

**MINUTES OF THE  
SENATE COMMITTEE ON FINANCE**

**Seventy-ninth Session  
May 8, 2017**

The Senate Committee on Finance was called to order by Chair Joyce Woodhouse at 6:38 p.m. on Monday, May 8, 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 Joyce Woodhouse, Chair  
Senator David R. Parks, Vice Chair  
Senator Moises Denis  
Senator Aaron D. Ford  
Senator Ben Kieckhefer  
Senator Pete Goicoechea  
Senator Becky Harris

**GUEST LEGISLATORS PRESENT:**

Senator Yvanna D. Cancela, Senatorial District No. 10  
Senator Nicole J. Cannizzaro, Senatorial District No. 6  
Senator Pat Spearman, Senatorial District No. 1

**STAFF MEMBERS PRESENT:**

Mark Krmpotic, Senate Fiscal Analyst  
Alex Haartz, Principal Deputy Fiscal Analyst  
Cynthia Clampitt, Lead Committee Secretary  
Colby Nichols, Committee Secretary

**OTHERS PRESENT:**

Kimberly Mull, Policy Specialist, Nevada Coalition to End Domestic and Sexual  
Violence  
Marlene Lockard, Nevada Women's Lobby

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Mike Dyer, Director, Nevada Catholic Conference  
Greg Quintana  
Kevin Tarkalson  
Michael Hackett, Nevada Primary Care Association  
Ed Gonzalez, Policy Analyst, Clark County Education Association  
Susan Fisher, American Cancer Society Cancer Action Network  
Shannon Sprout, Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services  
Michael Flores, Director, College of Southern Nevada  
Hyla Winters, Interim Vice President of Academic Affairs, College of Southern Nevada  
Craig von Collenberg, Director, Apprenticeship Studies and Safety Programs, College of Southern Nevada  
Cedric Crear, Board of Regents, Nevada System of Higher Education  
Constance J. Brooks, Ph.D., Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education  
Shane Piccinini, Government Relations, Food Bank of Northern Nevada  
Wayne Thorley, Deputy Secretary for Elections, Nevada Office of the Secretary of State  
Ashley Van Brocklin, Nevada Advocates for Planned Parenthood Affiliates  
Jolie Ross  
Elisa Cafferata, Nevada Advocates for Planned Parenthood Affiliates  
Cheryl Blomstrom, Interim President, Nevada Taxpayers Association  
Bryan Wachter, Retail Association of Nevada  
Denise Tanata, Executive Director, Children's Advocacy Alliance Nevada  
Joseph L. Pollock, Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services  
Mark Newburn, Vice President, District 4, State Board of Education  
Peggy Lear Bowen  
Chris Daly, Nevada State Education Association  
Lindsay Anderson, Director of Government Affairs, Washoe County School District  
Craig Stevens, Director of Intergovernmental Relations, Clark County School District  
David Brancamp, Director, Office of Standards and Instructional Support, Nevada Department of Education  
Brian L. Mitchell, Director, Governor's Office of Science, Innovation and Technology

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CHAIR WOODHOUSE:

I call this meeting of the Senate Committee on Finance to order. We will begin the bill hearings for tonight's meeting with Senate Bill (S.B.) 124.

**SENATE BILL 124 (2nd Reprint)**: Revises provisions concerning the ownership, possession and control of firearms by certain persons. (BDR 3-307)

SENATOR PAT SPEARMAN (Senatorial District No. 1):

This bill would revise provisions that affect the ownership, possession and control of firearms by persons in domestic violence, battery and stalking cases. It also increases penalties for violations related to the possession of controlled firearms for such persons.

I would like to share some statistics with the Committee that will help illustrate why this bill is important. The National Coalition Against Domestic Violence says that having a gun in a home increases the risk of an intimate partner homicide by at least 500 percent. In households with a history of domestic violence, that likelihood increases 2,000 percent. A report from the Violence Policy Center showed that firearms, especially handguns, were the weapons most commonly used by males to murder females in 2013. Of the females killed by firearms, male intimate partners murdered 61 percent.

There were 474 females shot by their husbands or intimate acquaintances compared to 92 homicide victims of male strangers. The same Violence Policy Center report ranks Nevada fifth in the rate of females killed by males in single victim/single offender incidents. The homicide rate per 100,000 females is 1.95 in Nevada; this is compared to a national average of 1.09.

