

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

**Seventy-third Session
May 31, 2005**

The Senate Committee on Finance was called to order by Chair William J. Raggio at 8:18 a.m. on Tuesday, May 31, 2005, 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 at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator William J. Raggio, Chair
Senator Bob Beers, Vice Chair
Senator Dean A. Rhoads
Senator Barbara K. Cegavske
Senator Bob Coffin
Senator Dina Titus
Senator Bernice Mathews

GUEST LEGISLATORS PRESENT:

Assemblywoman Barbara E. Buckley, Assembly District No. 8
Assemblywoman Chris Giunchigliani, Assembly District No. 9
Assemblywoman Ellen M. Koivisto, Assembly District No. 14
Assemblywoman Sheila Leslie, Assembly District No. 27
Assemblywoman Bonnie Parnell, Assembly District No. 40
Assemblyman Richard D. Perkins, Assembly District No. 23
Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Gary L. Ghiggeri, Senate Fiscal Analyst
Bob Guernsey, Principal Deputy Fiscal Analyst
H. Pepper Sturm, Chief Deputy Research Director, Research Division
Cindy Clampitt, Committee Secretary

OTHERS PRESENT:

Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education
Joyce Haldeman, Clark County School District
Anne K. Loring, Washoe County School District
Bill Hanlon, Southern Nevada Regional Professional Development
Frank Brusa, Nevada Language Teachers affiliated with the California Teachers of English to Speakers of Other Languages
Barbara Clark, Nevada Parent Teachers Association
Troy Dillard, Administrator, Compliance Enforcement Division, Department of Motor Vehicles
John P. Sande, III, Nevada Franchised Automobile Dealers Association
Rose E. McKinney-James, Clark County School District
James T. Richardson, J.D., Ph.D., Nevada Faculty Alliance
Martin Bibb, Retired Public Employees of Nevada
Michael R. Alastuey, Clark County

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Nancy J. Howard, Nevada League of Cities
Michael J. Willden, Director, Department of Human Resources
Lawrence P. Matheis, Nevada State Medical Association
Jan Gilbert, Progressive Leadership Alliance of Nevada
Larry D. Struve, Religious Alliance in Nevada
Randi Thompson, Nevada Gifted and Talented

CHAIR RAGGIO:

There are two bills to be considered for concurrence with amendments made in the Assembly. We will first consider Senate Bill (S.B.) 328.

SENATE BILL 328 (1st Reprint): Makes various changes related to public retirement systems. (BDR 23-82)

This bill was heard on April 4, 2005, and April 7, 2005. It involves changes to the Public Employees' Retirement System (PERS). The Assembly amended the bill with Amendment No. 1097. The Assembly added a new section providing for the Administrative Office of the Courts to conduct a survey of salary and compensation of judges. It appears to the Chair the study is not useful to the Administrative Office of the Courts. It sounds like the outcome might be obvious.

SENATOR BEERS MOVED TO NOT CONCUR WITH
AMENDMENT NO.1097 TO S.B. 328.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS TITUS AND MATHEWS WERE
ABSENT FOR THE VOTE.)

CHAIR RAGGIO:

We will now consider S.B. 214.

SENATE BILL 214 (2nd Reprint): Revises provisions governing statewide system of accountability and revises other provisions governing education. (BDR 34-459)

Senate Bill 214 was a comprehensive measure processed by this Committee. A hearing was held on April 7, 2005, and on May 9, 2005, the bill was amended and passed from this Committee. The bill was passed from the Senate and the Assembly has amended the bill with Amendment No. 1022.

Would Mr. Pepper Sturm of the Research Division, Legislative Counsel Bureau, explain the changes in the parental accord provision?

H. PEPPER STURM (Chief Deputy Research Director, Research Division, Legislative Counsel Bureau):

The Assembly made two changes to S.B. 214 to reflect a bill that had already been passed by the Assembly and may be pending in this Committee.

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The first change included additional material in the parental accord provision. It adds information describing how a parent or legal guardian may contact a pupil's teacher on page 1 of the amendment.

CHAIR RAGGIO:

That is section 17, subsection 3, paragraph (a) of the amendment.

MR. STURM:

The amendment also adds information concerning curriculum of the course or standards for the grade in which the pupil is enrolled. Beginning on page 2 of Amendment No. 1022 it adds: homework and grading policies; directions for locating resource materials; suggestions for parents and legal guardians to assist pupils with their homework; dates of scheduled conferences between teachers, administrators and a parent; the manner in which reports of the pupil's progress will be delivered to the parent; classroom rules and policies; dress code if applicable; assistance to parents with limited proficiency in the English language; information on the availability of free and reduced meals; opportunities for parents and legal guardians to become involved in the education of their children; and a code of honor.

The code of honor is the second major change within Amendment No. 1022.

CHAIR RAGGIO:

Are all the provisions you listed in section 17 of the amendment?

MR. STURM:

That is correct.

CHAIR RAGGIO:

Were any previous provisions of the parental accord deleted?

MR. STURM:

Nothing was deleted. These are all additions to what was contained in the Senate version of the bill.

The other major change is found at the bottom of page 3 of Amendment No. 1022. This is a new section 17.5, requiring the Department of Education (DOE) to prescribe a written policy establishing a code of honor for pupils relating to cheating on examinations and course work. It describes how the policy is to be developed and requires a copy of the code be sent to each board of trustees for each school district who will review and amend the code of honor as necessary. Copies are to be distributed to each public school in each school district.

CHAIR RAGGIO:

Is there anyone present representing the DOE or the school districts? Were there opportunities for input on these amendments?

GLORIA DOPF (Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education):

I can speak to the issues relating to the DOE. We would have the ability to implement policy in conjunction with the districts in support of S.B. 214.

CHAIR RAGGIO:

Will the school districts have the ability to implement the added provisions to the bill?

JOYCE HALDEMAN (Clark County School District):

We had an opportunity to work with the changes to this bill. We are in agreement with the amendment. Most of the items listed are already being done by most of the schools. Placement in S.B. 214 will ensure every school will provide consistent information. The addition of the code of honor was a new provision; however, our board of trustees supports the addition.

ANNE K. LORING (Washoe County School District):

We concur with the proposed amendments.

CHAIR RAGGIO:

Are there any individuals present or Committee members who have objections to the proposed amendments?

SENATOR BEERS:

Is there any additional fiscal impact?

MS. HALDEMAN:

There is a minimal fiscal impact. There will be possibly one additional piece of paper in packets that are already being distributed.

MS. LORING:

That is Washoe County's interpretation as well. A change was made to make the bill applicable in K-12 education. The original Senate version covered elementary, junior high and middle schools. We do not view that change as significant.

CHAIR RAGGIO:

If a code of honor is developed, I support it being made applicable to K-12 education.

