

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
June 3, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 5:24 p.m. on Saturday, June 3, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Tick Segerblom
Senator Pat Spearman
Senator Don Gustavson
Senator Scott Hammond
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Assemblywoman Olivia Diaz, Assembly District No. 11
Assemblyman Jason Frierson, Assembly District No. 8

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Rocky Cooper, Legislative Auditor
Kevin Powers, Chief Litigation Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Nicole Rourke, Associate Superintendent, Community and Government
Relations, Clark County School District
Jessica Ferrato, Nevada Association of School Boards

Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators
Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement, Department of Education
Ruben Murillo, Jr., President, Nevada State Education Association
Ed Gonzalez, Clark County Education Association
Don Soderberg, Director, Department of Employment, Training and Rehabilitation
James R. Wells, Director, Office of Finance, Office of the Governor
Mendy Elliott, Capitol Partners, LLC
Grant Hewitt, Chief of Staff, Office of the State Treasurer
Danny Thompson, City of North Las Vegas
Luis Valera, University of Nevada, Las Vegas
David Cherry, City of Henderson
Kelly Crompton, City of Las Vegas
Paul Moradkhan, Las Vegas Metro Chamber of Commerce
Kevin Carman, Ph.D., Provost, University of Nevada, Reno
William A. Payne, Ph.D., Dean, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno
Mark Walker, Director, University of Nevada Cooperative Extension, University of Nevada, Reno:
Chris A. Pritsos, Ph.D., Director, Agricultural Experiment Station, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno)
David Shintani, Associate Dean, Academic Programs, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno
Dylan Kosma, Assistant Professor, University of Nevada, Reno
Dagny Stapleton, Nevada Association of Counties
Aurora Buffington, Ph.D., Faculty Instructor, Clark County Office, University of Nevada Cooperative Extension
Holly Gatzke, Extension Educator, Lincoln County Office, University of Nevada Cooperative Extension
Alex Tanchek, Nevada Cattlemen's Association
Jamie Benedict, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno
Lisa K. Taylor, Extension Educator, Lander County Office, University of Nevada Cooperative Extension

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Glenn Miller, Professor, Department of Natural Resources and Environmental
Science, University of Nevada, Reno
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation

CHAIR DENIS:

I will open the meeting of the Senate Committee on Education with
Assembly Bill (A.B.) 434.

ASSEMBLY BILL 434 (1st Reprint): Makes appropriations for incentives for
employing teachers at Title I and underperforming schools. (BDR S-1033)

ASSEMBLYMAN JASON FRIERSON (Assembly District No. 8):

This bill is intended to expand the incentives program that currently exists for
new teachers by offering it to experienced teachers as well. Before this Session
started, I recognized there was a program with \$10 million for the biennium that
was intended to provide incentives for new teachers to teach in Title I schools.

My thought at the time was, why not expand that to experienced teachers? If
you have an experienced teacher who is willing to go to a Title I school, those
students would benefit from having an experienced teacher. Right now,
teachers have very little motivation to want to go to a struggling school because
they will be evaluated based on the performance of those students at that
school. This bill is designed to provide the incentives so those teachers would
have a reason to want to go and teach at a Title I school.

During this Session, the initial budget proposed to take 75 percent of that
\$10 million funding dedicated to incentives and allocate that money to Zoom
schools instead.

I had concern that a program that was, quite frankly, underfunded at
\$10 million, should still not deprive experienced teachers from taking advantage
of the incentives if they are committed to that cause. Simply put, this bill now
proposes to allocate \$2.5 million per year in the biennium for teacher incentives
and to include both new and experienced teachers in the program.

SENATOR SEGERBLOM:

This is exactly what we need because the problem in Las Vegas is that the new
teachers all start in the poor areas at the worst schools, work for a few years
and then move to Summerlin schools. We have to provide a financial incentive

to get the best teachers to go to the place where we need them the most. This would be fantastic.

SENATOR SPEARMAN:

Teachers who are passionate about teaching can reach these kids with challenges. Not everybody can do it, but those who can should receive more than just our appreciation. We should provide something tangible.

SENATOR GUSTAVSON:

I agree we need incentives to get teachers out to these areas. I believe in incentives for teachers or anybody.

NICOLE ROURKE (Associate Superintendent, Community and Government Relations, Clark County School District):

We support A.B. 434. At the Clark County School District, we found that the incentives provided through S.B. No. 511 of the 78th Session were extremely useful in hiring teachers. We had fewer vacancies this year when we were able to utilize them, specifically in our Title I, Tier 1 and Tier 2 schools. We are grateful for the flexibility to hire new teachers and for the incentives for teachers to move to fill those vacancies.

JESSICA FERRATO (Nevada Association of School Boards):

We support this bill and appreciate the funding to help us get teachers into some of the schools that are challenging.

MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators):

This is an important bill and we support it and thank Assemblyman Frierson for bringing it forward.

DENA DURISH (Deputy Superintendent, Educator Effectiveness and Family Engagement, Department of Education):

The State Department of Education supports A.B. 434 and we appreciate the amendments for the State Board of Education (SBE) to adopt regulations. We learned several lessons from the implementation of S.B. No. 511 of the 78th Session involving technicalities in the process. We look forward to working with the SBE in adopting regulations to carry this out efficiently and effectively to meet the legislative intent.

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RUBEN MURILLO, JR. (President, Nevada State Education Association):
We agree with everything that has been said and we support this bill.

ED GONZALEZ (Clark County Education Association):
We support A.B. 434 and appreciate the Committee's comments. We are committed to trying to get our most experienced teachers into some of the more challenging schools, not only in the inner city, but also in some of our rural areas that are Title I as well.

CHAIR DENIS:
I am submitting a letter of support from Sylvia Lazos ([Exhibit C](#)). I will close the hearing on A.B. 434 and open the hearing on A.B. 484.

ASSEMBLY BILL 484 (2nd Reprint): Revises provisions relating to the Commission on Postsecondary Education. (BDR 34-912)

DON SODERBERG (Director, Department of Employment, Training and Rehabilitation):
Assembly Bill 484 is part of Governor Brian Sandoval's overhaul of the workforce system. The bill takes the Commission on Postsecondary Education (CPE) and moves it into the Employment Security Division of the Department of Employment, Training and Rehabilitation (DETR).

When you look at the traditional side of our workforce system that trains people for certificate-level skills in a variety of trades, there is a lot of overlap with the private companies providing that training. Those private companies are regulated by the CPE. There is a lot of inefficiency because we deal in basically the same workforce area.

The CPE is a very small agency with only four full-time employees. It is hard to run efficiently when you are separated and working with a small amount of people. This will allow the CPE to move into DETR and take advantage of having a financial management group, human resources, an IT group and facilities people who will help with leases and such. This will allow the people in the CPE to focus on their job, which is regulating the private trade schools and servicing the students when schools go out of business.

Since we have been dealing with this issue and drafting this bill, there have been three major trade schools nationally that have gone out of business. That

is when the CPE really shines—protecting the students at those schools and ensuring that transcripts and records of the graduates from those schools are secure so they can use the training, certificate or degree they earned from that school.

