

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

**Seventy-Third Session
February 14, 2005**

The Committee on Government Affairs was called to order at 8:08 a.m., on Monday, February 14, 2005. Chairman David Parks presided in Room 3143 of the Legislative Building, Carson City, Nevada, and via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. David Parks, Chairman
Ms. Peggy Pierce, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. Chad Christensen
Mr. Jerry D. Claborn
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joe Hardy
Mrs. Marilyn Kirkpatrick
Mr. Bob McCleary
Mr. Harvey J. Munford
Ms. Bonnie Parnell
Mr. Scott Sibley

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Eileen O'Grady, Committee Counsel

Michael Shafer, Committee Attaché

OTHERS PRESENT:

Gary Bermeosolo, Administrator, Nevada State Veterans Home, Nevada Office of Veterans Services
Charles W. "Chuck" Fulkerson, Executive Director, Nevada Office of Veterans Services
Dan Musgrove, Director, Clark County Office of the County Manager, Intergovernmental Relations
Charles "Chuck" Chinnock, Executive Director, Nevada Department of Taxation
J. David Fraser, Executive Director, Nevada League of Cities and Municipalities
Kimberly J. McDonald M.P.A., Special Projects Analyst and Lead Lobbyist, City of North Las Vegas, Nevada
Ted J. Olivas, Director, Government & Community Affairs, City of Las Vegas
Stan Olsen, Executive Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department, Las Vegas, Nevada
Cindy Edwards, Administrator, Buildings and Grounds Division, Nevada Department of Administration

Chairman Parks:

[Meeting called to order. Roll called.] This morning, we have four bills in front of us. They're listed numerically, but we're going to take them out of order. We'll start with Assembly Bill 26.

Assembly Bill 26: Revises provisions relating to management and operation of veterans' homes. (BDR 37-271)

Charles W. "Chuck" Fulkerson, Executive Director, Nevada Office of Veterans Services:

[Introduced himself.] Thank you for considering this legislation change to the NRS [*Nevada Revised Statutes*]. It'll make the process of running a home a little easier [Exhibit B]. This legislation clearly establishes the authority for the executive director to establish a schedule of rates at the Nevada State Veterans Homes for the following fiscal year. Those considerations that will be used are annotated on page 3, paragraph 2, a, b, c, and d.

Chairman Parks:

The process you'll use to establish those will be to have your Veterans Services Commission approve these rates in the process? Obviously, it gives you the authority to establish these rates, but will you not have an advisory committee that will provide input prior to finalizing these rates?

Charles Fulkerson:

The business office will prepare the data, and we will discuss the matter on one of the quarterly meetings of the Veterans Services Commission. This is Gary Bermeosolo, who is the Administrator of the State of Nevada Veterans Nursing Home. He has been there, starting his third year, and he's provided the stability that we so desperately needed. He's built a good staff that has a lot of stability in it.

Gary Bermeosolo, Administrator, Nevada State Veterans Home, Nevada Office of Veterans Services:

This is a bill that is more of a housecleaning bill. It's one that's needed. It will certainly provide us with a method to follow when we do things like increase our rates and so forth. We support this and hope you do too.

Assemblyman Goicoechea:

I'm a little concerned as I look at some of the criteria you're going to use to evaluate what the costs should be. The cost of skilled nursing care in the community will also drive that. My concern is the possibility that the charges to be in a Veterans Home may get to the point where it would be unaffordable.

Gary Bermeosolo:

As long as the U.S. Department of Veterans Affairs [VA] is paying a decent per diem, we won't have that difficulty. Currently, in the Clark County area, our charges are \$101 per day. The [Las Vegas] *Review-Journal* reported last month that it's currently \$180 a day in the private sector, on average. What we generally do is look at inflationary costs and what the community is charging on average. We then reduce that by the VA per diem, and then the state picks up whatever is left. We established our rates a year ago when this rate was \$160, less \$59 VA per diem, which leaves a current amount of \$101.