SENATOR BEERS MOVED TO CONCUR WITH ASSEMBLY AMENDMENT NO. 1022 TO S.B. 214.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS MATHEWS AND TITUS WERE ABSENT FOR THE VOTE.)

CHAIR RAGGIO:

We will now consider the measures on the agenda. Our time today is limited so please avoid repetition.

CHAIR RAGGIO:

We will work in the order of the agenda and open the hearing on A.B. 109.

ASSEMBLY BILL 109 (2nd Reprint): Revises provisions governing statewide system of accountability and regional training programs for professional development of teachers and administrators. (BDR 34-479)

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

This bill originated in the Assembly Committee on Education. It has been heard in the Assembly Committee on Education and the Assembly Committee on Ways and Means. I am here representing those Committees.

Assembly Bill 109 has provisions relating to the statewide system of accountability and professional development for teachers and administrators. Senate Bill No. 1 of the 19th Special Session contains Nevada's compliance legislation with the No Child Left Behind statutes. Schools are required to make adequate yearly progress (AYP) toward the goal of 100-percent proficiency by 2014. A school that fails to make AYP for two consecutive years is designated as demonstrating need for improvement. At that point, the school must form a technical-assistance partnership composed of school employees and at least one representative of the school district. Section 3 of A.B. 109 provides that the technical-assistance partnership may require a school to submit its plan and strategies that will assist in improving student achievement.

Similarly, a school demonstrating need for improvement for three consecutive years must form a school support team. The support team must be composed of members who are not from the school, including teachers and administrators, who are highly qualified.

CHAIR RAGGIO:

Who appoints the members of the team?

ASSEMBLYWOMAN SMITH:

I will return to your question in a moment. The support team also includes one representative from the DOE, at least one district administrator and a parent or guardian. The support team may also include members of the board of trustees, representatives from higher education, regional educational laboratories and the Regional Professional Development Program (RPDP). An existing law requires the support teams to review the school operations, analyze data and review recent plans for improvement.

In answer to the Chair's question, the DOE facilitates the appointments to the team.

Section 5 of A.B. 109 provides that the support team may also require the school to submit plans and strategies to it that will assist the school in improving student achievement. The amended version provides that the support team must prepare a monthly progress report to be distributed to the DOE and employees of the school.

Some of the amendments, including the one in section 5 were proposed by the Legislative Counsel Bureau (LCB) staff in working with the support-team information. It was their belief some of these provisions would strengthen the outcome.

Section 4 of A.B. 109 provides that the representative from the DOE must be the facilitator of the support team.

Section 6 concerns the RPDPs. It designates the four school districts that receive appropriations from the RPDPs as the fiscal agents for the regional programs. The regional governing boards, not the local boards of trustees of those districts, are authorized to operate the training programs. As a fiscal agent, the duties of the school district are defined to include payment collection and holding of all money received from the state for the RPDPs and the Early Intervention Program.

Assembly Bill 109 also makes technical changes, in sections 1 and 2, to reflect the fiscal-agent status of the school districts.

Section 7 changes the reporting date for the Statewide Coordinating Council's annual report from July 1 to September 30 each year. The fiscal year closes on June 30, and the Council does not have time to report its complete business on July 1.

The bill makes changes to enhance the operation of the RPDPs and improve the process by which schools identify their own problems and develop their own solutions. Both of the proposed changes would place more responsibility with those who are most closely involved with the programs. Both recognize that teachers and administrators are professionals who have a role in their own training programs and solving their problems.

CHAIR RAGGIO:

Has the second reprint of A.B. 109 deleted the fiscal impact of the measure?

ASSEMBLYWOMAN SMITH:

Absolutely, the Assembly Committee on Ways and Means considered use of appropriations already in the budget.

BILL HANLON (Southern Nevada Regional Professional Development):

We support A.B. 109. The measure clarifies and makes consistent *Nevada Revised Statutes* (NRS) 391 in terms of who is operating regional development programs. It allows the RPDPs an opportunity to make a more complete annual report by changing the date the report is due.

CHAIR RAGGIO:

Seeing no further questions or testimony on this bill, I will close the hearing on A.B. 109 and open the hearing on A.B. 209.

ASSEMBLY BILL 209 (1st Reprint): Authorizes Department of Education to provide grants for establishment and implementation of pilot programs for prekindergarten children with limited proficiency in English language. (BDR S-827)

ASSEMBLYWOMAN SMITH:

This is a bill that I have presented to the Legislature. It addresses the needs of prekindergarten children with limited proficiency in the English language. The funding has been removed from the measure leaving enabling language. It allows the school districts to implement the program I will describe in the hope there will be grant money available to fund the program.

CHAIR RAGGIO:

From where would grant funds be sought?

ASSEMBLYWOMAN SMITH:

We anticipate this type of program would qualify for the Governor's proposed remediation fund if that allocation is approved.

CHAIR RAGGIO:

That is making the assumption there will be revenue remaining for use for this purpose.

ASSEMBLYWOMAN SMITH:

The program would only require a small amount of funding. I am hopeful the amount can be found.

CHAIR RAGGIO:

What funding is required?

ASSEMBLYWOMAN SMITH:

The program will need \$175,000 for a statewide program.

SENATOR BEERS:

Are not most prekindergartners lacking proficiency in the English language?

ASSEMBLYWOMAN SMITH:

The intent of A.B. 209 is to target English-language learners who do not have that proficiency.

The bill requires a private source of funding to be matched with state funds. The district must commit to use of the facilities and payment of maintenance fees. It is a three-pronged partnership to allow students who are not English-proficient to attend a summer-school program prior to their kindergarten year and develop enough English skills to allow them to be prepared for kindergarten. It is hoped this will place those targeted students on a par with their English-speaking peers.

We heard testimony from teachers, principals and a parent when the Assembly heard the bill about how difficult it is for children who cannot even communicate their need to use the restroom to be immersed into a kindergarten class and expected to function at par with their peers.

Assembly Bill 209 would provide small stipends of funding with the requirement for matching private-funding sources in each district to allow the summer-school programs. I have already secured the funding from Mr. Robert Lismar, in Washoe County, who had a hand in developing this bill concept.

CHAIR RAGGIO:

Why do we need the bill if the program can be done within school districts with private funding?

ASSEMBLYWOMAN SMITH:

Originally, the bill had an appropriation included. It became clear, if the Governor's proposed funding for remedial education was made available, it would make more sense to use that as a grant opportunity.

My concept was that of a partnership, not just an avenue for funding. The bill would encourage groups to seek matching funds and commitment from the

school district to provide facilities and maintenance. The criteria would be established by the DOE. It would include program and accountability criteria. It is my belief, with the amount of funding available in Washoe County, there could be programs in 14 schools.