SENATOR SPEARMAN:

Seeing no one wishing to speak in support, opposition or neutral on this bill, I will close the hearing on A.B. 484 and open the hearing on A.B. 475.

ASSEMBLY BILL 475 (1st Reprint): Revises provisions relating to education.
(BDR 31-975)

JAMES R. WELLS (Director, Office of Finance, Office of the Governor):

This bill in first reprint was part of the budget implementation package that was sent over from the Office of the Governor at the beginning of this Legislative Session.

Section 1 formally establishes the Nevada College Kick Start Program in statute. The Governor supports the \$50 per kindergarten student, and he included that amount in his budget. However, he did not support the additional incentives approved by the College Savings Board during the last Interim and he did not include those in the *Executive Budget*.

Section 1, subsection 1 provides that, within the limits of money available for this purpose, the Board of Trustees of the College Savings Plans of Nevada shall deposit money into the accounts for each kindergarten student to be used to pay a portion of the costs of higher education of the pupil. In the *Executive Budget*, this amount was \$50 per student. This allows the budget process to determine the amount that is provided in each of the accounts.

Section 1, subsection 2 provides that the Board adopt regulations regarding enrollment, the accessing or claiming of the initial account by the parent or guardian, the time within which the account must be used, and how the funds are to be distributed. It also allows the Board to apply for and accept gifts, grants and donations.

Section 1, subsection 4 requires that each account be claimed by the parent or guardian by the time the student is enrolled in the fifth grade. This was amended from the third grade as in the original bill to allow the initial cohort

additional time to claim their accounts which would be by the fall of 2019. Any dollars that are not claimed within the time limit established by regulation would revert to the Endowment Account.

Section 2 of the bill was one of the changes in the amendment, revising the membership and chairmanship of the Board of Trustees of the College Savings Plans of Nevada. The amendment made the State Treasurer an ex officio nonvoting member, added a third Governor appointee and has the voting members elect a chair from its membership to serve a one-year term.

Section 2.5 was added by amendment to clarify that the Nevada Higher Education Prepaid Tuition Trust Fund, within the Nevada Higher Education Prepaid Tuition Program, can obtain a loan for the purposes of fiscal stabilization.

Section 3, section 4 and part of section 6 make conforming changes to recognize the Nevada College Kick Start Program. Section 6 changes the allowable uses of the Endowment Account, limits the uses of the money in that Account to paying for the Nevada College Kick Start Program, for any costs related to the Governor Guinn Millennium Scholarship Program, including administration costs, and it retains the limitation of the 3 percent on the administrative costs. Section 6 also allows for payment of administrative costs to the Nevada Higher Education Prepaid Tuition Program.

The amendment also included some limitations on marketing costs for the Nevada Higher Education Prepaid Tuition Program, the Nevada College Savings Program and the Nevada College Kick Start Program to 3 percent of revenue in the first year of the previous biennium. It also eliminated the ability to use the Endowment Fund for the more generic other manner to assist residents in obtaining postsecondary education.

Section 6.5 requires the College Savings Board to comply with the provisions regarding budgeting, work programs or budget amendments. Lastly, recognizing that the Governor Guinn Millennium Scholarship Program had a projected shortfall of \$20 million in the upcoming biennium, this was identified as one of the alternatives to use for funding that program. This will allow the unneeded funds in the Endowment Account to fund the Millennium Scholarship Program when there are shortfalls.

I know there are some conceptual amendments being proposed, and for the most part, our Office is amenable to those.

MENDY ELLIOTT (Capitol Partners, LLC):

We are offering a friendly conceptual amendment ([Exhibit D](#)). Working from the first reprint of the bill dated May 31 under section 6, subsection 5, we are striking paragraphs (d) and (e) and adding the language:

The administrative marketing and costs of providing programs for the financial education of residents of this State, as approved by the Legislature or the Interim Finance Committee, of activities related to the Nevada Higher Education Prepaid Tuition Program set forth in NRS 353B.010 to NRS 353B.190, inclusive, and the Nevada College Savings Program set forth in NRS 353B.300 to NRS 353B.370, inclusive, and section 1 of this act, including the Nevada College Kick Start Program.

SENATOR HARRIS:

Prior to the hearing today, I provided the Chair some proposed conceptual language for the Committee to consider. I talked to the Office of the Governor and they indicated it would be a friendly amendment. My amendment deals with the Nevada Higher Education Prepaid Tuition Program. It would allow students who have a prepaid tuition plan and do not use all their credits for undergraduate studies to roll that money over to be used for graduate school.

GRANT HEWITT (Chief of Staff, Office of the State Treasurer):

With the proposed conceptual amendments, both from Senator Harris and also from Ms. Elliott, we are neutral on A.B. 475. We were initially opposed to the first reprint of the bill. It should be noted that the 3 percent cap discussed in section 6, subsection 5, paragraph (d) would be detrimental to the Nevada Higher Education Prepaid Tuition Program. It is a defined benefit type of program, which requires new account contracts and new revenue to grow and stay solvent. Limiting the College Savings Board's ability to market the program to 3 percent would dramatically limit the ability to grow that program and continue its solvency in the future. I have submitted written testimony ([Exhibit E](#)).

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MR. WELLS:

We are amenable to the two amendments from Ms. Elliott and Senator Harris. The amendment presented by Ms. Elliott addresses the concern we had that there be some accountability for the College Savings Board as it relates to the expenditure on the administrative cost side.

SENATOR SPEARMAN:

I will close the hearing on A.B. 475.

CHAIR DENIS:

I will open the hearing on A.B. 407.

ASSEMBLY BILL 407 (2nd Reprint): Designates the state land grant institutions in this State and requires a legislative audit of cooperative extension programs. (BDR 49-1162)

ASSEMBLYWOMAN OLIVIA DIAZ (Assembly District No. 11):

The bill you have before you has a great deal of compromise in it. My original bill was to establish two regional cooperative extensions, one run out of the University of Nevada, Reno (UNR), and the other one out of the University of Nevada, Las Vegas (UNLV), to ensure more access and programming to our constituency closest to the southern Nevada region. However, after lengthy discussions in both the Assembly Committee on Education and the Assembly Committee on Ways and Means, I did not want to compromise anyone's job so it was decided to keep the focus of the bill on the land-grant status designation, basically codifying what is currently in practice. We also wanted to have a legislative audit performed on the University of Nevada Cooperative Extension programming because currently in Clark County, we have about \$12 million to \$13 million that has not been used for Cooperative Extension programming. To this day, I have yet to hear why there is such a large amount of money sitting in Clark County and that money can only be spent in the county where it was collected.

Former Congressman James Bilbray spoke at the Assembly Committee on Education hearing for this bill and I want to submit his testimony ([Exhibit F](#)). He has been working on this issue since the 1960s, and I feel like I am carrying on the torch.