Looking specifically at 2013, 25 females were murdered in the State. Of them, 23 were murdered by someone they knew. Of the victims who knew their offenders, 57 percent were wives, common-law wives, ex-wives or girlfriends of the offenders. Of these, 46 percent were killed with guns.

This bill would make the following revisions to help reduce the use of firearms in cases of domestic violence, battery and stalking. First, it would add the requirement, for clarification, that the adverse party only uses or possesses the firearm in the course of their employment. In addition, any person convicted of battery that constitutes domestic violence must be informed that they are prohibited from owning or possessing a firearm.

A person convicted of stalking may be prohibited from owning or possessing a firearm as well. The bill would increase the penalty for violating these provisions to a Category B felony. In cases where the adverse party does not possess a firearm, section 2 of the bill requires that person to submit an affidavit to the court that acknowledges their understanding that failure to surrender, sell or transfer any firearm is a violation of the extended order and of State law.

The bill also provides, in cases where a firearm is sold or transferred to a licensed firearms dealer, that the dealer must provide the adverse party with a receipt detailing each firearm transferred and noting whether the transfer is temporary or permanent.

Existing law provides prohibitions to certain persons in Nevada concerning the ownership or control of a firearm. Section 7 of S.B. 124 adds to that list of people a person in Nevada, or any other state, who has been convicted of stalking. The court rendering such a judgment upon a person prohibits that person from owning, possessing or having control of a firearm.

Additionally, a person who is subject to an extended order for protection against domestic violence would be similarly prohibited. Section 5 of the bill sets forth a procedure relating to the surrender, sale or transfer of any such firearm. Section 6 makes conforming changes.

This is a rather simple bill. I also understand that it is a bill that elicits many emotions across a wide range. I wanted to confine my remarks to what the data says and what we can confirm with statistics.

This bill is not an attempt to take or restrict the use of firearms from law-abiding citizens. What this bill does is acknowledge that the likelihood of homicide increases 2,000 percent in homes where domestic violence and the presence of handguns are concurrent. This bill would attempt to make sure those who are victims of domestic violence could at least live their lives without fear or intimidation.

The Committee may remember that this bill was initially brought forth by our late colleague, Senator Debbie Smith, last Session. She was always a proponent of helping those who were experiencing domestic violence. That is what this bill does. It is not an infringement upon Second Amendment rights. It is not an attempt by me to be self-righteous. It is not an attempt to castigate or cast

aspersions upon those who lawfully possess weapons. This is simply a bill to limit the use and possession of firearms by people who have been convicted of domestic violence. I think this bill is the least we can do.

I know that there was a rather large fiscal note attached to this bill from the State Department of Public Safety (DPS). That note has since been reduced. I have submitted to the Committee a letter from DPS that details the fiscal impact and corresponding reductions ([Exhibit C](#)). I think it gives a measure of comfort with respect to discussing the veracity of the statements that have been made in the past. I hope it gives the Committee enough reassurance in order to allow you to support this bill.

SENATOR FORD:

I have a question for our Fiscal staff. I want to make sure I am reading the fiscal note and [Exhibit C](#) correctly. [Exhibit C](#) indicates that the fiscal note is now only \$53,000 for each fiscal year of the 2017-2019 biennium. Is that correct?

MARK KRMPOTIC (Senate Fiscal Analyst, Legislative Counsel Bureau):

[Exhibit C](#) is from the Administrator of the General Services Division of DPS. That Division of DPS is responsible for conducting background checks on prospective gun owners. [Exhibit C](#) indicates that travel funding would be at \$53,000 for each fiscal year. Paragraph 3 of [Exhibit C](#) also indicates that they can absorb the fiscal impact of the slight increase in workload for stalking convictions in Nevada. They are uncertain of how many stalking arrests and convictions are made Nationwide, therefore they reserve the right to come before the Interim Finance Committee (IFC) to address any unforeseen fiscal impact.