CHAIR RAGGIO:

Is there anything preventing any school district from establishing such a program if they receive grant or private funding currently?

ASSEMBLYWOMAN SMITH:

That is possible.

CHAIR RAGGIO:

If the programs are established, they could create information and data that might become useful if the state wanted to establish such programs in the future.

ASSEMBLYWOMAN SMITH:

That is correct. I envision A.B. 209 as a pilot program within the state that would demonstrate the effectiveness of such a program on a statewide basis. It is enabling language allowing the DOE to establish the program.

FRANK BRUSA (Nevada Second-Language Teachers affiliated with the California Teachers of English to Speakers of Other Languages):

We support A.B. 209. I would remind the Committee that limited-English speakers are a key subgroup in the federal No Child Left Behind Act. Whatever can be done to help the students be proficient as quickly as possible will be beneficial for testing programs. Students, even non-English-proficient students, are required, after one year of school, to take their proficiency test in English. Research indicates it takes approximately six years for an English-language student to become proficient in the language.

CHAIR RAGGIO:

What will be the age of the students in the program?

ASSEMBLYWOMAN SMITH:

The program would be for students during the summer immediately prior to their kindergarten year.

SENATOR CEGAVSKE:

The fact that it is a summer program answers my question about space in the schools, unless it is a year-round school. There is a space problem if it is a year-round school or one with double sessions. How long are you anticipating students are in the program each day?

ASSEMBLYWOMAN SMITH:

Previous testimony indicated each school could establish its own program. Some may decide to run the program for a partial day and others may decide to run the program for a longer period of time. It is dependent on each school and the application they make to the DOE.

SENATOR CEGAVSKE:

The program would require that a school indicate they want such a program and that they have the space, time and teachers for such a program. Your testimony

indicates funding has been removed from the bill, but there really is a dollar amount and you do not appear to know what is that amount.

ASSEMBLYWOMAN SMITH:

There is no fiscal note on A.B. 209 because if the school wants to apply for the program, the district would commit to provide the facility.

SENATOR CEGAVSKE:

Can that already be done without A.B. 209? A program could be established without the provisions of the bill.

ASSEMBLYWOMAN SMITH:

Nothing would prohibit such a program. The bill originally had a fiscal note attached to it. Our intent is to see the program used as a statewide pilot with accountability and reporting procedure and to seek matching funds. The matching funds are a critical component. The program can be doubled using matching funds. Nothing prohibits a school district from such a program, but the bill brings all the elements together in a statewide provision.

The bill includes requirements that the program have a teacher and a paraprofessional in each classroom and at least one must speak, read and write the native language of the students in the class.

SENATOR CEGAVSKE:

With your response, that would create an even further need for funding. Not all the funding would be accessible from the Governor's proposed funding. The program would incur ongoing costs. Once teachers are hired, they incur an ongoing expenditure to the school district or the state, whether the program remains or not.

ASSEMBLYWOMAN SMITH:

There would be no ongoing expense because the bill proposes a summer program. The school would simply hire a teacher to teach a short summer program. Many times teachers who are in the normal teaching year are hired at that school or another school to teach short summer programs. The school district could apply in future years if other funding sources were available to them.

CHAIR RAGGIO:

Would the bill require a teacher and a paraprofessional?

ASSEMBLYWOMAN SMITH:

That is correct.

BARBARA CLARK (Nevada Parent Teachers Association):

Limited-English-proficiency research shows that children who are taught in their native language can advance in learning English proficiency. Currently, only 17 percent of children in K-12 are taught in their native language. The bill would provide additional opportunity to be taught by someone who speaks Spanish to enhance their progress and thereby reach the goal for all third-grade students being English proficient.

CHAIR RAGGIO:

I will close the hearing on A.B. 209 and open the hearing on A.B. 249.

ASSEMBLY BILL 249 (3rd Reprint): Makes various changes relating to vehicles.
(BDR 43-136)

ASSEMBLYWOMAN BARBARA E. BUCKLEY (Assembly District No. 8):

Assembly Bill 249, as amended, is a result of collaboration over the past 18 months with representatives of the Nevada Franchised Automobile Dealers Association, the Department of Motor Vehicles (DMV), the Attorney General's Office, the Consumer Affairs Division and consumer advocates. The bill addresses six items.

It authorizes the DMV to expend funds appropriated by the Legislature to acquire evidence which was dropped from a bill in the 72nd Legislative Session. Mr. Troy Dillard, Administrator, Compliance Enforcement Division, DMV, requested it be included in this measure.

It authorized the DMV Compliance Enforcement to fine, suspend or revoke a license for deceptive-trade practices relating to the purchase and sale of motor vehicles, particularly "yo-yo" sales.

CHAIR RAGGIO:

Please define "yo-yo" sales.

ASSEMBLYWOMAN BUCKLEY:

A "yo-yo" sale is when someone goes to a dealership to purchase a vehicle, they haggle, they stay for a while, the salesperson shakes hands and says congratulations. The customer puts \$1,000 down and is offered a 10-percent interest rate. Ten days later the customer receives a telephone call saying, "You did not qualify for the 10-percent interest rate. Come back in and let us talk." The customer ends up with a 25-percent interest rate.

Until two years ago, the trade-in vehicle was typically already sold or moved away because the dealer had the right to sell the trade-in. Through regulations and the hard work of the coalition, that authorization was eliminated in the *Nevada Administrative Code*. The person may find they do not want to sign for the higher-interest rate and yet the deal appears to be complete so they feel they have no choice. Misrepresentation also occurs. Pressure is put on the customer because they signed the original contract, they must sign the higher-interest rate contract. Higher interest rates range from 10-percent higher to as high as 35 percent. Good dealers do not use this practice.

Sometimes dealers use what is called "spot delivery." The customer is on a string, so the common term "yo-yo" sales is used.

A consumer goes to the DMV to complain and the clerk at the DMV tells them it is an NRS 598 violation, unfair and deceptive trade practice, and directs them to the Consumer Affairs Division of the Department of Business and Industry. At the Consumer Affairs Division they are told it is a car problem and send them back to the DMV. Customers are getting the runaround. It is putting good dealers at a competitive disadvantage with those who engage in this practice.

Assembly Bill 249 addresses the situation by proposing the DMV have primary authority to regulate these types of occurrences. The reason the DMV was chosen was because the DMV already knows the dealers they regulate and have the ultimate authority to revoke the dealership license.

Other provisions of A.B. 249 include a new-car lemon-branding law and it adds clarification on the bill of the previous Session concerning salvage vehicles. Mr. John P. Sande, III, representing the Nevada Franchised Automobile Dealers Association will address the lemon-branding law.

The appropriation request will be addressed by Mr. Troy Dillard, Administrator from the DMV. The request is for three additional personnel, two in the south and one in the north, to regulate and investigate these situations.