The Morrill Act of 1862 granted public land to several states, including Nevada. The land that was granted was to be sold and the proceeds from the sale were to be invested. The interest from the investment of the proceeds was to be used by states for certain specified educational purposes. Additional federal legislation followed to grant more money to states to be used by the land grant institutions. The amount of money given to each state was not determined based upon the number of educational institutions. Instead, it was determined, in part, by population. The only requirement was that there be at least one qualified institution.

The Nevada Constitution was adopted in 1864, 2 years after the Morrill Act. At the time, there was only one university. Therefore, the University of Nevada, Reno was the only land-grant institution in the State. Over the years, additional institutions developed to meet the needs of the State. In 1969, the Attorney General Opinion No. 1969-556 ([Exhibit G](#)) stated that the University of Nevada system was the land-grant institution and had been since 1864, and that the system consists of the University of Nevada, Reno, the University of Nevada, Las Vegas, and the Desert Research Institute (DRI).

The Attorney General opinion further provided that the components of the University of Nevada system could not hold separate land-grant status apart from the system. Despite this seemingly obvious interpretation issued nearly 50 years ago, UNR has continued to be the favored institution that benefits the most from the land grant proceeds. To eliminate the current confusion, section 1 of [A.B. 407](#) clarifies that UNLV, UNR and DRI are the state land grant institutions in Nevada, and are all eligible to receive land grant money.

I also have a 2004 memorandum from Kwasi Nyamekye, Assistant General Counsel to the University and Community College System of Nevada ([Exhibit H](#)) that states "it is the opinion of the Office of General Counsel that the land-grant status of the 'University of Nevada' applies to all the units within the System."

This bill also requires the Legislative Auditor to conduct a performance and compliance audit of the Cooperative Extension program of the Nevada System of Higher Education (NSHE) for fiscal year 2017 and any prior years determined necessary by the Legislative Auditor. This audit will consist of an examination and analysis of the amount and use of program funds by each participating county; controls over the collection, distribution and expenditure of program funds; program assets, and compliance with applicable federal, state and local

laws. I have confirmed with the Legislative Auditor that this audit will not require any additional appropriation to pay for the expenses and that it can be a part of the regular audit work during the 2017-2018 Interim.

It is critical that the Legislature has an independent review of the Cooperative Extension programs so that we can know how the federal, state and local dollars are being used. It is my goal that the Legislature have a clear and transparent understanding of the use of the funds so that we can know whether the funds are being used to the fullest extent to support and expand Cooperative Extension programs. I have asked why Clark County has \$12 million in reserves for the program and to this day, I have not received a clear explanation.

I have compromised on this bill from its original version. I believe that a legislative audit and the land-grant status designation is a good first step so the Legislature can have facts as it makes determinations regarding the structure and operation of the Cooperative Extension programs in the future so that all participating counties will benefit.

SENATOR HAMMOND:

About a month ago, I saw what Assemblywoman Diaz was attempting to do and I saw the issue, which is leaving money on the table when it should be put into programs. We are selling ourselves short. When I saw her passion in this bill and I offered to help. This bill has been pared down. I would not mind pushing the fight a little bit more, because I hate to waste two more years, but I understand we need to see where the need is. For that reason, the audit is a perfect solution. It is important that we get into State statute that UNLV is recognized as a land grant institution, along with UNR and DRI.

SENATOR GUSTAVSON:

I understand there has been controversy on this bill, and I have received correspondence on it recently. Is Congress the only entity that can designate a land-grant university?

ASSEMBLYWOMAN DIAZ:

In the Assembly Committee on Education meeting, we had Brenda Erdoes, a Legislative Counsel Bureau attorney, speak on this issue and I can have her come here to speak before this Senate Committee. She said the only two powers that currently make that land grant-designation are the State and

Congress. I also received information from a supporter of this bill saying that only states do the designating.

SENATOR HAMMOND:

For the last 50 years, UNLV has been applying for federal grants and in that process, we have written down that it is a land-grant college. We have received grant money from the federal government under this status, so if we were not a land-grant college, we would be in serious trouble. I think the precedent has been set, and I believe there was an Attorney General's opinion from about 50 years ago, confirmed by our Legislative Counsel, that we were given the land grant status. We are now just trying to put this into statute.

CHAIR DENIS:

To clarify, are you asking for the audit so we can figure out the status?

ASSEMBLYWOMAN DIAZ:

Yes. The reason I brought forth the first iteration of the bill where I sought to create two divisions is because we have one institution, UNR, that is miles away from Las Vegas, the largest city in our State. It has been misrepresented that I am saying UNR is not doing a competent job. I am not saying that. We have 75 percent of this State's population in southern Nevada, and the \$13 million shown in the fiscal year 2016 summary ([Exhibit I](#)) in unused funds indicates that we have issues in entering into memorandums of understanding (MOU), with UNR being the entity that controls and directs all the programming for the entire State.

Each Nevada county collects the one cent property tax for the Cooperative Extension programming and they then have to enter into an MOU with the institution to carry out the Cooperative Extension work in the local communities. My intention is to say that we have grown as a State, and what worked 100 years ago in having one institution service the entire state is different now. We have to be realistic. We have more than 2 million people in Clark County and surrounding areas. It is just not realistic to say that UNR can meet the needs of those two million people plus the rest of the State.

My original bill sought to take some of the burden off of UNR's plate and shift it to UNLV, keeping Lincoln County, Nye County and Clark County run from UNLV, while UNR could take care of Washoe County and all the other counties in the State. We are just seeking to see how the monies are being appropriated

for the Cooperative Extension programming. We think this might shed light on why progress is not moving faster to use those millions of dollars that are sitting in Clark County coffers.

SENATOR GUSTAVSON:

Senator Hammond, you mentioned that you applied for grant funding for UNLV. Have you received that grant funding?

SENATOR HAMMOND:

I think the last grant UNLV applied for was the Nevada Healthy Homes Partnership, and it was received from the federal government.

SENATOR GUSTAVSON:

How would the money be divided up if this bill passes and if both UNR and UNLV are getting grants from the federal government because of the designation of being federal land grant institutions? How would it affect their budgets?

ASSEMBLYWOMAN DIAZ:

Currently, based on multiple interpretations from a former Attorney General of the State and NSHE, we are one system; the University of Nevada system, with UNR in Reno and UNLV in Las Vegas. The University of Nevada, Las Vegas has applied for federal grant opportunities and they have received some of this money. I think the concern is that by making it official that all three institutions, UNR, DRI and UNLV, enjoy this status, some are worried that UNLV will try to carve out some of the money that has traditionally gone to UNR.

I do not see it that way. I think what will happen is that our sister institutions will communicate with each other and coordinate to use those funds to meet the needs of Nevadans across the State. I do not understand why there has to be undermining, because we know both UNR and UNLV have the designation and we know UNLV has applied for other grants. I have not seen UNLV trying to vie for grants that have gone to UNR. I do not see where that fear is coming from.

KEVIN POWERS (Chief Litigation Counsel):

The Legislative Counsel Bureau (LCB) Legal Division is a nonpartisan legal agency. The issue of law in A.B. 407 is twofold—what federal or state entity,

designates the land-grant institution, and what entity administers and manages the land-grant funds.

