3.9 million.

- Audited enrollment for FY 2015 declined from previous calculations by 300 pupils, generating a gain of \$1.7 million.

The reasons for the supplemental appropriation include actual enrollment for FY 2014 exceeding projections by 3,176 students. This necessitated the transfer of \$15.7 million of DSA funding from FY 2015 to FY 2014 to fund the additional enrollment costs. In FY 2015, enrollment exceeded expectations by 9,100 students. The combined funding shortfall related to the unanticipated enrollment totals \$68.8 million. Additionally, the State incurred unbudgeted costs associated with the hold harmless provision of \$25.7 million.

Based on the adjustments noted, staff would recommend a reduction in the supplemental appropriation from \$77,740,344 to \$62,026,744, a decrease of \$15,677,600.

Senator Smith:

I understand part of this is due to the hold harmless provisions related to charter schools whose enrollment has been capped legislatively. Yet, they receive funding based on previous enrollment levels. It makes no sense. Should we look at that more closely and put something in the back language of the Appropriations Bill?

Chair Kieckhefer:

I agree. There is another bill that deals with the hold harmless language.

SENATOR ROBERSON MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 429 REDUCING THE SUPPLEMENTAL APPROPRIATION TO
\$62,026,744.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

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Chair Kieckhefer:

We will move to S.B. 471.

SENATE BILL 471: Revises provisions governing payments from the State Retirees' Health and Welfare Benefits Fund made on behalf of certain retired persons. (BDR 23-1178)

Alex Haartz (Principal Deputy Fiscal Analyst):

Section 1, subsection 6 of S.B. 471 amends *Nevada Revised Statute* (NRS) 287.046 and would provide an exception to the requirement that eligibility for the monthly health reimbursement arrangement contribution and basic group life insurance benefit otherwise provided by the Public Employees' Benefit Program (PEBP) to Medicare-eligible retirees requires enrolling in an individual Medicare medical plan through the State's individual Medicare market exchange. Specifically, the PEBP Board and Governor Brian Sandoval recommend that retirees who are veterans eligible for or enrolled in Tricare, receive an exception to NRS 287.046. It is estimated this change would benefit between 454 and 471 Tricare-eligible State retirees in FY 2016 and FY 2017 respectively. The cost of the plan is estimated at approximately \$2,238 per eligible retiree per year. Funding for this bill was included in the Executive Budget and was approved when the PEBP budgets were closed, contingent upon passage of S.B. 471.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 471.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

The next item is S.B. 472.

SENATE BILL 472 (1st Reprint): Revises provisions governing the eligibility of state officers and employees for health benefits. (BDR 23-1193)

Mr. Haartz:

Section 1, subsections 1 through 4 of S.B. 472 amend NRS 287.045 to revise the effective date of coverage for eligible participants to either the first day of full-time employment, if that day is the first day of the month, or the first day of the month immediately following the first day of employment. The intent of S.B. 472 is to ensure compliance with two aspects of the federal Affordable Care Act (ACA). The first aspect is compliance with the requirement that the waiting period for health insurance coverage not exceed 90 days. This requirement has already been addressed through regulation, however, S.B. 472 would add it to statute. The second aspect is to comply with the federal mandate that highly compensated employees are not treated more favorably than lower compensated employees. Historically, and currently, Nevada System of Higher Education (NSHE) professional staff have been eligible for coverage either on the first day of employment, if employment begins on the first day of the month, or the first day of the following month. Whereas, NSHE classified employees and all other State employees have had to wait 90 days. The effect of this bill was also included in the Executive Budget. It was amended through Budget Amendment No. A1508211338 and was approved when the PEBP budgets were closed, contingent upon passage of S.B. 472.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 472 AS AMENDED.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Kieckhefer:

That finishes the work session. We will open the hearing on S.B. 60.

SENATE BILL 60 (1st Reprint): Revises various provisions related to the Office of the Attorney General. (BDR 16-470)

Brett Kandt (Special Assistant Attorney General, Office of the Attorney General):

Senate Bill 60 is an omnibus bill regarding three different items and the operations in the Office of the Attorney General (AG). Sections 1 through 5 of the bill would transfer responsibility for administering the State's confidential

address program from the Office of the Secretary of State to the AG's Office. This responsibility dovetails with the victim's services functions. This program has been funded with General Fund appropriations to cover basic administrative costs. That funding will be transferred, but the AG's office will absorb any other expenses.