So, as long as the VA continues to pay a per diem payment, I think we'll be all right. We currently have 150 people in our 180-bed home. Three of those beds are isolation rooms. We only have 27 available beds. We opened our third wing last fall, but the holidays were upon us, and you generally don't put people in nursing homes during the holidays. January and February are what we call "high loss months" in the industry from postholiday depression and winter, but we've

stayed even with the board in terms of our losses. I think you'll see we will be filled to capacity, certainly by year's end, and have a waiting list.

Assemblyman Goicoechea:

What is the per day cost to the individual?

Gary Bermeosolo:

The charge is \$101 a day if the veteran has the assets to pay it. Our current costs are running about \$200 per day. The difference is being picked up between the per diem and the charge by the State. If you look at our budget this year, the State is going to be putting in around 20 percent of the cost to supplement that care.

Assemblyman Goicoechea:

If he doesn't have the assets, the State picks it up, and he isn't bounced or removed? Between the State and Medicare, very similar to other facilities, those costs are covered?

Gary Bermeosolo:

That's correct.

Assemblyman Goicoechea:

I just wanted to ensure that, at some point, we didn't start looking at skilled nursing homes in other parts of the community, skilled nursing available in other parts of the community, and actually remove these people because it got so high that they couldn't afford to pay.

Assemblywoman Parnell:

On page 2, line 28, the following: "The money deposited in the veterans account may only be expended for," and you've added, "establishment management maintenance." Could you tell me what you mean, the usage of the word "establishment"? Is that a creation of new homes now or is that just maintaining? I need a little clarity on the use of "establishment."

Charles Fulkerson:

Yes, the original NRS clearly established future Veterans Homes would be established in other parts of the state. It specifically stated that the second home would be established in the northern part of the state. Maybe one of these days.

Assemblyman Goicoechea:

I believe that there was also some talk about one in northeastern Nevada?

Charles Fulkerson:

Yes, sir. That's right.

Chairman Parks:

I just have one other question, and it would seem to me like this is a pretty standard routine around the country, that the executive director of the Veterans Services would have the authority to set rates. Am I correct in that assumption?

Charles Fulkerson:

Yes, sir. That's correct. We're trying to follow a model that has worked in other places. We're not cutting on fresh ground.

Chairman Parks:

How many members are on the Veterans Services Commission?

Gary Bermeosolo:

There are nine. There are seven that are appointed by the Governor, and there's one from this Body, which is Assemblywoman McClain, and then one from the Senate, Senator Care.

Chairman Parks:

In general, how close are you to being at full capacity?

Gary Bermeosolo:

We're at 27 beds when I left. I'm sure we'll have those beds full this year, and I'm sure there'll be a waiting list. We're currently processing 58 applications.

Assemblyman Goicoechea:

If you could just do a thumbnail sketch of what's required. You said you had 58 applications. What would be the criteria for either you being accepted or not being accepted to the facility?

Gary Bermeosolo:

Obviously you must fit into one of three categories: You must be a veteran, the spouse of a veteran, or a gold star parent, that is, a parent who has lost a child during wartime. Then you must have a doctor's statement indicating that you are in need of skilled nursing care. Nevada residency is also required.

Assemblyman Goicoechea:

It would seem almost automatic then if you have 27 beds and you have 58 applications, surely they wouldn't apply if they weren't an eligible veteran. It seems like the eligibility isn't very high. So, how do you determine who gets in and who doesn't? First in time, first in line?

Gary Bermeosolo:

It'll be on a first-come, first-serve basis. Ultimately, as we get full, we have a set staffing ratio that was approved by the Legislature. We may turn down a real heavy care case if we don't have the staff to care for that person, but generally, it's on a first-come, first-serve basis. Of the 58 applications we have, half of them have a psychosis, a mental health disability. This will be something I know you will be wrestling with throughout the year. We have a big, big problem in Clark County with a lack of mental health beds. Unfortunately, nursing homes have become—I hate to use the term—"a dumping ground," but we have to do something with these people. They are trying to get them into the nursing home. We're not staffed to take care of that kind of a patient. Obviously, some of these folks will be denied on the basis that we do not have the staffing to provide the care that they need. Hopefully, we'll see a mental health hospital soon, as many beds as we can get, and that will resolve some of those issues.