Under the federal Morrill Act of 1862, Congress delegated the power to each state, particularly the state legislature, to designate what institution is the land-grant institution in that state. That is reflected in Article 11, section 4 of the Nevada Constitution, wherein it states, "The Legislature shall provide for the establishment of a State University which shall embrace departments for Agriculture, Mechanic Arts, and Mining to be controlled by a Board of Regents whose duties shall be prescribed by Law."

Agriculture and mechanic arts were the two departments the federal law required a state land-grant university to have. So the power to designate what institution is the land-grant institution in a state is the power of the legislature.

However, the next issue is what entity has the power to manage those funds once the designation of the state university is made. That is in Article 11, section 7 of the Nevada Constitution, which requires "a Board of Regents to control and manage the affairs of the University, and the funds of the same under such regulations as may be provided by law."

Additionally, in Article 11, section 8 of the Nevada Constitution, dealing with the actual funds coming under the Morrill Act of 1862, it provides that the proceeds of that Act shall be used for a college for the benefit of agriculture or mechanic arts and shall be invested by the said Board of Regents in a separate fund to be appropriated exclusively for the benefit of the first named departments, namely agriculture and mechanic arts.

In this piece of legislation, the Legislature is exercising its power to acknowledge that there is a federal land grant institution in Nevada and it is comprised of multiple subcomponents, which are UNR, UNLV and DRI. That is the power of the Legislature to determine what is the federal land-grant institution. However, once the funds are in control of the Board of Regents, they determine how to distribute those funds among the various subcomponents of the federal land grant university as designated in the Nevada Constitution. Of course, the Board of Regents also has to act in accordance with law.

SENATOR HARRIS:

Earlier, we heard that several states were given land grants to start a university system. Other than the Attorney General opinion, I do not know that anyone has put our land grant system to the test. Have other states had similar issues with multiple campuses that have seen litigation?

MR. POWERS:

Our office is not aware of any litigation that resulted in a reported decision with that particular issue. We do know that in other jurisdictions, there are land grant institutions with multiple components and campuses in different locations. That is typical in many state university systems.

SENATOR HARRIS:

Like the University of California?

MR. POWERS:

Correct.

DANNY THOMPSON (City of North Las Vegas):

The City of North Las Vegas supports A.B. 407. We think it is important to understand the best way to utilize this money.

LUIS VALERA (University of Nevada, Las Vegas):

We support this bill.

DAVID CHERRY (City of Henderson):

We support A.B. 407.

KELLY CROMPTON (City of Las Vegas):

We are here in support of this bill.

PAUL MORADKHAN (Las Vegas Metro Chamber of Commerce):

We support A.B. 407 and appreciate the compromise with the reprint. We did support the original bill as well.

KEVIN CARMAN, PH.D. (Provost, University of Nevada, Reno):

We are here in opposition to the stipulation regarding the land grant classification of DRI and UNLV. This is a confusing issue because there are several different types of land-grant institutions—the Morrill Act of 1862,

the Morrill Act of 1890 and the 1994 land-grant colleges. The historical one is the Morrill Act of 1862, of which we are most familiar. There is a map on the U.S. Department of Agriculture's (USDA) Website of all the land-grant institutions in the Nation. There is one Morrill Act of 1862 land-grant institution in each state. In California, it is listed as the University of California, Berkley, and the land-grant institution in Nevada is listed as UNR.

There was a question about how funding is distributed and competed for, and part of the confusion has to do with grant funds versus formula funds. There are two types of formula funds that come from the federal government. One supports cooperative extension, which is through the Smith-Lever Act of 1914. The other formula fund supports agriculture extension, which is through the Hatch Act of 1887. Those funds are generated on a formula based on rural populations and farmers and ranchers. They are not competed for; they are provided to each state on a formulaic basis. Those are the funds that come to UNR for use in cooperative extension and agricultural extension.

The significant question is, if there were to be multiple land grant institutions, how would those funds be distributed? If we did that, we would be the first state in the Nation to have multiple institutions recognized as 1862 land grant institutions. In terms of the size of a state and being able to manage programs, look at Texas, which is run from College Station, which is in a rural central part of the state. They have satellite programs throughout the state, as does our University of Nevada Cooperative Extension. That is a standard model throughout the Country.

WILLIAM A. PAYNE, PH.D. (Dean, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno):

I oppose A.B. 407. We do appreciate the efforts in amending the earlier version. According land-grant status to UNLV and DRI has legal and financial implications for cooperative extensions, which include the Nevada Agricultural Experiment Station (NAES) and the College of Agriculture, Biotechnology and Natural Resources (CABNR), which I lead. This College includes more than 1,400 students, 22 percent of which come from Clark County. This bill also has implications for any faculty with a partial Cooperative Extension or NAES appointment in the Colleges of Education, Business and Science and the students they teach.

About 28 percent of UNR's 21,000 students come from Clark County. Sharing those funds would affect those programs, faculty, degrees and students. The bill does not address how federal, state or county funds will be shared among the three land-grant institutions, but we have a letter from UNLV President Len Jessup suggesting that approximately half would go to UNLV. That would be devastating to tens of thousands of Nevadans across the State who benefit from our teaching, research and extension missions. This includes thousands of students, 60,000 4-H children and countless rural and urban low-income families.

Assembly Bill 407 has already caused harm to the State. It has demoralized faculty and staff across the State and distracted them from their jobs. It has caused angst among beneficiaries, including parents of 4-H children, those in low income families that benefit from education and nutrition, early childhood reading and family development. It has also caused concern to those in the firefighting and sportsman communities and those in rural communities who wonder if their county programs are now in jeopardy. From personal experience, I can tell you that it has affected the recruitment and retention of faculty who are aware of this potential threat to their livelihoods.

There are a number of legal questions on this issue. We do agree with the notion of a statewide audit for reasons of accountability and transparency. The NSHE is already conducting such an audit at my request and those results will be made public.

If this bill is implemented as written, it would devastate the Agriculture Experiment Station, the Extension, students, my department and other colleges and programs. It creates division and confusion, harms tens of thousands of Nevadans and pits one institution against another at a time when we should be seeking ways to work together more effectively. It has enormous unanswered legal questions and, in my view, would do unprecedented damage to a system that has served this State and our Country for 150 years.

SENATOR HAMMOND:

It sounded like you were testifying on the bill that existed before the compromise and the paring back. Are you telling me that by doing an audit right now we are putting things in jeopardy?

MR. PAYNE:

I am all for the audit for the reasons you enunciated.

SENATOR HAMMOND:

Are you saying that you welcome the audit but by granting land-grant status to UNLV, we are devastating the faculty and jeopardizing jobs? Do you know how many jobs we are jeopardizing? I am concerned that you are throwing some things out there for us to worry about and there are not facts to back that up.

MR. PAYNE:

There most certainly are facts. We have done the calculations. In one of the papers we put out, we talked about the number of faculty, the number of postdoctoral scholars and the number of graduate students that would come out of the CABNR. Those federal formula funds pay the salaries of faculty. That is what they are used for throughout the U.S. This is for research faculty who have a partial appointment to the NAES or through the Cooperative Extension. The main thing those people do is teach.