TROY DILLARD (Administrator, Compliance Enforcement Division, Department of Motor Vehicles):

Section 1 of A.B. 249 was a request by the DMV. It is wording that was included in the NRS when the Department of Public Safety and Motor Vehicles were one department. When the agencies split, the authorization for the outside bank accounts was not moved into both chapters of the NRS.

CHAIR RAGGIO:

Are we reviewing the third reprint of the bill?

MR. DILLARD:

That is correct.

Page 2, section 1 of A.B. 249, allows the DMV to hold outside bank accounts for monies appropriated through the *Executive Budget* for investigative purposes to purchase evidence and administer covert programs in two budget accounts.

Section 45 addresses the appropriation for the new positions to enforce the new provisions of section 12. Section 12 is the NRS 598 "yo-yo" and deceptive-trade practice changes. The anticipation is that in excess of 500 cases each year will be added.

CHAIR RAGGIO:

On what is that estimate based?

MR. DILLARD:

It is based on the estimates of the number of complaints received by the Consumer Affairs Division for those types of violations. We anticipated five compliance-enforcement investigators would be needed. The Assembly Committee on Ways and Means reduced the appropriation to allow three new positions. Two were placed in the reserve if statistics indicated the additional positions became necessary. That is a fair decision.

JOHN P. SANDE, III (Nevada Franchised Automobile Dealers Association):

We support A.B. 249. We have worked with Assemblywoman Buckley over the interim to present this legislation. Our association believes if there are "yo-yo" sales being made, the law should be tough on those committing those practices.

Section 35 addresses lemon-law revisions. It provides that if a manufacturer assists in the return of a vehicle under the lemon law, the manufacturer would have the responsibility, before the vehicle is resold, to ensure the title is marked that the vehicle was a lemon-law buy-back. Future purchasers will be made aware of previous problems with the vehicle.

CHAIR RAGGIO:

We will close the hearing on A.B. 249 and open the hearing on A.B. 321.

ASSEMBLY BILL 321 (1st Reprint): Provides for Nevada Report to Taxpayers on status of state finances. (BDR 31-1198)

ASSEMBLYMAN RICHARD D. PERKINS (Assembly District No. 23):

A complaint echoed time and again by taxpayers is that they do not know how their tax dollars are being spent. For Legislators, it is easy to forget that fact. Shareholders demand accountability from the corporations in which they invest. They are provided with annual reports on how their investment is being spent. Our shareholders, the citizens of Nevada, deserve the same level of accountability and transparency from the state.

Putting the concept into business language, the Governor would be the chief executive officer, the Legislature would be the board of directors and the citizens are the shareholders.

Assembly Bill 321 would require the Governor to prepare an annual report to taxpayers. The report will give all Nevada businesses and citizens a comprehensive understanding of how their investments, in tax dollars, are being spent. Legislators are often asked questions about the budget by perplexed constituents.

The Nevada Report to Taxpayers will explain the budget to taxpayers similar to the sample report (Exhibit C) presented to the Committee. This knowledge will empower constituents to better communicate their thoughts and suggestions to Legislators. The report will include a summary of state-agency budgets, tax revenues received by the state, reports about school districts and local governments, amounts appropriated to government agencies and the cost to pay public debt.

In essence, it takes a large volume of information and consolidates it in one location. Nevadans deserve a government that is operated efficiently and openly providing the essential services needed in daily lives. The proposed report will allow taxpayers to judge for themselves how the state is operating.

CHAIR RAGGIO:

Is Exhibit C a mock-up or sample of what the report might look like?

ASSEMBLYMAN PERKINS:

That is correct. The low fiscal note on the bill is indicative of the report being made available electronically. It does not anticipate the report being printed.

CHAIR RAGGIO:

Can the report be made available both electronically and in print?

ASSEMBLYMAN PERKINS:

It could be mailed out; however, the fiscal note anticipates it being made available electronically.

SENATOR BEERS:

Does the fiscal note only contemplate the report being available electronically?

ASSEMBLYMAN PERKINS:

That is correct. We were attempting to hold down the cost of the measure.

SENATOR BEERS:

The cost would add up quickly if a report of this length was printed annually. There are a number of pages. Has the Department of Administration provided a breakout of how the funding would be spent?

ASSEMBLYMAN PERKINS:

They have not. The fiscal note is simply an estimated cost for electronic production.

CHAIR RAGGIO:

The fiscal note attached to A.B. 321 includes an explanation of the cost.

SENATOR BEERS:

What is included in the amendment?

ASSEMBLYMAN PERKINS:

The bill was heard in the Assembly some time ago and I do not recall the amendment that was made.

GARY L. GHIGGERI (Senate Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

I have not reviewed the amendment, but I would speculate it was to place the appropriation into the legislation.

CHAIR RAGGIO:

The original bill had a fiscal note, but it did not have an appropriation in the bill. The explanation of the utilization is included in the fiscal note.

SENATOR TITUS:

I support this bill. I had a bill that would require reporting on infrastructure including local government to identify bonding efforts. Would you object to adding the provisions of that measure into A.B. 321? It included similar provisions for more sunshine on government activities.

ASSEMBLYMAN PERKINS:

I will need to first review the bill and if it fits with this concept, I would have no problem with its inclusion in this measure.

SENATOR TITUS:

My bill passed the Senate unanimously but does not appear to be moving in the Assembly.

CHAIR RAGGIO:

I suggest Senator Titus propose an amendment to A.B. 321 as our time is short. I will close the hearing on A.B. 321 and open the hearing on A.B. 403.

ASSEMBLY BILL 403 (1st Reprint): Provides for public release of certain portions of high school proficiency examination and makes appropriation for replacement of released exam. (BDR S-1022)

ASSEMBLYMAN PERKINS:

This measure allows for certain portions of the high school proficiency examination to be made public. There is no reason for every test administered in every high school to be kept from teachers and parents. We teach children to learn from their mistakes. This bill will help the school districts and parents to see where the problems are so that they may be addressed. Under A.B. 403, the DOE will provide for public dissemination of the information on the Internet and provide copies to the board of trustees of each school district and charter schools.

In Nevada, we hold our teachers accountable. This measure represents another tool we can give our teachers to provide children with the best education possible. The measure is long overdue and I urge your support of A.B. 403.

CHAIR RAGGIO:

When would the examination be released? Is it after the examination is given for the final time?

MR. HANLON:

The test would be released after the examination is given for the final time. Questions used for continuity will be eliminated from the released version.

CHAIR RAGGIO:

Who will determine the version that will be released for public information?

MR. HANLON:

The Department of Education would make that determination.

CHAIR RAGGIO:

Does that, in any way, jeopardize the security of future examinations? Would the questions to be released not be questions that are used on the examinations but similar to ones being used?