I would add that the criminal history repository budget, which is part of the General Services Division, is self-funded. The Public Safety Subcommittee will be closing that budget account tomorrow. There is a projected reserve level of about \$10 million by the end of fiscal year (FY) 2018-2019 in that account. Typically, they come before IFC to request resources out of reserves if any bill, including [S.B. 124](#), affects their operations.

SENATOR NICOLE J. CANNIZZARO (Senatorial District No. 6):

I have worked extensively with Senator Roberson on the most recent amendment to this bill. There were also some amendments that came out of the

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Senate Judiciary Committee. I thought some of these amendments would address the original fiscal note, and they did.

I would note that, regarding [Exhibit C](#), the first amendment that came out of the Senate Judiciary Committee that amended section 8, subsection 2 of this bill did provide that the bill would only be prospective for judgments of conviction issued after October 1, 2017. It should not impact any convictions from 2016. We wanted to make sure the bill was not retroactive, so that individuals affected would have proper notice of the prohibition. I do not know how exactly that would affect the cost of the bill, but thought it was worth mentioning.

CHAIR WOODHOUSE:

I will now open up the hearing to those who wish to testify in support of S.B. 124.

KIMBERLY MULL (Policy Specialist, Nevada Coalition to End Domestic and Sexual Violence):

The Nevada Coalition to End Domestic and Sexual Violence wishes to be recorded as being in strong support of this bill. We sincerely thank Senator Spearman for sponsoring this important legislation.

We have provided to the Committee some written testimony ([Exhibit D](#)) that explains why we support this bill and some statistics that support the need for legislation like this. I will now read my prepared remarks from [Exhibit D](#).

MARLENE LOCKARD (Nevada Women's Lobby):

This legislation is one of the Nevada Women's Lobby top priorities. The previous testifier provided statistics that showed that Nevada's women are at risk. We cannot express how strongly we support S.B. 124.

MIKE DYER (Director, Nevada Catholic Conference):

The Nevada Catholic Conference provides a way for the bishops in the State to speak on matters of Statewide importance. We strongly support this legislation.

CHAIR WOODHOUSE:

I will now open the hearing to those who wish to testify in opposition to S.B. 124.

GREG QUINTANA:

In previous hearings, Senator Spearman referred to this bill as something akin to a civilian version of the Lautenberg Act. That act was, in my opinion, a bad bill created by a bad lawmaker named Frank Lautenberg. That bill is a harsh one that is applied to the military specifically. It turned petty offenses into serious crimes.

Senator Spearman wants to inflict the same harsh legislation upon society. I think it is a serious mistake. I think it is a violation of civility and of our Second Amendment rights. The Lautenberg Act has been challenged numerous times in court. It has been upheld only because it specifically deals with the military. The military world is different from the civilian one. Applying this legislation to civilians is a big mistake.

KEVIN TARKALSON:

I am a retired law enforcement officer from a different state. I live in Henderson, Nevada. I spent 27 years working in law enforcement and retired as a lieutenant. I spent all of my career working the street and working with bad guys.

I have been to horrific and horrendous crime scenes where evil deeds have been committed. Removing firearms and blaming firearms, particularly handguns, for these acts of violence and cowardice will not change a thing. I know some of the people who spoke before me think they are doing a great thing. They are not.

I have seen these scenes firsthand. This legislation will not change a thing. Blaming the firearm is not the answer. We need to come up with an answer to deal with the bad people. We do not take cars away from those who have drunk driving offenses and kill people. We do not make it so they cannot purchase automobiles. We do not put them on a no-buy list.

We are blaming the guns. That is ridiculous. If somebody is intent on committing one of these crimes, whether they have a firearm or not, they will do so. I know that some of the testifiers have provided statistics. To be honest, the only statistics that I believe over the course of my career come from the Federal Bureau of Investigation Unified Crime Report. Any other statistic can be made up or altered to fit any narrative. That is what I believe happened with the statistics offered to this Committee.

The most common weapon used in these types of crimes is not a firearm. It is a knife or edged weapon. Every household has multiple knives in it. Simply put, the kitchen is the most dangerous room in the house. That is my opinion. That is my experience. I am asking the Committee to consider this when you vote on this bill. This is a feel-good measure that will not achieve its desired outcomes.

CHAIR WOODHOUSE:

Seeing no more who wish to testify in opposition to this bill and none who wish to do so in the neutral position, we will move to Senator Spearman's final comments.