CHAIR DENIS:

When you were talking about the disruption of faculty, were you speaking to the bill as it exists now, or just the fact that there is a bill out there looking at this issue that is causing the angst?

MR. PAYNE:

By virtue of having land-grant status, one has access to those formula federal, state and county funds. I realize there is a view within the State that UNLV has land-grant status. That view is not shared by the federal government and we have a direct statement from the director of the National Institute of Food and Agriculture (NIFA). If they did have that federal recognition, those funds would have to be shared in a manner determined by the Board of Regents or the Legislature.

SENATOR HAMMOND:

I do not understand because everything I have read has said that over the last 50 years UNLV has been submitting grants and receiving grant monies with the land-grant status. Nobody's world has been upset. I am kind of worried, because what you are telling me is that UNLV has been receiving monies fraudulently over the last 50 years under the land-grant status. Is that correct? Have they been fraudulently receiving money?

MR. PAYNE:

I am not saying anything of the sort. I am saying that the federal government has not recognized UNLV as a land-grant institution. You have that in writing from the Office of General Counsel from the USDA and from the director of NIFA. Those documents were submitted when this bill was presented in the Assembly Committee on Education on March 27.

SENATOR HARRIS:

Since every state has a land-grant institution, are you aware of any other states with multiple campuses in conjunction with their land-grant university?

MR. PAYNE:

Yes, there are multiple states with different campuses but every state has only one designated land-grant institution from the Morrill Act of 1862. That was testified to in the Assembly Committee on Ways and Means on May 24 by the Vice President from the Association of Public and Land-grant Universities. It was also shown unambiguously on the map that Provost Carman just showed from the USDA Website. There are institutions from the Morrill Act of 1890 that you can see on the map, and some states will have one land-grant institution from 1862 and one from 1890. There are also 1994 institutions, which I am trying to create in Nevada, which are for tribal colleges. There is no state with more than one 1862 institution.

SENATOR HARRIS:

But they do have multiple campuses.

MR. PAYNE:

Absolutely.

SENATOR HARRIS:

You referenced the director of NIFA weighing in on the land-grant issue, but was he able to look at this bill and give you an opinion on what he thinks this means for the university system in Nevada?

MR. PAYNE:

The National Institute of Food and Agriculture is part of the USDA. As was submitted in testimony on May 24 in the Assembly Committee on Ways and Means, Mr. Paul from UNLV wrote to the Office of General Counsel for the USDA asking whether UNLV had land-grant status. The Office did then ask

UNLV to provide more information, including something from the Board of Regents on how money would be divided. There was no follow-up to my knowledge.

SENATOR HARRIS:

So we have a conundrum because we have a Nevada Attorney General opinion, [Exhibit G](#), that says UNLV is part of our land-grant college, we have a federal institution that says it does not really think UNLV is, and no one has litigated it so we do not have a court weighing in on it. What we do know is that we have a university system with multiple campuses. It is quite a labyrinth we are going to be negotiating.

MR. PAYNE:

We do have precedent that occurred a few years ago in Ohio with Ohio Central State University. The Ohio Legislature accorded that institution land-grant status, but more than 100 years later, it was Congress that recognized it as a land grant in the Agricultural Act of 2014, otherwise called the U.S. Farm Bill. That is a precedent.

MR. CARMAN:

To clarify, that was an 1890 campus from the Morrill Act of 1890, not one from 1862. It is a historically black college and university campus.

SENATOR HARRIS:

Are you suggesting that if we get our Nevada Delegation in Washington, D.C., to get Congress to declare that all three of our institutions are part of the original land grant, it could clear the matter up?

MR. PAYNE:

Yes, my understanding is that it would clear the matter up. That was what it took in Ohio to create a new 1890 land grant, and that was the first time it had been done since 1994.

SENATOR HARRIS:

Are you aware of any other state that has had to give money back to the federal government under threat of not utilizing its funds appropriately with regard to their land-grant institutions?

MR. PAYNE:

Yes. I cannot cite one, but I asked that question and was told it has happened.

SENATOR HARRIS:

I am interested in knowing who and how much.

MR. PAYNE:

I can try to find that out for you.

SENATOR GUSTAVSON:

Talking about UNR being recognized as the original land-grant university, what are the requirements to qualify for land-grant status to obtain federal funding?

MR. PAYNE:

My understanding is that first, you need the Legislature to approve it, then you need Congress to approve it. The most recent precedent was done by the Agricultural Act of 2014, the U.S. Farm Bill.

MARK WALKER (Director, University of Nevada Cooperative Extension, University of Nevada, Reno):

I have concerns about one portion of A.B. 407, although I welcome the part about requiring a legislative audit. Transparency is always a good thing and I believe a legislative audit will help people understand the benefits of the way they are spending money in Nevada. The only thing I would do to this bill is to strike out section 1, because I believe it is causing the same kind of controversy and concern caused by some of the provisions that were related to cooperative extension in the previous bill. I commend Assemblywoman Diaz for the level of revision she did to this bill to address those concerns. This Committee can do the same thing by removing that first provision in the bill. In short, I oppose this bill in its current form, and I recommend section 1 be deleted to address that portion related to the land-grant institution.

SENATOR HAMMOND:

There was some discussion earlier about the USDA. What is its role in granting monies to the Cooperative Extension?

MR. WALKER:

I apply for and receive funds called Smith-Lever funds, from the Smith-Lever Act of 1914. Every year I have to do extensive reporting to justify the continued

release of those funds to Nevada. As far as competitive grant funds, I have sat on panels to review proposals in big competitive processes. Those are open to a wide range of people, not always exclusively land-grant universities. Did that answer your question?

SENATOR HAMMOND:

I am not sure. I thought I heard testimony that said we should ask the USDA if UNLV has land-grant status. Who authorizes the release of these funds to universities if they do not have land-grant status? I am kind of worried that if, for whatever reason, UNLV has been receiving funds under that status, what position does that put UNLV in?

MR. WALKER:

There is a distinction between the kinds of funds the USDA administers. The capacity funds we receive from Hatch Funds for the NAES and for Smith-Lever to support cooperative extension and for other programs are administered through the land-grant university system. There are also grant funds administered which have a wider potential distribution. I am sorry if I cannot fully answer your question. I would have to look at very specific cases.

SENATOR HAMMOND:

I would be interested, and Mr. Payne offered some information. I look forward to getting that information.

CHRIS A. PRITSOS, PH.D. (Director, Agricultural Experiment Station, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno):

My group would be extremely impacted by this proposal. As part of the land-grant system, UNR is generally thought of as the research arm of the agriculture program. We work closely with the College of Agriculture and the Cooperative Extension.

To Senator Hammond's questions, each year the NAES receives federal capacity funding, which is not competitive funding. Instead, these funds are based on rural populations and the number of farms in each state. We get funding to support the capacity so we are able to keep doing what we do. That is one whole set of funding.