Chairman Parks:

Gentlemen, thank you for testifying. Is there anybody in the audience who would like to testify on Assembly Bill 26? I'm not seeing any on the sign-in sheet. Anybody to speak in opposition to Assembly Bill 26? I guess not. I'd like to hear Assembly Bill 16, which changes the date by which metropolitan police departments must submit budgets to government bodies of participating political subdivisions. Good morning, gentlemen.

Assembly Bill 16: Changes date by which metropolitan police departments must submit budgets to governing bodies of participating political subdivisions. (BDR 22-329)

Dan Musgrove, Director, Office of the County Manager, Clark County:

[Introduced himself.] The bill we have you before you today is Assembly Bill 16, which simply asks that the time period for which Las Vegas Metropolitan Police Department [Metro] is to submit their budget to the two local government entities who fund them—the majority of them at least—the City of Las Vegas and Clark County, currently is in statute now on April 1. We're asking that it be moved to May 1. If I can call your attention to a graph that we put together that the Chairman asked us to prepare (Exhibit C), to visually show you the process. It's also a good thing to note with some of the discussions that happened last week, so you can see the process that local governments go through to formalize their budgets.

[Dan Musgrove, continued.] If you look at the top time line, that's how it exists currently in statute. If you'll notice, some of the boxes are actually just what we call our "county process." Others are actually mandated by NRS. In January and February, we begin doing our preliminary work on what we see as our priorities. It's not until February 15 that we actually begin getting estimates of what our tax revenues will be from the State. That's NRS 360.690. By March 15, we actually get our final estimates from tax revenue, so local governments can begin to see the picture of what kind of revenues they will have, as well as what kind of expenditures they are going to have. April 1 being when Metro will submit their final budget, they would submit it to a committee that's called the Committee on Fiscal Affairs, which is a statutory committee that coexists of two members of the City of Las Vegas, two members of Clark County, and the fifth member that has been chosen by both entities off a list. Currently, it is Peter Thomas.

The issue is that local governments are too early on in their process to receive a final budget from Metro. By extending it 30 days, it gives all three entities the ability to know more collectively and collaboratively what our true budget and expenditure picture will be. That way, we can look at public safety for the community in a holistic manner. That's why we're hoping to ask this Committee to move the date to May 1. There is no disagreement from any of the parties involved.

Assemblyman Goicoechea:

I'm a little concerned. Metro would clearly file a tentative budget with the local government. I'm just using Metro because you guys respond to this. Any public safety arm of local government clearly has to file a tentative budget at some point so that the county will know where they're coming from. I'm a little concerned when I look at this, and you're going to file your budget after the county has filed its tentative budget, and I'm just curious as to what interaction you have beforehand so that you know what kind of number to plug in for you.

Dan Musgrove:

Metro does submit a tentative budget to us, usually around February 1. It's not statutory. It's just custom. We feel that's more than adequate. It gives us that first look at what Metro is looking at doing. Then we begin that negotiation process both internally within our own departments as to what our needs and our priorities are. Then we can also begin that dialogue with Metro as to whether or not their tentative budget is going to be impacting us in a way that we perhaps need to readjust some of our priorities, both internally, as with our discussions we would have with Metro, as to what their priorities would be. We get a tentative February 1. We would be submitting our tentative around April 14. Then we would receive the final from Metro on May 1. Then we would

go ahead and do our public hearings on our budgets May 16, with a final day of June 1 to submit to the State.

Assemblyman Goicoechea:

I know it's a very simple bill. I'm concerned that there is no language in there that requires a tentative budget to be submitted before. It would be like every other county sheriff's office coming in after the fact, that the county had filed its budget on April 15 or April 14, and then have an agency come in and say, "This is what we want." I realize it's the only way it could work, but I don't see anything in the language that requires a tentative budget to be filed by Metro, maybe without amendment or something like that.