MR. HANLON:

A number of states across the country use this procedure including Texas and Massachusetts. The examination is a criterion reference test. I believe it will create more credibility in the test. There are educators, despite what they have been told or provided, who think certain things are on the examinations that are not actually included.

CHAIR RAGGIO:

Are past examinations currently available for examination preparation?

MR. HANLON:

There is a 1999 and a 1997 version available. There is a version online with only approximately 20 questions. In my opinion, the online version does not provide the scope that students and teachers need to know.

CHAIR RAGGIO:

Who prepares the examinations?

MR. HANLON:

The examinations are prepared by teachers in the state with assistance from the DOE and the test vendor.

SENATOR BEERS:

Are the provisions of A.B. 403 anticipated to be an ongoing procedure? Is the intention to provide students with a copy of the test they took indicating questions that were missed, providing the correct answer and the reasoning for that answer?

ASSEMBLYMAN PERKINS:

The appropriation included in the bill is intended to launch the program and evaluate its success and the interest shown in the provisions. It would need to be revisited each biennium.

SENATOR BEERS:

I am wondering if it might make more sense for the DOE to implement a book containing a full-sample test with answers and explanations in the back. Algebra has not changed for thousands of years.

MR. HANLON:

I agree with that concept. I suggest the number of times a new test for the book would need to be created is when the DOE creates new tests that go beyond the current test parameters. For example, the 1997 test version that has been released does not include much of the algebra and geometry students are currently learning. That can be misleading.

While the subject may have to be addressed every biennium, it may not have to be updated every biennium, based upon how the test has changed over that time.

SENATOR BEERS:

Referring to my own certified public accountant (CPA) test experience, there were two types of resources available. One was a book containing sample questions and past questions with the answers and explanations. The American Institute of CPAs wrote a separate examination each time and made past examination available without explanations to students as a quicker guide.

Do the high school proficiency tests change each year?

ASSEMBLYMAN PERKINS:

We are trying to remove the mystery of the current examinations. Releasing a current test will be important to maintain the integrity and the confidence in the examinations.

SENATOR BEERS:

Does A.B. 403 propose to release the last test and write a new test for the next examination?

MR. HANLON:

It proposes a test that has been given be released, minus the questions that are used for judging continuity. I would add one additional point. While it is important that students have the correct answers, it is important that classroom teachers know what wrong answers are being chosen by students so they can target those areas with further instruction.

CHAIR RAGGIO:

Is the test changed every year?

Ms. DOPF:

There are multiple forms of the examination provided by the test vendor that are all equated and tracked to the standards. This recommendation would be to release one form of the reading and one form of the math test that would be exemplar of the breadth and depth of the questions. The item bank would be refreshed with supplemental questions that would be tested, evaluated and equated to the other forms of the test for continual refreshing of the item bank.

The fiscal note is included because the current vendor for the examination contract would be working with our teachers and the other input processes to obtain the items and add them to the item bank. A new version of the test would be extracted from the item bank.

SENATOR BEERS:

Does the current contract for the vendor involve the creation of new questions rather the pulling of questions from the item bank into a new test?

Ms. DOPF:

That is correct under the current practices. That is why refreshing of the item bank is necessary if items are publicly released.

SENATOR BEERS:

Would we retire the questions we publish and replace them?

Ms. DOPF:

That is correct.

Ms. LORING:

We are strongly in support of A.B. 403. We feel it is a good investment. Two years ago, two of our trustees visited the Aldean Independent School District in Texas. We were researching a sample of how we wanted our program to perform. Universally, for the two days we were there, we heard that the best thing their Department of Education did for their students was to release copies of the test for study. No matter what any official states, there is always a question in a parent's mind when a student goes home and tells them the test was difficult, of whether or not it was truly difficult. It is not a secret or a mystery, and we think the bill will be a benefit to parents, teachers and students.

CHAIR RAGGIO:

It would alleviate expressions from parents that their children were not taught certain aspects reflected on the tests.

Ms. LORING:

That is correct.

Ms. CLARK:

We are in support of A.B. 403. The provisions are a resource for parent involvement and allowing parents access to help their children to succeed.

CHAIR RAGGIO:

I will close the hearing on A.B. 403 and open the hearing on A.B. 438. This bill was previously heard on April 18, 2005.

ASSEMBLY BILL 438 (1st Reprint): Revises provisions governing health insurance for certain retired public officers and employees. (BDR 23-792)

ASSEMBLYWOMAN ELLEN M. KOIVISTO (Assembly District No. 14):

Thank you for hearing this measure again. This bill is a result of A.B. No. 286 of the 72nd Session. It concerns the health-insurance subsidy for retired public employees. The intent of A.B. No. 286 of the 72nd Session was not to take years of service credit away from retirees by using a different calculation for the subsidy, although that happened when regulations were drawn to implement the 2003 legislation.

Assembly Bill 438 reinstates the use of years of service in determination of the allocation of the health-insurance subsidy for retirees.

ROSE MCKINNEY-JAMES (Clark County School District):

I attempted to preserve the record in a somewhat inarticulate way with respect to this measure previously because of a concern that there is no reflection of a fiscal impact on local government.

I have had the opportunity to speak with the sponsor of the bill and our business office. This measure would generate a fiscal impact on local government. We are currently experiencing the unintended costs of A.B. No. 286 of the 72nd Session. We could not project, at the time the measure was approved, how many retirees would fall into this category.

We do not object to the policy underlying the measure. The bill will increase the number of retirees the Clark County School District will need to support. I cannot offer a specific fiscal projection. Our business office has indicated it will surely increase the number of retirees needing coverage.

ASSEMBLYWOMAN KOIVISTO:

Part of the reason for A.B. No. 286 of the 72nd Session was retired teachers were paying in the neighborhood of \$14,000 each year for health-insurance coverage. They had to seek coverage under the state plan because when they retired, the plan offered by the school district did not offer coverage for their spouse. I am not convinced a large increase in the number of retirees who would request the state plan coverage will result from A.B. 438.

JAMES T. RICHARDSON, J.D., PH.D, (Nevada Faculty Alliance):

I testified earlier in support of A.B. 438. I defined it as a cleanup bill. It turns out that some individuals with less than five years of service were not getting credit for service and that issue is addressed by this legislation. There will be a small fiscal impact on local governments. I urge you to pass A.B. 438.