Our faculty also applies for competitive grants, which all land-grant and nonland-grant institutions are able to apply for. So, if UNLV faculty applied to these competitive grant opportunities and receive the monies, it is absolutely legal. It is what they ought to be doing. We as a State receive these capacity funds which support our agricultural research. With those funds, I provide funding for faculty, students, staff and research programs that impact the entire State, not just up north. We have a great deal of research that impacts Las Vegas.

So that is the difference between the types of funding. If you were to grant UNLV and DRI land-grant status, they could also apply for these capacity grants, and if it was to be divided among the three institutions, it could mean that the NAES would lose two-thirds of its funding. This would mean the loss of 15 faculty positions at UNR, 8 staff members, 25 student stipends and that would have a severe impact on not only the NAES, but on the College of Agriculture and its academic programs. That is why we need to be concerned about the impact of this bill. I know it is not an intended consequence, but it would be what could ultimately happen.

DAVID SHINTANI (Associate Dean, Academic Programs, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno):

I am very concerned about the effect of this bill on the College of Agriculture, Biotechnology and Natural Resources' ability to deliver academic programs that are critical to Nevada because at least 50 percent of the salary of each CABNR professor comes from federal and State land grant funds. The proposed redistribution of these funds among UNR, UNLV and DRI would negatively impact our ability to continue to pay our professors. We calculated these cuts to land-grant support and we would lose approximately 15 professors, which is equivalent to one of our departments.

This faculty layoff would make it impossible to deliver mission-critical degree programs that are only taught by the college, including veterinary sciences, agricultural sciences, agricultural education, wildlife, range and forestry programs. These programs are important because through them we educate and train the next generation of Nevadans who will address these critical issues for our State, including issues related to drought, public lands management and food security. Cuts to CABNR faculty would not only impact northern Nevada but also Clark County since approximately 22 percent of our students come from there.

SENATOR HAMMOND:

Everyone is talking about what might happen. The way I see it is that we are asking to put into statute what we believe is already there, which is that UNLV is a land-grant college, and DRI is as well. We are not asking that they share in the Cooperative Extension program, and this bill does not even deal with that anymore. If the land grant was given—and based on the Attorney General opinion in 1969 and what we have heard from our legal counsel, we already have that—how does that disrupt what is going on right now? It should stay the same because all we are asking for is to put that into statute and then ask for an audit. I do not see how that impacts salaries.

MR. SHINTANI:

The land-grant system is set up in a way that we address the mission of the land grant through education outreach and education. The funds are not from just one pot of money. We have the Smith-Lever funds and Hatch funds mentioned earlier, we have State funds that are matching to support those efforts, and then we have county funds that support local efforts and the Cooperative Extension. If we designate land-grant status to both UNLV and UNR, we would potentially have to redistribute the federal and State funds between the two institutions. That would severely impact how we are currently using those funds, most of which supports faculty for doing research, especially NAES funds, which are used for research and educating students in areas related to the land-grant mission. I think that is an unintended consequence of designating land-grant status to all three institutions, and that is what we are worried about.

SENATOR HAMMOND:

For one of these grants you count up farms and farmers and some of the money is distributed that way. If we were dealing with A.B. 407 in its original form, you are looking at the same number of farms, that has not changed, but there are different responsibilities with MOUs being generated in the south and MOUs being generated in the north. That would result in throwing money in and distributing it according to who has what jurisdiction and then trying to develop those programs and put money in.

MR. SHINTANI:

There is one pot of money and it is a fixed pot of money. If we take the Hatch portion and distribute it across three institutions, by definition, UNR is going to

have to lose some of those funds and support the faculty in some other manner or we will lose those positions.

SENATOR HAMMOND:

Does that happen right after we designate UNLV as a land-grant institution?

MR. SHINTANI:

I think that is a problem with this bill. It does not define how this is going to happen and what will happen to the funds.

SENATOR HAMMOND:

That is because the bill does not deal with that. It only deals with granting land grant status and the audit.

MR. SHINTANI:

By giving land-grant status to the three institutions, that allows us to distribute those funds. Not that we will, but it has not been defined as to how we redistribute the resources that are given to UNR because it has land-grant status.

SENATOR HAMMOND:

The problem I see is that the bill is not saying we are going to distribute money at this point. We are just talking about putting into statute what we believe is already there.

MR. SHINTANI:

We think this would be an unintended consequence that would result from this bill.

DYLAN KOSMA (Assistant Professor, University of Nevada, Reno):

I am one of those very concerned junior faculty members from the Department of Biochemistry. A large proportion of my salary is paid by funds from the Nevada Agricultural Experiment Station that are derived from these formula funds. The potential division of these formula funds could put my job in jeopardy as well as up to 15 other faculty members. We provide a strong service to the entire State. I am involved in training hundreds of premed students and one-third are from Clark County. These are our future doctors and physician assistants who will support us as we age.

I conduct research on increasing potato productivity in Nevada. Potatoes are a top five crop; everyone likes to eat potato chips year-round. Impeding our research would be a detriment to the State and that impediment would come from division of these formula funds that would take away faculty from UNR.

DAGNY STAPLETON (Nevada Association of Counties):

The Nevada Association of Counties (NACO) represents all 17 of Nevada's counties. Cooperative extension is very important to the counties, both because the programming is valued by communities across the State in urban and rural areas, and also because Nevada's counties are actually the greatest funders of this program. Counties fund more than 40 percent of the cooperative extension budgets and following the great budget cuts during the Great Recession, it makes us the majority funder of this program.

The NACO Board has made the Cooperative Extension a priority over the past few years, especially the funding. Unfortunately, as the bill is currently written, we believe it could decrease funding for the Cooperative Extension program, further compromising what is a valuable statewide program that has already seen devastating cuts. We do support the audit and more transparency.

Finally, we share some of the concerns, especially about the deficiencies in the program as well as the concerns about the funding. From the county perspective, our priority is support for this program, but unfortunately, we are not sure A.B. 407 is the right solution to address those issues.

AURORA BUFFINGTON, PH.D. (Faculty Instructor, Clark County Office, University of Nevada Cooperative Extension):

I am against the passage of this bill because there are simply too many unanswered questions that could adversely affect the programming and education for the citizens of this State. I have submitted my letter of opposition ([Exhibit J](#)).

HOLLY GATZKE (Extension Educator, Lincoln County Office, University of Nevada Cooperative Extension):

As chair of the Cooperative Extension Policies and Procedures Committee that covers staff and faculty, I am opposed to A.B. 407, primarily because it creates some very big questions statewide. For Lincoln County, the majority of my salary is paid from federal funds and this could create long-term uncertainty as legal issues go on and on, trying to determine how this would work.

We bring in statewide grants, we have a workforce program in our office and our Cooperative Extension personnel work with different institutions across the State. We would love to improve that, and achieve what we sense is the goal of this bill by sitting down and working together, rather than creating these great uncertainties. These extra activities take away from our ability to do programming on the ground, which is what we want to do for the residents of Nevada. We are the second-smallest extension program in the Country, and if we split it among three institutions, it makes us almost nonfunctional in how much money would be left for programming on the ground. Considering all the cuts we have faced over the years, more cuts would not help us to do great programming and that brings great concern for us.