SENATOR SPEARMAN:

I just wanted to address the statement made that said I was trying to impose the Lautenberg Act upon civilians. I want to read Title 18 of the United States Code, subsection 922: "The Lautenberg Act will not have any impact until a person has a misdemeanor conviction of domestic violence."

Once again, this bill is really addressing domestic violence. That is all we are doing. You can read it any way you like, but this bill is about ending domestic violence and making sure that those who perpetrate it do not have access to the most prominent means of murder: a gun.

CHAIR WOODHOUSE:

That will conclude the hearing on S.B. 124. The Committee will now consider S.B. 139.

**SENATE BILL 139 (1st Reprint)**: Makes various changes to provisions relating to patient-centered medical homes. (BDR 40-679)

MICHAEL HACKETT (Nevada Primary Care Association):

Senator Hardy is unable to be here to present this bill, but I want to thank him very much for working with the Nevada Primary Care Association on this bill.

Senate Bill No. 6 of the 78th Session established in statute provisions regarding patient-centered medical homes. We established a definition, a deeming process for State recognition and provided a Web-based resource for consumers. We established an advisory group that now sits under the Advisory Council for the State Program on Wellness and Prevention of Chronic Disease. Lastly, it allowed



insurers and the patient-centered medical homes to engage in discussions and to collaborate without engaging in unfair or deceptive trade practices.

The bill before you this evening seeks to address a key component that was left out of Senate Bill No. 6 of the 78th Session; that appropriate payment methods accurately reflect how health care is delivered through a patient-centered medical home model. Senate Bill 139 allows the State to establish standards and payment methodologies that reflect the type of care that is delivered. This care is outcome- and value-based, provides continuity for the patient and reflects prevention and wellness.

The bill looks at two areas. It allows the Director of the State Department of Health and Human Services, in collaboration with the advisory group that was established and other interested stakeholders, to establish standards and develop regulations to implement appropriate payment methodologies. The provision would be specific to commercial carriers and what they would have to abide by.

The bill also allows Medicaid to do the same thing for their population that is served through the patient-centered medical home model. Senate Bill 139 was initially introduced as a mandate on the State Medicaid program and the State itself to do this. As such, there were fiscal notes attached to the bill, one of which was significant and another that was put on it by the Division of Public and Behavioral Health (DPBH).

The bill was amended in the Senate and changed from a mandate to a permissive authorization. That amendment came out of the Senate Health and Human Services Committee and was adopted on the Senate Floor. This amendment has led the DPBH to submit a letter ([Exhibit E](#)) indicating their fiscal note has since been removed. I know Medicaid representatives are present today to address their fiscal note as well.

As the bill was drafted and amended to become permissive, there were a few particular provisions that were overlooked in the change from the mandate to the permissive authorization. I would like to point out those sections for the Committee.

Page 4, line 1 of S.B. 139 establishes a standard regarding "payment methods that a plan of health insurance must use to coordinate the provision of

healthcare services.” That same language is repeated on line 4. The “must” word is also repeated again on line 8. All three of those references to the word “must” need to be changed to “may.” That is the only other issue that we have with this bill.

CHAIR WOODHOUSE:

My understanding is that it was the intent to have these three references changed, but the bill came out of the Senate Committee on Health and Human Services and the Senate Floor without that change. It was a slip. We did not catch it in time.

MR. HACKETT:

That is correct. Those changes were the intent of the testimony and the proposed amendment provided to the Health and Human Services Committee. It was simply not caught in the amendment that changed the bill from a mandate to a permissive authorization.

SENATOR KIECKHEFER:

When the bill was still a mandate, did you do a cost-benefit analysis as to what you assume the State would save versus what it would cost the State?

MR. HACKETT:

I personally did not perform that kind of analysis. I think, as we were looking at other states and how they had implemented what we are trying to accomplish with this legislation in terms of payment methodologies, we found that it takes time and can be uneven in how it is implemented. Some states focused solely on the Medicaid population, others focused solely on commercial carriers. We were trying to do both. At the time, there were only four states that did what we are trying to do.