Dan Musgrove:

Metro has always just done it, and we don't feel that there's a need to put it in statute. It's just a custom that they've always provided an advance budget, essentially tentative, to us in the process. Neither of the three parties at this point feels there's a need to do it in statute. There maybe some discussions with the Metro Fiscal Affairs Committee that perhaps a resolution of agreement, a MOU [Memorandum Of Understanding] may be formalized between the three parties, but we don't believe it's necessary to put it in statute because they've always been very, very good about sharing that information with us early on to give us that chance to begin the process of prioritizing. We just needed that final date extended a little bit further.

Assemblyman Goicoechea:

Then Clark County clearly doesn't have any opposition to this bill?

Ted J. Olivas, Director, Community and Government Affairs, City of Las Vegas:

I'm with the City of Las Vegas now. [Introduced himself.] We've reviewed this as well, and we are in support of this. Our process basically mirrors what the County does. We're in agreement that this makes a lot of sense, and, as Mr. Musgrove mentioned, historically, they have provided the information to us in a timely manner. In terms of having that in the NRS, we just didn't think that that was necessary at this point.

Stan Olsen, Executive Director, Office of Intergovernmental Services, Las Vegas Metropolitan Police Department:

[Introduced himself.] We support the statements made by both the City and the County. We feel that this will give us a better opportunity with both entities to get some better funding levels from both entities by working with them on this issue. It's not a major issue to us at all. As Dan stated, we've always done the tentative budget. We always will. We have no problem with entering into a MOU resolution with the Fiscal Affairs Committee.

Chairman Parks:

Having been a budget officer and budget director for a number of years, this bill did also strike me as being quite interesting in the same manner that Mr. Goicoechea had indicated. He had some concerns. Since you do have the statutory April 14 date for a tentative budget, it would be imperative that some amount be placed in the tentative budget to cover the public safety expenditures. What I'm hearing the entities saying is that you would still go through a process and there would be a tentative amount that would go in, so that when the Department of Taxation reviews the tentative budget, they're not looking at any void in the budget.

Dan Musgrove:

Absolutely, Mr. Chairman. That would be correct.

Chairman Parks:

Are there further questions for either of these gentlemen? Not seeing any, thank you for your testimony. I believe we have a number of other individuals who have indicated they wish to speak. Our Director of the Department of Taxation has signed in. Mr. Chinnock.

Charles "Chuck" Chinnock, Executive Director, Nevada Department of Taxation:

[Introduced himself.] Basically I can echo what the Chair just said, with respect to Las Vegas and with respect to Clark County. They are entities which are required to file their tentative budget with the Department of Taxation. Those provisions are in NRS 354.596. Not only are they required to file a tentative budget by April 15, but they're also required to hold public hearings on it. I've spoken with Clark County. It is their intent to do that. Not only is it their intent, but they will be required to also file their tentative budget and to hold hearings which would include the budgets for Metro, of course. I hope that clarifies it.

Chairman Parks:

We'll close the hearing on Assembly Bill 16. We'll proceed to the next bill, which is Assembly Bill 22.

Assembly Bill 22: Authorizes appointed trustees of city library to sell, exchange, transfer, assign or otherwise dispose of real or personal property of library. (BDR 33-509)

J. David Fraser, Executive Director, Nevada League of Cities and Municipalities:
[Introduced himself.] With me is the chief lobbyist for the City of North Las Vegas, Kimberly McDonald. This bill was submitted by the League at the request of the City of North Las Vegas.

Kimberly J. McDonald, M.P.A., Special Projects Analyst and Lead Lobbyist, City of North Las Vegas, Nevada:

This bill is proposing or enabling permissive language regarding library district boards, regarding the disposition of property. Through Assembly Bill 22, we're seeking to clarify the authority of the library district board of trustees to either sell, swap, or transfer district property.

Section 1, subsection 2, paragraphs (f) and (g). Here it states that the library district boards may manage, acquire, and hold real and personal property for the library. However, what is absent and what is vague and not clear is that it doesn't enable the library district board to again, sell, swap, or transfer property. This is a vagueness that we would like to resolve.