Chair Kieckhefer:

What will we need to do to facilitate the transfer from a budgetary perspective? Is there a specific fee that will be transferred?

Mr. Kandt:

My understanding is funding is solely General Fund appropriations.

Chair Kieckhefer:

What is the amount associated with this program?

Mr. Kandt:

The amount I was provided is \$11,388.

Chair Kieckhefer:

Which budget account would you expect it to go into?

Mr. Kandt:

It could either go into Budget Account (B/A) 101-1030, the Administrative Fund or B/A 101-1042 the Victims of Domestic Violence account.

ELECTED OFFICIALS

AG - Administrative Fund — Budget Page ELECTED-84 (Volume I)
Budget Account 101-1030

AG - Victims of Domestic Violence — Budget Page ELECTED-130 (Volume I)
Budget Account 101-1042

Scott Anderson (Chief Deputy, Office of the Secretary of State):

The Secretary of State's office agrees with the transfer of responsibilities and the General Fund appropriations.

Mr. Kandt:

Sections 10 and 11 of S.B. 60 authorize the creation of the Office of Military Legal Assistance within the AG's Office. This initiative follows a survey of current and former military personnel in our State in which 61 percent of the respondents indicated that one of their top unmet needs was civil legal advice and representation. The AG's office has begun a partnership with legal services providers and the private bar in Nevada to help fill that gap.

Chair Kieckhefer:

The Senate Committee on Finance approved a new position to staff this office, but the Assembly Committee on Ways and Means closed differently than we did. Is that correct?

Mr. Kandt:

The Assembly Committee on Ways and Means also approved that position. Section 16 of S.B. 60 extends the sunset clause for the substance abuse working group chaired by the AG to June 30, 2019.

Chair Kieckhefer:

Is anyone here to testify in support of S.B. 60?

Peggy Lear Bowen:

I hope that any money going to the AG's office to support the confidential address program will be placed in the fund for victim support rather than their administrative fund.

Chair Kieckhefer:

Is there any additional testimony in support of S.B. 60? Is there any opposition testimony? Is there any neutral testimony? Seeing none, we will close the hearing on S.B. 60.

We will open the hearing on S.B. 103.

SENATE BILL 103 (1st Reprint): Exempts certain persons from the modified business tax on financial institutions. (BDR 32-42)

Robert Compan (Farmers Group Inc.):

The modified business tax (MBT), originally enacted in the 2003 Legislature, substituted a 2 percent payroll tax on the entire payroll of financial institutions

for a 1.17 percent general business payroll tax on payrolls exceeding \$85,000 per quarter. Aimed at banks and stockbrokers, the definition of a financial institution included those individuals carrying a license pursuant to NRS 90.310, 90.330, 90.453, 686A.340 or 688C.190. When the sunset on the MBT was extended by the 2013 Legislature, Farmers' insurance agents began receiving notices that they were subject to the 2 percent payroll tax on financial institutions.

As outlined in my written testimony ([Exhibit C](#)), these insurance agents are primarily in the business of selling auto and home insurance. As a benefit to their customers, the owner may carry the license required to sell securities. Farmers insurance agents selling auto and homeowners insurance received commissions totaling \$40.2 million in FY 2014; of that, agents carrying Series 6 or 63 licenses received commissions of \$399,000. That is less than 1 percent of the total. Generally, there is only one agent in an office who carries this license, but the entire payroll is taxed at this higher financial institution rate.

In discussions with the Governor's Office and the Nevada Tax Commission, it was determined that this was an unintended consequence of the law which would have to be remedied through legislation. The result is S.B. 103. We know there is a fiscal note of approximately \$800,000 per year attached.

Chair Kieckhefer:

In the proposal before us, would they still pay the 1.17 percent MBT applicable to nonfinancial institutions?

Mr. Compan:

Yes, that is correct.

Chair Kieckhefer:

Will someone from the Department of Taxation address the fiscal impact?

Deonne Contine (Executive Director, Department of Taxation):

The fiscal note prepared for the original bill considered historical filings based on certain insurance agents who could have that series license under that statute as it is currently written. During discussion at a Senate Committee on Revenue and Economic Development hearing, it was noted that the bill only applied to property and casualty insurers, not to life and health insurers. I had erroneously instructed my staff to include property, casualty, life and health. However, the

bill was subsequently amended to include all categories, so the fiscal note has not changed. The fiscal note is approximately \$350,000 a year assuming the insurers would pay the general business rate of 1.17 percent with the \$85,000 per quarter exemption.