Aside from what we already know about the patient-centered medical home model and its three-pronged approach of not only improving health care outcomes, but also providing a better experience for the patient and lower costs to providers, insurance carriers and for the patients, we have not done any specific cost-benefit analysis.

SENATOR KIECKHEFER:

Are there four states that have done what this bill proposes to do?

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MR. HACKETT:

Yes. I do not have which states they are here with me, but I can provide that information to you following this meeting.

CHAIR WOODHOUSE:

I will now open the hearing to those who wish to testify in support of S.B. 139.

ED GONZALEZ (Policy Analyst, Clark County Education Association):

We testified in support of this measure during the hearing in the Health and Human Services Committee. We continue to support this bill.

SUSAN FISHER (American Cancer Society Cancer Action Network):

We testified in support of this measure during the hearing in the Health and Human Services Committee. We continue to support this bill. It provides protections for people who need it.

CHAIR WOODHOUSE:

Seeing no more who wish to testify in support and none who wish to testify in opposition, I now open the hearing to those who wish to testify in a neutral position.

SHANNON SPROUT (Deputy Administrator, Division of Health Care Financing and Policy, Department of Health and Human Services):

As this bill has been amended to reflect permissive language, the fiscal impact to my Division has been removed.

SENATOR KIECKHEFER:

Is the cost estimate if it were to be implemented accurate?

MS. SPROUT:

Yes.

CHAIR WOODHOUSE:

Seeing no more who wish to testify on this bill, I will close the hearing on S.B. 139. The Committee will now consider S.B. 306.

**SENATE BILL 306 (1st Reprint)**: Revises provisions relating to offenders.  
(BDR 16-298)

SENATOR AARON D. FORD (Senatorial District No. 11):

This bill is a small piece of legislation but would directly benefit many people. It would be very helpful in changing their lives. Senate Bill 306 makes a legislative declaration that it is in the interest of the State to enhance educational and vocational programs for offenders who will soon be released.

It also expresses the Legislature's belief that resources should be devoted upfront for these programs in order to reduce recidivism and ultimately, save the State money. That is the ultimate goal of this bill.

Based on this declaration, this bill directs the Board of State Prison Commissioners, in consultation with the College of Southern Nevada (CSN), to create and administrate an educational pilot program that will select 50 men and 50 women to help offenders do the following: firstly, successfully pass a high school equivalency exam; secondly, take college and career readiness courses or get vocational training; and thirdly, receive counseling on how to successfully reenter society.

This bill also requires that the pilot program set the conditions under which a person will chose to participate. It also provides that the program will collaborate with the State Department of Employment, Training and Rehabilitation and other local agencies and nonprofits to accomplish these goals.

As an aside, and at the express request of the Nevada Department of Correction's Director, the bill also expands the circumstances under which offenders can make use of a computer, cell phone or other approved device to communicate with family, friends and others, including prospective employers as deemed appropriate by the Director and the Board of State Prison Commissioners. Such expanded-use devices are strictly limited to offenders who are assigned to transitional housing, restitution centers or a specific educational or vocational training program. This benefit is designed to aid in the transition back into society, and it must be earned.

Senate Bill 306 also provides for a \$300,000 General Fund appropriation to the Nevada System of Higher Education (NSHE) to carry out the program. This is what brings this bill before the Finance Committee. There is a stipulation that any money left over upon the program's conclusion on July 30, 2019, will revert to the General Fund. The program will run from July 1, 2017, through

July 30, 2019, with the provisions that I have just explained sunseting on that date.

I believe the cost is justified as the right thing to do to help reduce crime in our communities. It is the right thing to do for the offenders who are trying to make better lives for themselves and their families. It is the right thing to do for the communities to which these offenders return. It is the right thing to do for the State, which will see improved outcomes, lower recidivism rates and less money spent on merely locking people up.

I hope you will support this bill. I believe the \$300,000 we are requesting for this will render a net positive in fiscal impact because of the millions of dollars that will be saved by not having to deal with recidivism and additional crime.

SENATOR KIECKHEFER:

The appropriation is to the CSN, but the Board of State Prison Commissioners creates the program. Is the program serving people who are still incarcerated or after they have been released?

MICHAEL FLORES (Director, College of Southern Nevada):

We have been working with the Department of Corrections on this. It would be allocated to the Board of Regents, then to CSN, to execute the programming.