Senator Dennis Nolan has spoken to a number of individuals concerning his interest in using this bill to solve an oversight problem that has arisen. We became aware that members of the Legislature, who are eligible to participate in the plan as Legislators after they retire at age 65, have been told recently they cannot participate in the plan during the period between the time they retire and reach age 65. Some had been receiving that benefit until last year when a letter was sent from the Board of the Public Employees' Benefits Program stating the provision was not authorized in statute. There has been some discussion about amending A.B. 438 to correct that issue. It could be placed on page 2 at line 43 where it states, "A Senator or an Assemblyman who elects to participate in

the program shall pay the entire premium or contribution for his insurance." I would suggest it be changed to, "A Senator or an Assemblyman, or retired Senator or Assemblyman, who elects to participate"

CHAIR RAGGIO:

Does a Legislator have to serve five years to be eligible for retirement benefits?

DR. RICHARDSON:

That is correct.

CHAIR RAGGIO:

If a Legislator retires, although they are paying the full premium, can they only utilize the plan after the age of 65?

DR. RICHARDSON:

That is correct.

CHAIR RAGGIO:

I do not believe that was the intent of prior legislation.

DR. RICHARDSON:

I agree. Until last year, several Legislators, who had retired, were participating in the plan.

CHAIR RAGGIO:

I should disclose that I participate in the plan and if I retire, this bill would not affect me any differently than anyone else.

MS. LORING:

Without knowing what the effect would be, page 2, line 14 states the years of service will be prorated for the subsidy. It may have an impact in the future on what is being provided in the *Executive Budget* for school districts to cover the subsidy. Employees enter the districts from other local governments or from state service.

CHAIR RAGGIO:

Would the calculation of the subsidy be prorated if the individual had three years with some other public agency and two years with the school district?

MS. LORING:

That is correct. It would also apply in a reverse situation.

MARTIN BIBB (Retired Public Employees of Nevada):

For the reasons mentioned by Assemblywoman Koivisto, we support A.B. 438 because it corrects statute to what we believe was the original intent of the legislation concerning years of service credit. We would also support the proposed amendment by Dr. Richardson.

CHAIR RAGGIO:

The amendment for Legislators does not involve the subsidy. It would only allow Legislators to pay for their own coverage to be received with retirement after five years of service.

MR. BIBB:

That is an issue the Retired Public Employees of Nevada might wish to pursue in the future because a subsidy for Legislators is also appropriate.

MICHAEL R. ALASTUEY (Clark County):

We have concerns regarding A.B. 438 similar to those voiced by the local governments. I would submit that A.B. No. 286 of the 72nd Session has fundamental flaws and creates a slippery slope for local governments forced to participate financially, not as a result of any employment agreement, not as a result of any terms of employment for appointed officials, but only by the unilateral election on the part of a retired employee. Their participation creates financial liability for local governments. I submit none of the Committee members, in their private endeavors, would ever agree to a situation where a former employee, at their own election after leaving employment, can enroll in a plan at your cost.

Assembly Bill 438 represents itself as a cleanup action and we understand the fairness of proration. Assembly Bill No. 286 of the 72nd Session made a slippery slope and A.B. 438 makes it even steeper. This is an issue that will resurface in every Session unless A.B. No. 286 of the 72nd Session is repelled in some form. As the school representatives testified, this will be a substantial liability on the state, school districts and local governments.

NANCY J. HOWARD (Nevada League of Cities):

In the interest of time, I will simply echo Mr. Alastuey's comments.

CHAIR RAGGIO:

I will close the hearing on A.B. 438 and open the hearing on A.B. 53.

ASSEMBLY BILL 53 (1st Reprint): Creates Office of Minority Health within Department of Human Resources. (BDR 18-146)

ASSEMBLYWOMAN SHEILA LESLIE (Assembly District No. 27):

I am present to represent Assemblyman Morse Arberry Jr. who is currently chairing a meeting in the Assembly. Assemblywoman Chris Giunchigliani is also present with me to present the bill.

The bill creates an Office of Minority Health within the Department of Human Resources. It has been known for a long time that there are disparities between Caucasian and the minority populations in the state. Extensive testimony was heard when the bill was presented in the Assembly. When one looks at the numbers and the rate of disease, particularly in the African-American and Latino populations, the disparities are overwhelming.

This bill is similar to a bill introduced during the 72nd Legislative Session. We have worked with the Department of Human Resources during the interim to structure the office in a manner that would work within their bureaucracy.

The bill will create an Office of Minority Health rather than a division. We determined to place it under the Department rather than within the Health Division or under the Aging Services or Mental Health and Developmental Services Divisions because it needs to coordinate among all those groups.

The duties of the manager are similar to the Office of Disability Services in structure and are listed in the bill. The advisory committee was reduced to nine members. Section 15 lists the advisory committee duties.

The fiscal note was reduced by eliminating one administrative assistant and reducing the number of members of the advisory board. The requested appropriation, in section 19, is for one position.

CHAIR RAGGIO:

How many positions total are proposed for the office?

ASSEMBLYWOMAN LESLIE:

Only one position is requested.

ASSEMBLYWOMAN CHRIS GIUNCHIGLIANI (Clark County Assembly District No. 9):

Assemblywoman Leslie explained the bill well. She and I worked with Assemblyman Arberry to streamline the provisions and model it after the Office of Disability Services.

CHAIR RAGGIO:

If you have the position in the Department, why is an advisory committee necessary?

ASSEMBLYWOMAN GIUNCHIGLIANI:

Through testimony, it was felt there were so many needs in the minority community, one group was needed to focus on the needs and filter them for the one staff position. That was the intent. The size of the advisory committee was reduced considerably.

CHAIR RAGGIO:

Is there a concern that the Department of Human Resources, with its varied areas of concern, somehow neglects the minority population?

ASSEMBLYWOMAN LESLIE:

I would not phrase it that way at all. Mr. Michael J. Willden, Director, Department of Human Resources, is present and can reply further. This is a national trend. Nevada is one of only a few states that does not have a special focus on minority health. The issues are different in the various minority populations. The advisory board is to work with the different groups to facilitate a buy in for the efforts, receive input and allow with the one staff position a special focus.

CHAIR RAGGIO:

If the concern is primarily African American, why are bilingual communication skills required?

ASSEMBLYWOMAN LESLIE:

The largest minority population is Latino.

SENATOR TITUS:

I support of this measure. I sponsored a similar bill in another Session. It is not a reflection on the Department at all.

MICHAEL J. WILLDEN (Director, Department of Human Resources):

I am present to testify that the fiscal note in section 19 matches what was revised by the Department. We would hire one health program planner, a manager and support the nine-member committee.

I have a copy of a national disparities report that I could make available for the Committee. The Office of Minority Health will address two issues. Those are quality of health care and access to health care. I will note four points from the most recent report: African Americans receive poorer quality of care than whites in two-thirds of the quality measurements (38 total national measures); Asians receive poorer quality care in approximately 10 percent of the measures; American Indians receive poorer quality care in approximately one-third of the measures; and Hispanics receive poorer quality care in about 50 percent of the measures.

CHAIR RAGGIO:

Where are these statistics found?