Senator Lipparelli:

There is a reference in section 1, subsection 1(r), that refers back to definitions in subsections 1(a), (b), (d) to (k) and (m) to (q). Could a person fit both the exception being proposed but still be caught in these other definitions?

Ms. Contine:

The specific license under discussion is in section 1, subsection 1(b). The change of definition in section 1, subsections 2(c) and 2(d) state that an entity who holds this type of license is considered a financial institution only if primarily engaged in that activity.

Senator Lipparelli:

Is the 50 percent threshold the basis of the definition of primarily engaged?

Ms. Contine:

Yes.

Chair Kieckhefer:

Is there any additional testimony in support of S.B. 103?

Lisa Foster (Allstate Insurance):

All State Insurance believes S.B. 103 would correct an unintended consequence of the MBT that has had a significant impact on a group of small employers around the State. Those who have been unfairly affected by the higher MBT are those insurance agents primarily selling home and auto insurance. We support S.B. 103.

James Wadhams (Nevada Independent Insurance Agents Association, Nevada Association of Health Underwriters, Nevada Association of Insurance and Financial Advisors):

As a practicing attorney, I had occasion to take three of these cases through to the Tax Commission. The Commission expressed sympathy, but noted it was a construction of the statute that must be addressed legislatively. Most of the businesses represented by the trade associations I am speaking for are small

businesses whose total annual revenue is approximately \$290,000. Their payroll would be under the \$85,000 threshold if calculated at the general MBT. The imposition of the financial institution MBT would increase their payroll tax from zero to \$4,000 to \$5,000. The income generated by maintaining this licensure might be \$1,000 a year; they would have to drop the license. Those businesses that are larger would still pay the 1.17 percent after the \$85,000 per quarter exemption.

Chair Kieckhefer:

Is there any further testimony in favor of S.B. 103? Is there any opposition testimony? Is there any neutral testimony? Seeing none, we will close the hearing on S.B. 103.

We will open the hearing on S.B. 324.

SENATE BILL 324 (1st Reprint): Revises provisions concerning the Department of Transportation. (BDR 35-23)

Bill Hoffman, P.E. (Deputy Director, Department of Transportation):

The Department of Transportation (NDOT) is in need of legislation authorizing the legal authority to control illegal discharges from third-party entities into NDOT right-of-way. Without sufficient legal authority, NDOT will be unable to effectively implement its storm water program.

The NDOT is required to monitor its roads and right-of-way, and is held liable for any illegally dumped materials onto our right-of-way or into our storm drain system, including illicit discharges by third-party entities. Some examples of illicit discharges that NDOT has had to address in the past include: fast food restaurants hosing down their parking lots, local agency's sewer system plugging and overflowing and car dealerships allowing wash water to overflow.

These incidents were properly handled; however, it took additional time and effort without having direct legal authority. The DCNR's Division of Environmental Protection (NDEP) currently has legal authority to address NDOT's illicit discharge program, however, this duplication of effort and time delays when NDOT has to call in NDEP for assistance.

The United States Environmental Protection Agency (EPA) has reviewed state Department of Transportation (DOT) storm water programs and NDOT was one

of the last to be reviewed. The Department received an audit report noting deficiencies in May 2012. In response, NDOT took the following steps:

- Hired a consultant for our storm water program in June 2013.
- Repurposed six vacant positions to assist with the program.
- Provided training to NDOT employees.
- Met with the EPA to review the design, construction, maintenance, permitting and environmental programs related to compliance with the Federal Water Pollution Control Act.

The NDOT must be proactive to address Clean Water Act requirements. Hawaii DOT had a settlement with the EPA in the amount of \$52 million to address deficiencies in their program. If NDOT shows the EPA that it is being aggressive and proactive, NDOT hopes to avoid administrative fines. About half of the state DOTs have the legal authority NDOT is seeking. The rest are quickly moving in that direction.

The NDOT submitted a fiscal note to the original bill stating NDOT could absorb the costs. Since then, the Senate Committee on Finance and Assembly Committee on Ways and Means Subcommittees on Public Safety, Natural Resources and Transportation approved NDOT's budget including an amendment adding a deputy director and new positions to address this important program.

Finally, the Department of Motor Vehicles notified NDOT that the gas tax revenues going into the Highway Fund will be \$14.5 million higher than the original projections. This will essentially cover the expenses of the storm water program.