We are very interested in resolving this vagueness because in 1995, the Becker family donated 4.5 acres to our library district, and that's located on Alexander at Martin Luther King Boulevard. To date, we haven't had enough funds to complete the necessary architectural plans. In the past, our district has discussed exploratory options of constructing a multi-use facility, such as having a library in addition to a police facility, or a library in addition to a senior center, or even a Boys and Girls Club. These are some things that they're just thinking about.

At this time, we can't do that because the law is vague. These options would allow our district board to better serve the community. Again, no firm plans are in place. This is just merely discussions that we have had, but we would like to move forward. We would like the statute to actually be clear and to very explicitly give those powers to the library district board. Therefore, we are asking that NRS 379.105 be amended with the proposed amendment language that you see listed on page 2 of the bill, in Section 1, subsection 3(b). "To sell, exchange, transfer, assign, or otherwise dispose of any property or interest in property, real or personal, of the library." These disposition terms are specifically mentioned in the powers for other governmental bodies such as local governments, the county, and the school districts. Library districts are also governmental bodies. Therefore, we feel it's logical that the library district have the same flexibility and the same type of authority.

Some other questions were raised about if the land were donated, the reversionary clause. According to this particular 4.5 acres that were donated to

the city by the Becker family, they were fairly indifferent to the use of the land. They just wanted the district to be able to construct a library, or if they saw a better fit for a public use, then that would be their discretion. Another question came up regarding the appraisal value of the land. It's my understanding that an appraisal would be conducted. But, also, if we did sell the land, it would be sold according to the fair market value.

[Kimberly McDonald, continued.] In closing, as we continue to explore such opportunities to provide the best library services that we can, we want to be in full compliance with the law. We do not want to operate in accordance to such vagueness. Again, the proposed enabling language of Assembly Bill 22 would provide that certainty for us, as well as provide another tool for the library districts. Thank you.

Assemblyman McCleary:

A concern about the revision clause was my concern. Let's say I donate the property to the library. I put a revision clause in there that states that as long as you will use that for a library, you can have it forever. But in the event that you decide to ever change the use of that property, then it reverts back to my heirs. Would this in any way conflict with my rights, in that regard?

Chairman Parks:

I think this might be something that we want to ask our legal counsel to respond to. My general reaction would be no, it would not. The bequeath by the Becker family, in this instance, and reversionary factors, would take precedence. Maybe Mrs. O'Grady can comment on that.

Eileen O'Grady, Committee Counsel:

I agree with the Chairman. Any reversionary clause would take precedence over this.

Assemblyman Grady:

Kimberly, your city council appoints your trustees for the library district. Is that correct?

Kimberly McDonald:

Yes, that is correct.

Assemblyman Grady:

Then would the city council have any oversight on this, or would it only be the library board?

Kimberly McDonald:

It is only the library district board. May I also add that I did speak with our city attorney, and he did say that any reversionary clause that would be a part of the contract, we must comply with.

Assemblyman Christensen:

Ms. McDonald, are you aware of groups that are in opposition to this bill?

Kimberly McDonald:

I am not aware of any opposition, not personally, that has been directed to my attention.

Chairman Parks:

Thank you, and for the record, nobody has signed in against this bill today. We could use this Alexander/Martin Luther King parcel as an example. When the land was donated, was it donated to the city for library use, or was it donated to the library district? How would you envision the land to being held as far as in title?

Kimberly McDonald:

It's my understanding that the land was donated in 1995 to the library district board. At the time, also in 1997, we also came to the Legislature seeking other funds. The Legislature did appropriate \$350,000 to complete the architectural plans. To this date, we still don't have all the money to even finalize that project. It was donated for library use, but per our city attorney, he said that the Becker family said it could be either for library use or for another public use. Again, this would also give the library district the discretion to use it for the intended purpose, but if there is a better public use, such as an area that needs to be served perhaps by another substation for police, or for a senior center, or, as stated earlier, a multiuse, then that could be the discretion because the ultimate goal will be to targetly serve that particular area of the community.