SENATOR HAMMOND:

I am not sure that the last two speakers are addressing the bill as written now. It seems like the testimony is addressing the division of the Cooperative Extension.

MS. BUFFINGTON:

I am talking about the heavily amended version because when you give land-grant status to three institutions, the Smith-Lever funds, the formula funds that come to the land-grant institution along with the mission, have to be distributed among those three entities. It is a totally separate issue from grants.

MS. GATZKE:

We saw the new version and it is more ambiguous. With three institutions, who gets the funding and how does it work? We can work together with all kinds of entities, but we see it as critical that there is one institution. I do not believe this has gone to the Board of Regents of NSHE, so we do not know how they perceive this bill.

ALEX TANCHEK (Nevada Cattlemen's Association):

The Nevada Cattlemen's Association is opposed to A.B. 407 and echoes the comments by NACO. We believe this legislation is unnecessarily divisive to the entire State and would be detrimental to rural areas, particularly to the agricultural industry, due to the potential loss of federal funding to UNR's College of Agriculture, Biotechnology and Natural Resources and the Nevada Agricultural Experiment Station.

JAMIE BENEDICT (College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno):

As a member of the faculty of the CABNR at UNR, I am opposed to A.B. 407, particularly section 1. It is my opinion that if this bill passes as written, it will dilute formula funding and potentially undermine the integrity of many of our education programs that are vital to the health of all Nevadans. I am the program director of dietetics and also the nutrition graduate program director. Our nutrition programs provide trained dieticians and other health professionals that serve the State. If the formula funds are diluted, it will potentially cause our program to have to close.

LISA K. TAYLOR (Extension Educator, Lander County Office, University of Nevada Cooperative Extension):

I live in Battle Mountain and I am an extension educator and the mother of a 9-year 4-H member. My primary concern, in addition to what has already been said, is that I want to ensure that you consider how this type of legislation might impact our 60,000 4-H kids and their families. Our hope is that it would not disrupt or discontinue any services we are providing as it relates to education as well as the impact on current and future children.

GLENN MILLER (Professor, Department of Natural Resources and Environmental Science, University of Nevada, Reno):

There is a tremendous opportunity to encourage working among UNLV, UNR and DRI. I have worked with all these institutions, and they can get these non-formula funds and grants in everything from bioenergy to whatever the USDA may provide. The problem is, it is a zero sum game for the formula funds. If they move down, they come out of what UNR is using now. The zero sum game is the most important issue to consider. We do not want to lose the organization we have developed at CABNR that is beneficial for the entire State.

SENATOR HAMMOND:

The formula, as it stands now, is out there with a certain amount of money that comes to UNR because you have the Cooperative Extension. Do you expend any of those dollars in southern Nevada?

MR. MILLER:

Yes. Remember, between the Cooperative Extension and NAES, we lost nearly \$10 million in cuts about 8 years ago. This is part of the reason there is so much concern because we are already on 60 percent Cooperative Extension and

40 percent NAES in terms of losses. We fired a lot of people, both here in the north and in Las Vegas, for cooperative extension.

SENATOR HAMMOND:

Is some of the money you get in the formula used in southern Nevada?

MR. MILLER:

Yes, and Holly Gatzke is a good example in Lincoln County.

ROCKY COOPER (Legislative Auditor):

The Audit Division of the LCB is neutral on all bills. If A.B. 407 is approved, we would be happy to do the audit with existing resources.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):

Prior to the changes made in this bill, we were opposed to it. We are now neutral. We changed our position because we were initially opposed to the proposal to divide the Cooperative Extension into regionalized units. With that gone, we no longer oppose the bill. We support the audit, which should answer a number of questions relating to the University of Nevada Cooperative Extension program.

We also have concerns over the confusion relative to the land-grant status. We are not coming at it from the perspective of funding. Our perspective comes from the Morrill Acts direction and stipulation for agricultural programs and research. We are somewhat uncertain as to what type of educational program is available through the Desert Research Institute. We understand there is probably the potential for UNLV to develop some type of college of agriculture. We do not know at this time what that type of programming might be.

It is sort of like jumping off the cliff and saying we will figure it out before we hit the ground. We would like to have some understanding of what the plan might be going forward. We also think there could be assurance given that funds already approved for cooperative extension and agricultural research at UNR will remain in place for now. From that point, we can develop a plan going forward so when we start examining policies, we are not on a speculative level but speaking of known quantities.

SENATOR SPEARMAN:

To clarify, is the main objection to this bill about the sharing of funding?

ASSEMBLYWOMAN DIAZ:

That is what I am hearing. There is a fear that by designating UNLV, DRI and UNR as land-grant institutions, the money will leave. I think it is an inaccurate claim because this bill as amended just gives land grant status; it is not creating another Cooperative Extension region. That would stay with UNR. For that reason, I do not understand how those monies are going to be diverted from UNR if the one running the Cooperative Extension is still UNR. That does not change through A.B. 407. This bill is simply saying that as a State Legislature, we have the right to give the land grant status to our institutions and that we acknowledge it.

SENATOR HAMMOND:

Mr. Powers, are there really other states that have more than one land-grant institution? I have heard that, depending on which land grant college you are talking about, whether it is from 1862 or 1890, there is a differentiation. Can you explain that? It sounds like all the precedent says is that the state legislatures can decide who has land grant status.

MR. POWERS:

Under both the federal law and the Nevada Constitution, a state university is a legal entity, not a location, so the power to define the legal entity known as the state university in the State of Nevada is a power the Legislature has. Within that power is the power to define the constituent parts of that state university.

From a legal perspective, A.B. 407 reflects the Legislature's power to designate the state university and its constituent parts as being state land-grant institutions. The location of those constituent parts is simply irrelevant. Keep in mind that when the Legislature first designated a state university in Nevada, it was located in Elko. That was the original campus. It did not last there very long, but that was the original state university. The Legislature was not bound to keep the university in that location and it later moved the university to Reno. The university in Reno, UNR, was still the land-grant institution. In this case, all the Legislature is doing is defining the state university and saying that these institutions are constituent parts of the state university and they are designated as state land-grant institutions.

As to the other part of your question about other states, you would have to look at each state's legislation to determine exactly which institutions qualify as land-grant institutions under various federal laws. I do not have that information

and this office has not done extensive research into how other states handle this issue.

Again, each state has the power to define what institutions are the constituent parts of its university system and which ones are land grant institutions.

ASSEMBLYWOMAN DIAZ:

I want the record to reflect that Peter Guzman from the Latin Chamber of Commerce Nevada and Ryann Juden with the City of North Las Vegas support this bill, but neither could be here to testify today.

The claims here today by the representatives from UNR just undermine the Board of Regent's constitutional governance claim. It is for the State to determine who holds the land grant, not the USDA. Either the land grant belongs to the entire system and the Regents are the governing board, or it only applies to UNR, and therefore all other campuses besides UNR can have their own governance.