MR. WILLDEN:

They are collected from 38 national indicators; from the Surveillance Epidemiology and End Results Program collected by the Health Division, the U.S. Renal Data System, the Medical Expenditure Care Panel, the national Centers for Disease Control, the Aids Surveillance System, the National Vital Statistics System, the National Immunization Survey System and the Health Interview Survey System. There are a number of systems in place to reflect whether or not the quality of care in a community is the same among different populations.

Not only in Nevada, but nationally, access to care and quality of care for minorities is significantly poor.

CHAIR RAGGIO:

How will this position, if approved, address those issues?

MR. WILLDEN:

It will coordinate and oversee the collection systems that are currently spread throughout the health-care system. It will work with the provider community and the hospital associations. This is not an eligibility issues, it addresses the quality of care of the individual.

CHAIR RAGGIO:

I am curious how the person in the position would determine if hospital A is providing a poor quality of care with respect to any minority group. What do they do once poor quality care is identified?

MR. WILLDEN:

I am not sure specific data could be identified. The data collected is typically aggregate data from the 38 indicators.

CHAIR RAGGIO:

The reason I am asking is obvious. The program sounds good, but will it be effective in changing the conditions?

MR. WILLDEN:

I do not have that specific answer.

LAWRENCE P. MATHEIS (Nevada State Medical Association):

I also represent the Nevada Health Care Reform Project and both groups support this proposal. I would characterize the program as creating a conduit for what is a growing body of national studies demonstrating ways the health-care system can improve, both in identifying and diagnosing problems and treatment in minority groups. This position would be the conduit for channeling that information appropriately.

At both the federal level and in terms of major national medical foundations, we are at the front end of what may become a stream of grant programs aimed at these functions. I would assume this office would spend significant time, in the beginning, accessing federal grants that would work within the university system and the counties to integrate the new body of information of how to identify particular minority-based medical problems and implement treatment. It allows for a specific office to become the official conduit for a growing body of work.

JAN GILBERT (Progressive Leadership Alliance of Nevada):

Our Racial Justice Committee has focused on this issue but was unable to attend this hearing.

I will read excerpts from testimony given by Ms. Kenya Pierce, a sociology instructor at the Community College of Southern Nevada:

Our Racial Justice Committee supports this bill. We feel this Division will address the growing and imminent health concerns of this diverse population which you know is growing so rapidly in our state.

One particular issue which Ms. Pierce wanted to highlight was the ever-growing HIV/AIDS epidemic among people of color. By ethnicity, the three leading groups testing positive are African Americans, Hispanic/Latinos and Native Americans. Among African-American individuals, women are the primary target. Currently, statistics suggest that black women between the ages of 25 and 35 are at extreme high risk. There are other programs we feel could be benefited by this program.

Mental-health issues, diabetes, immunizations, certain forms of cancer are all health topics that have historically been taboo or people have been misinformed about risks and lifestyles. The new office will help disseminate the information needed in communities and we would urge the Committee's support.

LARRY D. STRUVE (Religious Alliance in Nevada):

The Religious Alliance in Nevada (RAIN) hosted a presentation in the spring of 2004 in Las Vegas. We heard from representatives of the minority community about the disparity in health conditions in those communities related to the majority populations. After listening to the presentation, the RAIN board decided unanimously to support A.B. 53 to at least move us in a policy direction recognizing the unique problems in minority communities concerning health issues. The RAIN views it as an issue of fairness.

To answer the question of the Chair, the RAIN shares the skepticism about how one position could make a difference with all the issues needing review. Hopefully, section 13 authorizes a process requiring a report to be filed with the Legislature and the Governor identifying the variety of problems and begin tracking strategic improvement over time. Like all major problems, solutions will need to be addressed incrementally.

(A letter in support of A.B. 53 from Ms. Buffy Gail Martin, Director of Government Relations-Nevada, American Cancer Society, was provided to the Committee [[Exhibit D](#)] without testimony.)

CHAIR RAGGIO:

I will close the hearing on A.B. 53 and open the hearing on A.B. 525.

ASSEMBLY BILL 525 (1st Reprint): Creates Account for Programs for Innovation and the Prevention of Remediation and makes appropriation. (BDR 34-1352)

ASSEMBLYWOMAN BONNIE PARNELL (Assembly District No. 40):

Assembly Bill 525 is about daring to stray from the status quo. It is intended to shake up the course of public education by providing schools with the opportunity to design programs addressing the needs of their unique populations, thereby ensuring ample opportunities for students.

It is also designed to help promote local control and facilitate individual schools in making decisions that will best serve their specific needs.

The bill allows schools to apply for funding to create, or further, innovative programs that help students at all levels of learning. Such programs could include, but are not limited to: alternative-discipline programs, summer school, programs for gifted and talented students, extended-day kindergarten and programs to assist middle school students' transition into high school. Those are only some of the ideas that would be available if this measure is passed.

To comply with state standards and the federal No Child Left Behind Act mandates, schools have been forced to focus on remedial-education programs. While this is certainly a necessary step in raising the scores of our lowest-performing students; focusing solely on remediation can result in a failure to consider the needs of all of Nevada's students.

In addition to helping schools already in trouble, we need to also help schools stay out of trouble. I am not speaking in opposition to remediation programs; rather, I am hoping to bring light to the need to continue a broad focus on methods of education so no students are left behind.

The primary focus of A.B. 525 is considering the approximately 80 percent of our students who have not been the focus of attention over the past 10 years, since the implementation of the Nevada Education Reform Act.

All available funding and focus has centered on remediation efforts and it concerns me.

What are we doing about the kids in the middle? How are we helping our gifted and talented students? In the 2004-2005 fiscal year, no state funds were directed to the gifted and talented programs.

Funding opportunities should be created for schools to assess the needs of their students and apply for money using their school improvement plan as a guideline to focus on the needs of students in that school.

Just in Carson City, I see one school that needs all available funding for remediation, but other schools possibly have a large gifted and talented population who no longer have services.

CHAIR RAGGIO:

What consideration is being given to the Governor's proposal of establishing a Commission for Academic Excellence in S.B. 404?

SENATE BILL 404 (1st Reprint): Creates Commission on Educational Excellence. (BDR 34-1365)

Assembly Bill 525 appears to be a substitute for S.B. 404. Has S.B. 404 been heard in the Assembly?

ASSEMBLYWOMAN PARNELL:

Assembly Bill 525 was introduced early in the Session. It was a committee introduction so it has been on the table proportionately. The bills are very similar. Allocation from the same revenue is being requested. Assemblywoman Chris Giunchigliani can speak to S.B. 404 that was heard in the Assembly today.

CHAIR RAGGIO:

You both know we have limited time. This is an issue of which we are all aware. The Assembly proposal changes the Governor's proposal in many ways. It also substitutes the DOE for the Commission on Academic Excellence.