I will refer to the document titled, "Proposed Amendment to Senate Bill No. 324" ([Exhibit D](#)). This amendment is new since the bill was passed out of the Senate Committee on Transportation. Section 3.5 expands the definition of discharge to include solids and liquids. Section 4, subsection 1 makes the language regarding fire fighting consistent with current requirements of the National Pollutant Discharge Elimination System program. Section 4, subsection 3 details options available to NDOT to recoup expenses associated with remediation of an illegal discharge. These expenses include: attorney fees and costs, administrative fees and civil

penalties. Section 13 allows the director of NDOT to hire a third deputy director to oversee the storm water management program.

Senator Goicoechea:

What impact will this have on waterways crossing State highways in rural areas that may not have encroachment permits?

Mr. Hoffman:

There may be rural culverts that are not permitted, but they would still fall within the purview of NDOT responsibility.

Senator Goicoechea:

Will the \$750 a day penalty be assessed if someone did not know the water flowed through an unpermitted culvert?

Mr. Hoffman:

Yes. That is why NDOT needs this legal authority.

Senator Goicoechea:

My concern is that this is not a permitted encroachment, but it existed before the highway was built. Yet, with this authorization, NDOT could require a permit and related requirements.

Mr. Hoffman:

Yes, that is correct.

Senator Goicoechea:

That makes me nervous.

Mr. Hoffman:

An enforcement process has to be developed. The first step would be verbal, followed by written notification before a cease and desist letter is issued. Only after a cease and desist order is given would any fines be levied. The NDOT would request the culvert be permitted and would work with the property owner before any penalties are assessed.

Senator Goicoechea:

My concern is that there are over 500,000 miles of highway and the culverts and creeks will have to be inventoried.

Chair Kieckhefer:

Do you have a total budget outline for the expansion of this new program?

Mr. Hoffman:

There is a budget, but I do not have it with me.

Chair Kieckhefer:

Do your existing resources and the funds authorized in the budget closing meet the need to complete this program?

Mr. Hoffman:

Yes, it does.

Chair Kieckhefer:

If we do not create and sufficiently fund this program, will federal funds be at risk?

Mr. Hoffman:

There are civil penalties and fines that could be assessed by the EPA.

Chair Kieckhefer:

There are potential penalties rather than a loss of federal funds. Is there anyone here to testify in support of S.B. 324?

Kelly Martinez (City of Las Vegas):

The NDOT right-of-way storm drains run through the city of Las Vegas and the passage of S.B. 324 is important for the city, the Las Vegas Valley, Lake Mead and our water supply.

Colleen Cripps, Ph.D. (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

We support S.B. 324 as it has been amended. We have been working closely with NDOT drafting this bill. In response to the questions raised regarding rural waterways, these waterways would have to meet the definitions of a pollutant and a discharge. A culvert by itself would not meet either of those definitions. We will be working closely with NDOT to develop the enforcement program to ensure it is workable and meets all federal requirements.

Senator Mark A. Manendo (Senatorial District No. 21):

I have worked with NDOT. I support the amendments.

Chair Kieckhefer:

Is there additional testimony in support of S.B. 324? Is there any opposition to S.B. 324?

Brian Reeder (Nevada Chapter, Associated General Contractors of America, Inc.):

We are not opposed to clean water and the intent of S.B. 324; however, NDOT does not have the money to handle its primary mission which is to keep our roads safe and drivable. The NDOT could use existing resources to address this problem and many functions could probably be contracted out. The \$16 million would be better spent repairing roads.

Chair Kieckhefer:

Is there any additional opposition testimony? Is there any neutral testimony? Seeing none, we will close the hearing on S.B. 324.

We will open the hearing on S.B. 456.

SENATE BILL 456: Revises certain provisions concerning the control and preservation of certain accessory roads. (BDR 35-1089)

J. J. Goicoechea (Chairman, Eureka County Commission):

This bill passed out of the Senate Committee on Transportation unanimously. It primarily relates to roads built for mining purposes. Roads in the State that were in existence prior to 1976 may be claimed as a county road and, in theory, the county may be granted right-of-way. Many of these rights-of-way are now being contested. Some counties are attempting to obtain clear title to these roads from the federal agencies that manage the lands through which the roads pass. There is no standard protocol for this procedure in Nevada.

Section 3, subsection 3(5)(b) states:

The Land Use Planning Advisory Council created by NRS 321.470, the Attorney General and the Nevada Association of Counties shall work cooperatively to develop, maintain and assist in the

implementation of a legal protocol whereby a county may perfect its rights to and finalize title to an accessory road or a public road.