Having land-grant status, which UNLV has, does not mean it accesses the Cooperative Extension or NAES money. That is not in the bill and I want that clear. The whole purpose of this bill is to clarify many of the questions that the opposition posed. That is why I compromised and amended this bill—so we could step back, analyze and coordinate in good faith to best address the needs of all citizens in our new Nevada.

CHAIR DENIS:

Before I close the hearing on this bill, I want to submit some letters we received from people in support of the bill, one from Jose Solorio of the Latino Leadership Council ([Exhibit K](#)) and one from the Council for a Better Nevada ([Exhibit L](#)). We also received three letters in opposition, one from Joshua C. Vittori from Nevada Bighorns Unlimited ([Exhibit M](#)), one from Richard and Margaret Orr ([Exhibit N](#)) and one from Jake Tibbitts from Eureka County ([Exhibit O](#)). I will now close the hearing on A.B. 407 and open a work session on A.B. 348.

ASSEMBLY BILL 348 (2nd Reprint): Revises provisions governing a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility. (BDR 34-285)

TODD BUTTERWORTH (Policy Analyst):

This bill was heard on June 1 in this Committee, revising courses in sex education in the schools. There are no amendments included in the work session document ([Exhibit P](#)), but there has been some discussion about a possible amendment related to parental notification.

There was also discussion about handling amendments on the Senate Floor. If that is to happen, the Committee would need to take action today to move A.B. 348 from Committee to the Floor.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 348.

CHAIR DENIS:

I do not know for sure that there is an amendment that is going to come forth on this bill, but I do know that in order to move the bill forward within this time frame, my intent was to have a vote today and let this measure go to the Senate Floor.

SENATOR HARRIS:

Assemblywoman Joiner has been great to work with. I had some concerns that came out during the hearing, so she met with me until late last night. I think we are just running up against the enemy of time and we will see what the amendments, if any, look like. I am a no vote now because we did not get anything concrete.

CHAIR DENIS:

The one thing I really appreciate about the bill is the parents' ability to have more options, which in the past, all you had was the written, and you could not even track it. The fact that we could get a report to the Legislature that will tell us how this is going will also be good.

SENATOR GUSTAVSON:

I do have some concerns with this bill as it is, and not knowing what the amendments will look like, I am going to be a no vote for now, but I reserve my right to change my vote on the Floor if necessary.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GUSTAVSON, HAMMOND AND HARRIS VOTED NO.)

* * * * *

CHAIR DENIS:

I will now open a work session on the bills we heard today, starting with A.B. 407, related to the land-grant discussion.

SENATOR SEGERBLOM:

I think Assemblywoman Diaz has really tailored this bill to point out that land grant is a word that can be applied to all the universities. Secondly, she has not touched the formula, but she has raised issues, which are important for us in Nevada to remember because 75 percent of us live where we are not getting 75 percent of the money. It is worth looking at, especially if there is money laying around. I support this bill.

SENATOR HARRIS:

I want to put on the record that based on my independent research as well as testimony that was heard today, it is abundantly clear that it is the Legislature of Nevada that has the authority to make the designation with regard to what a land grant institution is. For that reason, I am a yes today.

SENATOR GUSTAVSON:

I still have concerns. I know there has been a lot of discussion, but until my mind is comfortable with this, I am a no vote, and I reserve my right to change my vote on the Senate Floor.

CHAIR DENIS:

We have had discussion on this issue before in the budget committees, and we always say we are going to talk about it. Today's discussion on this bill forces that. Finally, to have an audit that will give us information and clarify what is supposed to be going on will be a good thing and now people are willing to talk.

SENATOR SPEARMAN:

When I first moved to Nevada, there was always this assumption of north versus south, with talk about it being two states instead of one. I am sensitive

to concerns of whether grant monies will be diluted. I agree that the Legislature has the sole right to make that determination. I will be voting yes.

SENATOR HAMMOND:

I believe the audit is necessary. We have left way too much money on the table down south. That money should be put into programs that benefit the citizens of those counties where they live. We need to know what is going on with the program. Most of the testimony we heard were "what if" questions. People get scared with changes and I do not blame them for that. We have clarified that the State Legislature has the right to name a land grant, and we have been practicing that right for a long time with multiple places using the land-grant status. All we are doing is putting this into statute, affirming what we have known for a while. I am a yes on this bill.

SENATOR HARRIS MOVED TO DO PASS A.B. 407.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

* * * * *

MR. BUTTERWORTH:

The next bill on the work session is A.B. 434, the bill that provides funding for teacher incentives.

SENATOR SPEARMAN MOVED TO DO PASS A.B. 434.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

MR. BUTTERWORTH:

The next bill is A.B. 475, moving some of the responsibilities from the Office of the Treasurer to the State to the College Savings Board. There were a couple of friendly amendments offered, and in light of those, the Office of the Treasurer testified neutral on the bill. We have an amendment from Senator Harris and

Ms. Elliott that does two things. First, it allows a student who does not fully spend down all their prepaid tuition money to apply it to graduate school. Second, it strikes paragraphs (d) and (e) of subsection 5 in section 6 of the bill. It reserves a little of the language related to marketing costs and provides some accountability coming back to the Interim Finance Committee.

SENATOR GUSTAVSON MOVED TO AMEND AND DO PASS AS AMENDED A.B. 475 WITH BOTH AMENDMENTS.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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MR. BUTTERWORTH:

The last bill we heard today is A.B. 484, the bill that moves the Commission on Postsecondary Education to the Department of Employment, Training and Rehabilitation. This is part of the Governor's overall reorganization plan. There were no amendments proposed.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 484.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open public comment. Seeing no one wanting to make public comment, I will close the meeting of the Senate Committee on Education at 10:26 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	9		Attendance Roster
A.B. 434	C	1	Sylvia Lazos / Educate Nevada Now	Letter of Support
A.B. 475	D	11	Mendy Elliott / Capitol Partners, LLC	Proposed Amendment
A.B. 475	E	5	Grant Hewitt / Office of the State Treasurer	Written Testimony
A.B. 407	F	1	James Bilbray	Written Testimony
A.B. 407	G	2	Assemblywoman Olivia Diaz	Opinion No. 1969-556
A.B. 407	H	2	Assemblywoman Olivia Diaz	Memorandum 2004 Land Grant Status of University of Nevada from Kwasi Nyamekye of UCCSN
A.B. 407	I	1	Assemblywoman Olivia Diaz	Fiscal Year Summary 2016 Cooperative Extension
A.B. 407	J	1	Aurora Buffington / University of Nevada Cooperative Extension	Letter of Opposition
A.B. 407	K	1	Jose Solorio / Latino Leadership Council	Letter of Support
A.B. 407	L	2	Council for a Better Nevada	Letter of Support
A.B. 407	M	1	Joshua C. Vittori / Nevada Bighorns Unlimited	Position Statement
A.B. 407	N	1	Richard and Margaret Orr	Letter of Opposition
A.B. 407	O	2	Jake Tibbitts / Eureka County	Remarks
A.B. 348	P	1	Todd Butterworth	Work Session Document