Chairman Parks:

I'm also thinking that, normally, when title is placed on a property, they might say, "or his successors," in which case, I think there are other issues out there regarding libraries, and library districts in general, within Clark County. This Committee is certainly going to entertain those. I'm thinking about the whole broad picture on that. The trustees of the library board for North Las Vegas are appointed by the city council, are they not? Could you explain just that in general?

Kimberly McDonald:

Yes, and I'll be very general. I'm not all that versed on that process, but I believe it consists of three council members and three members at large from the public. It is operated by our library director, Anita Laruy.

Assemblywoman Parnell:

Going back to that property again, does anything in statute currently prohibit you from using that for a blended use? Say you have a library and wanted to do a recreation center, can you not do that now?

Kimberly McDonald:

To my understanding, there is no current prohibition, and that's why our city attorney brought this issue forward to seek the clarification, because he knew that the library district is considering a multiuse facility to get the best bang for our buck.

Assemblywoman Parnell:

So without this change, you could still do that blended use on the property?

Kimberly McDonald:

We would prefer that it would be specific in the law, because, in a way, it's so vague, we could defend it, but we'd like for it to be very strong, clear language.

Assemblywoman Kirkpatrick:

Would it be a public hearing or would it just go on a consent agenda? I want to make sure that the public has the opportunity to voice their concerns because so many of them are mature sections, we don't have a lot of the services the newer areas continue to get. So we wouldn't want it to be transferred up there and not back down there. How would you notify residents, and how would they be a part of that?

Kimberly McDonald:

Although I'm not familiar with the specific notification process, because this area and the need for another library to service our newer growth area, and actually more our mature growth area, we're very sensitive to the outcries of the citizens, and they want to be part of the public process. Somewhere along that line, perhaps a town hall meeting would be held or special public notice meeting would be held. We do have citizens that attend our library district board meetings as well, and they can express their concerns at that time.

Assemblywoman Kirkpatrick:

I've been to the library district meetings and there are two people there, sometimes not even a council person. I would really think that we have to

clarify that the residents would have a say in it, because for example, this particular property, we were promised a library. I worked on the architectural things, and unfortunately, didn't get one built, but there's a brand new one being built. I think there are several residents, because we have no bookstores in North Las Vegas, that a library still is a vital part of something that we need. From what I understand, they're closing the one on Craig Road to pay for the one up north. I want to make sure the residents in this particular area, if it was a senior citizens/library like they do in the City of Las Vegas, have a great plan, but I don't think this is big enough. I just want your word that the residents were definitely going to be involved in the process or at least know what's going on.

Kimberly McDonald:

I cannot specifically give my word that the council will do this, but I can tell you it has been their pattern of behavior to be very sensitive to the citizens. I don't know if you recall in our presentation the other day given by our mayor, we had a Vision 2025 program, of which we've appointed 23 citizens to that process to help us forecast and look at the future. The library issue and a cultural arts center, all those things are being talked about. We have also surveyed the citizens, so this would be one of our major growth issues where we definitely would want the citizen's input. It's been their past pattern of behavior to obtain citizen input. I would think that would continue for this also.

We only have the one library that is located on the City Hall campus, and that's in the downtown area. Then we would have the satellite office on Craig Road; that's just a storefront. We will also have one in Aliante; that will be three acres. That was donated through that master plan development. They are very, very aware that we need to meet the needs of the citizens.

Assemblyman Munford:

I want to know the number of libraries you presently have in North Las Vegas, and you just answered that: The one at Civic Center, and I know you have that one satellite on Craig Road. I pass it all the time. I know you're in need of definite improvement. That location at Alexander Road and Martin Luther King Boulevard, is a good site if you could get that.

Kimberly McDonald:

I will certainly be very happy to relate that to the library district board, and should then partner with the city or another nonprofit organization, they'd definitely have a very clear public outreach effort involving the citizens in the use of donated land.

Assemblyman Grady:

I would address this question to Mr. Fraser. Are there any other city library districts that you can think of? This would apparently affect any city library district, not just North Las Vegas.

David Fraser:

The only other one that I'm aware that might have one is Boulder City. However, in saying that, this would clearly affect any library district that might be created in the future. Clearly, the legislation would be farther reaching than just the present example.