ASSEMBLYWOMAN GIUNCHIGLIANI:

The Assembly did not have S.B. 404 when A.B. 525 was introduced, although we were aware of the presentation by the Governor. The Assembly bill originated in the Assembly Committee on Education attempting to ensure we are not only focusing on remediation and innovation.

The Governor's bill was heard in the Assembly Committee on Ways and Means today so perhaps a mix of both bills will be the ultimate outcome. I commend the Assembly Committee on Education for the fact that regardless of who administers the application, a concise application needs to be developed so that it is not as cumbersome as the remediation plan where funding was not received until halfway through the school year.

Additionally, both pieces of legislation retain the Governor's intent that the \$100 million would not revert. Section 2, subsection 1 of A.B. 525 contains that language.

Section 3, subsection 2 of A.B. 525 is the key component to me, in that an account for innovation and prevention of the need for remediation is created. We must begin focusing on how to ensure funds are not being wasted.

The Chicago and Texas school systems have incorporated arts throughout the curriculum thereby increasing their standardization test scores. Anything unusual and unique that draws students and makes teachers work harder is a key component of the vision.

The other component is the authorization for the DOE to request assistance from the Legislative Counsel Bureau in schools with grant programs. They could apply for other innovative programs.

I would agree to eliminate the drivers' education program, on line 26 of page 2 of A.B. 525, if that would move this legislation.

I will review the hearing on S.B. 404 today. I do not want the issue of who accepts the grant to stop the legislation from moving forward.

SENATOR TITUS:

Assembly Bill 525 is similar to an amendment that was proposed to S.B. 404 that split funding into three categories; prevention, remediation and innovation and spread it out. We should not only help the schools that have failed, we should help those on the brink and push them back to success and reward those doing well with innovative and creative programs.

As you look at the hearing on S.B. 404, please also review the amendment that failed in the Senate.

MS. HALDEMAN:

In Clark County, we believe having funding such as proposed in A.B. 525 will go a long way in improving education at some schools. Individuals such as Mr. Bob Gary, long-time principal at the Las Vegas Academy, when he moved to a comprehensive high school, with a large number of students, felt the mix would not be successful there. Using his background from the Academy, he is using a large school and breaking it into small components. Funding issues are associated with those types of innovative measures.

A parent of an autistic child, Ms. Rhonda Glyman, by working with private partners, found parents of other autistic children and created model programs that have proven successful. That is another program which needs funding outside the regular funding model. Ms. Carol Lark instituted programs at the C.P. Squires Elementary School, one of Clark County's most at-risk schools, that have turned that school around. She was innovative in developing funding resources. I use these as examples of principals who are strong leaders and know what their particular population needs. Sometimes those needs are outside the normal funding formulas.

We support A.B. 525 and urge the Committee to pass this measure.

CHAIR RAGGIO:

Did your district testify with respect to S.B. 404?

MS. HALDEMAN:

Yes, we did. We recognize the conflict between the two measures. My testimony is centered on availability of funding for programs to help individual schools.

CHAIR RAGGIO:

What was your testimony on S.B. 404?

MS. HALDEMAN:

Dr. Craig Kadlub, Clark County School District, gave that testimony in support of the measure. I was not in the room.

RANDI THOMPSON (Nevada Gifted and Talented):

Although A.B. 525 is sponsored by Assemblywoman Parnell, a similar program is beginning in Kansas where they receive applications and use a grant process. I encourage Nevada to review that program. Nevada has approximately 4,000 children who have been identified as gifted and talented. I believe that number should be closer to 20,000. If we are concerned about raising test scores, allocating funding to the gifted and talented program will increase the scores for the state.

The bottom line is that principals and teachers know best, at their schools, how to raise tests scores.

CHAIR RAGGIO:

It depends on what principals you are talking about.

MS. THOMPSON:

Assembly Bill 525 is the only measure that has been introduced to include funding for the gifted and talented programs and I urge your support. Unfortunately, with the mandates of the No Child Left Behind Act, gifted and talented children are often left behind.

CHAIR RAGGIO:

We will close the hearing on A.B. 525. There are two bills with Assembly amendments that the Committee will review. We will first consider S.B. 293.

SENATE BILL 293 (3rd Reprint): Makes various changes relating to control of weeds. (BDR 51-431)

This measure requests a weed-control coordinator in the State Department of Agriculture. We processed the bill on April 25, 2005. We will consider Assembly Amendment No. 717. What does the amendment propose?

Mr. Ghiggeri:

Amendment No. 717 to S.B. 293 changes the makeup of the weed control board of directors from three to up to five members. No other changes are noted.

CHAIR RAGGIO:

This does not appear to be a major change. What is the pleasure of the Committee?

SENATOR RHOADS MOVED TO CONCUR WITH AMENDMENT NO. 717 TO S.B. 293.

SENATOR COFFIN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR MATHEWS WAS ABSENT FOR THE VOTE.)

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CHAIR RAGGIO:
We will now consider S.B. 32.

SENATE BILL 32 (3rd Reprint): Makes various changes relating to qualifications for free tuition and loans for certain students at institutions of University and Community College System of Nevada. (BDR 34-158)

Senate Bill 32 makes changes relating to the qualifications of students who would receive refunds on tuitions and loans based on the residence requirement. The Assembly added two amendments to the bill. They are Amendment No. 930 and Amendment No.1073.

Mr. Brian Burke, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau has reviewed the amendments.

MR. GHIGGERI:
Amendment No. 930 was proposed in the Assembly Committee on Education. In section 3 of S.B. 32, the Assembly wants to ensure the university fulfills its commitment to the students who are owed refunds back to 1995. They have added transitory language in section 4 to protect potential students who move to Nevada under the 6-month residency provision.

The vice-chancellor testified that the number of individuals impacted would be small.

CHAIR RAGGIO:
In other words Amendment No. 930 is clarifying that when the residency requirement is moved back to 12 months, the provisions only apply prospectively and do not impair the obligation to issue refunds.

Amendment No. 1073 makes changes to page 3, line 13 of S.B. 32 adding the words, "take classes other than during their regular working hours" after the words, "employees of the system." I believe we can concur in both amendments.

SENATOR CEGAVSKE MOVED TO CONCUR WITH ASSEMBLY AMENDMENT NOS. 930 AND 1073 TO S.B. 32.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR MATHEWS WAS ABSENT FOR THE VOTE.)

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CHAIR RAGGIO:
Seeing no further business before the Senate Committee on Finance, we are
adjourned at 10:02 a.m.

RESPECTFULLY SUBMITTED:

Cindy Clampitt,
Committee Secretary

APPROVED BY:

Senator William J. Raggio, Chair

DATE: _____