Senator Goicoechea:

Reading S.B. 456, the language appears to be enabling, not mandating. Why is there a fiscal note attached?

Mr. Kandt:

The Attorney General supports S.B. 456. You are correct, it is enabling legislation. To ascertain the fiscal impact on AG's office, we modeled the fiscal note on the resources used by the Utah Attorney General's office, which has had a similar program for several years. The fiscal note that has been submitted is probably premature. There will be significant fiscal impact in future biennia due to litigation, but it will take time for the legislation to take effect. The fiscal impact in the 2015-2017 biennium will be minimal.

Senator Goicoechea:

Most Nevadans recognize the importance of public access and right-of-ways.

Chair Kieckhefer:

Is the fiscal impact minimal to the point the AG's office could absorb it with existing resources?

Mr. Kandt:

For the coming biennium, the impact will be minimal. There will be a fiscal impact in future biennia.

Senator Goicoechea:

There is no language in the bill that requires the AG to defend it.

Mr. Kandt:

The language is permissive. However, the AG's office is committed to working with the stakeholders to assert the State's and the counties' rights in this regard. That will eventually require adequate resources to fulfill that mission.

Chair Kieckhefer:

The fiscal note submitted by your office is \$499,098 for FY 2016 and \$478,564 for FY 2017. If S.B. 456 is passed without any appropriations for the 2015-2017 biennium will that be acceptable?

Mr. Kandt:
Yes.

Jake Tibbitts (State Land Use Planning Advisory Council)

The Board of the State Land Use Planning Advisory Council voted unanimously to support S.B. 456.

J. J. Goicoechea (Nevada Association of Counties):

The Nevada Association of Counties supports S.B. 456.

Chair Kieckhefer:

Is there any additional testimony in support of S.B. 456?

Janine Hansen (Nevada Committee for Full Statehood):

This is incredibly important legislation. I have watched the roads in the Elko area where I live being closed to public access by the federal government. This is incredibly important as it has a fiscal impact in the counties where most of the economic activity relies on activities such as ranching, mining and hunting. If we do not defend our right-of-way, there will be a greater fiscal impact to our people and to our freedoms.

Chair Kieckhefer:

Any further testimony in support of S.B. 456? Is there any testimony in opposition to S.B. 456?

Kent Ervin:

I am a frequent user of public lands and public roads. I do not usually have problems with access on public lands; I see more problems with unauthorized new roads being created. My objection to S.B. 456 is the use of State taxpayer money for protracted lawsuits for county and local issues.

Chair Kieckhefer:

Is there any additional opposition testimony? Is there any neutral testimony? Seeing none, we will close the hearing on S.B. 456. We will open the hearing for public comment.

Janine Hansen (Nevada Families for Freedom):

Assembly Bill 405, which has been referred to this Committee, has no fiscal impact. We would like to have it referred to another Committee where it can

receive a hearing. A parent is notified if a child is to receive an aspirin or get his or her ears pierced, but under current law, a parent is not notified if a child is to undergo a surgical procedure of abortion. Whatever the vote, the bill deserves to have a hearing.

ASSEMBLY BILL 405 (1st Reprint): Revises provisions regulating certain abortions. (BDR 40-755)

Ms. Lear Bowen:

I have several concerns. The first is the cancellation of the Wellness Program by the PEBP Board. The participants were not told that there was a change in the program and the money could have gone into their health savings accounts. With the cancellation of the Wellness Program, money that is saved could be used to help Medicare-eligible recipients who have reached the limit of their Medicare funds. Another use of the money saved would be to restore benefits that were taken away. The first mammogram and colonoscopy are covered, but, if the doctor orders a follow-up, the insurance does not cover it. For new hires, create a retiree insurance program in lieu of Medicare. The final point is the glitch in the open meeting law. Using PEBP Board meetings as an example, if the meeting is not official, they do not have videoconferencing. A Subcommittee or Executive Board meeting does not require it. Access to the meetings in Clark County is improving, but not in the rural counties.

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Chair Kieckhefer:

Is there any additional public comment? Seeing none, the hearing is adjourned at 7:25 p.m.

RESPECTFULLY SUBMITTED:

Trish O'Flinn,
Committee Secretary

APPROVED BY:

Senator Ben Kieckhefer, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	4		Attendance Roster
S.B. 103	C	2	Robert Compan, Farmers Group Inc.	Written Testimony
S.B. 324	D	8	Bill Hoffman, NDOT	Proposed Amendment to <u>S.B. 324</u>