Assemblyman Hardy:

I looked at this statute through the eyes of a Boulder City resident, and it looked good to me too. Boulder City has a brand new library, but that doesn't preclude it getting gifts from someone which would make it amenable in this statute to improve the facilities within the library and the library grounds. I would be in favor of this, vis-à-vis the Boulder City viewpoint.

Chairman Parks:

The establishment of your library district board, is that in your charter or is that by ordinance of the city council? Any idea on that?

Kimberly McDonald:

I would really like to look that up and not give out misinformation. I would be happy to actually speak with my city attorney and look at our city charter. I can quickly go out and find the answer for you.

Chairman Parks:

Thank you. I think there are probably a few questions that we have that have been brought up. The issue of whether or not it might impact another local governmental entity, as well as questions of just how the North Las Vegas Library Board is created. It might be helpful for us when we go into our work session on the bill. If you could possibly put something in writing and respond to those ideas and issues, I certainly would appreciate that.

Kimberly McDonald:

Just to clarify. Was that the only item that you would like a response on regarding whether it is by ordinance or by the city council? The appointment of a library district board? That's the first one?

Chairman Parks:

That would be the first one.

Kimberly McDonald:

And what other cities may be impacted?

Chairman Parks:

Yes, what other cities may be impacted. We'll go ahead and close the hearing on Assembly Bill 22, and open the hearing on Assembly Bill 29.

Assembly Bill 29: Revises jurisdiction and duties of Buildings and Grounds Division of Department of Administration. (BDR 27-411)

Cindy Edwards, Administrator, Buildings and Grounds Division, Nevada Department of Administration:

[Introduced herself.] Assembly Bill 29 is a housecleaning bill. Assembly Bill 569 of the 71st Legislative Session exempted certain professional and occupational boards from the State Budget Act. Therefore, these boards should be exempt from Buildings and Grounds jurisdiction for assigning them State-owned or leased office space.

Assemblyman Hardy:

I need to understand this a little better. The State Board of Nursing, to use an example, would that be one of those affected by it?

Cindy Edwards:

Yes.

Assemblyman Hardy:

If the State Board of Nursing had the opportunity to get tax revenue from the State, would they then be not exempted from this?

Cindy Edwards:

I'm not sure how to answer that question. I know they are currently in leased space, all of these board and commissions. They just come through Buildings and Grounds for us to do their leases for them. They have to go to the Board of Examiners, because they are exempt from the Budget Act. They shouldn't have to follow our procedures and send their leases to the Board to use our services.

Assemblyman Hardy:

I don't have an answer then, but I would like one.

Cindy Edwards:

I can find that out for you, if you could rephrase your question so I could take a note on that.

Assemblyman Hardy:

Let's pretend that there was a bill before Commerce and Labor today that would allow the State Nursing Board to have a shortfall in their budget made up through State funds instead of nursing license fees. Would they then come under the State Budget Act, as you call it? Or would they still be exempt through this process? If they weren't exempt, I would write it in such a way that they could be.

Cindy Edwards:

I would have to consult with legal counsel to see that, because I know that in the leases that we write for all of the State agencies, it does have a provision in there for lack of funding.

Assemblyman Hardy:

That is already in?

Cindy Edwards:

In our standard lease format. The boards and commissions, if they are not going through our division, they wouldn't have our lease format, although they could use it. They wouldn't be mandated to come through us. That would probably be something that we would have to set up with them to let them know that they should have that provision in a lease agreement that they sign.

Assemblyman Hardy:

My legislative intent would be to give them the freedom that they have without more onerous restrictions. That's where I'm going with this.

Cindy Edwards:

Exactly.

Chairman Parks:

We'll go ahead and close the hearing on Assembly Bill 29. That will then conclude our agenda for today. With that, we are adjourned for the day [at 9:01 a.m.].

RESPECTFULLY SUBMITTED:

Michael Shafer
Committee Attaché

APPROVED BY:

Assemblyman David Parks, Chairman

DATE: _____