SENATOR KIECKHEFER:

Do services begin while the participants are still incarcerated?

MR. FLORES:

Yes. Right now, we have a program in the Clark County Detention Center in Las Vegas where we are training inmates during their incarceration in fields where jobs are waiting. When they get out, they are already trained and ready to work at specific positions.

The CSN is in full support of S.B. 306. We have been working with Senator Ford for a year and a half now on this important legislation. We used to do prison education in State facilities, but in 2008, funding was cut for it. We are looking forward to continuing this work.

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SENATOR HARRIS:

In addition to the workforce development this bill provides, will there be any graduation equivalency or a high school diploma equivalent?

HYLA WINTERS (Interim Vice President of Academic Affairs, College of Southern Nevada):

For those students who are selected to participate in this program and need their high school equivalency, a program currently enables them to do so. They would receive it as they participate in this program as well. The answer is yes.

MR. FLORES:

I would like to add that there would be two tracks to this program. There will be an academic track and an apprenticeship-readiness track. If they are in the apprenticeship-readiness track and do not have their high school diploma, they can do the high school diploma program concurrently with the apprenticeship one.

SENATOR HARRIS:

Thank you for the clarification. It did not seem very cost-effective to just train someone for a particular job and not give them the background of the high school equivalency.

MS. WINTERS:

We are fully in support of this bill and are excited about it.

CRAIG VON COLLENBERG (Director, Apprenticeship Studies and Safety Programs, College of Southern Nevada):

The apprenticeship-readiness program that is a part of S.B. 306 actually is something that was created by the building trades. It prepares students for direct entry into apprenticeship. We have not done anything like this before, and it is very exciting. We are working with 19 different apprenticeships that are ready to take these people.

CHAIR WOODHOUSE:

I will now open the hearing to those who wish to testify in support of S.B. 306.

CEDRIC CREAR (Board of Regents, Nevada System of Higher Education):

I am in full support of this bill. I think it is great that we are going to provide education in our prison system. My father was a doctor for over 50 years in the

State. He was a drug and alcohol specialist. He always talked about the need to provide more education in the prison system to reduce recidivism. I think something like this is a great path to make it happen. There are people who get out of that system and are dropped off with a couple of dollars, nowhere to go and nothing to do. They find themselves back in the prison system. We need this. I urge your support.

CONSTANCE J. BROOKS, PH.D. (Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education):

We are also in full support of S.B. 306. I am the daughter of a retired prison warden. I grew up hearing stories about the importance of education and how it can change the trajectory of the men's lives that my father had to work with throughout his 30-year career in Illinois.

This is important to our State. It would help us save money and provide opportunity to have a different path in life to those who need one. It would keep them from returning to the prison system. We appreciate Senator Ford working with CSN staff and the Board of Regents. We support this legislation.

SHANE PICCININI (Government Relations, Food Bank of Northern Nevada):

I am here representing Bridges to a Thriving Nevada. That program assists people living in poverty to get out of poverty and into a middle class life. Many of our clients are dealing with a criminal background. We absolutely believe that S.B. 306 would help them get their lives on the right track.

MR. DYER:

The Nevada Catholic Conference strongly believes in restorative justice. We strongly support S.B. 306.

CHAIR WOODHOUSE:

Seeing no one else who wishes to testify in support of S.B. 306 and no one who wishes to testify in opposition to or in the neutral position, I will conclude the hearing on this bill. The Committee will now consider S.B. 415.

**SENATE BILL 415**: Proposes to exempt sales of feminine hygiene products from sales and use taxes and analogous taxes. (BDR 32-631)

SENATOR YVANNA D. CANCELA (Senatorial District No. 10):

This bill would ask voters to approve a sales tax exemption for feminine hygiene products. To those who are unaware of this issue, there is a national movement to address a variety of gender inequities in our laws, including sales taxes. You may have heard about the movement against “tampon taxes.” I will give the Committee a section-by-section brief explanation of the bill and then address its significance.

Section 1 of S.B. 415 contains the findings that must be made by the Legislature pursuant to the Nevada Constitution before the Legislature enacts any tax exemption.

By way of introduction to section 2 of S.B. 415, the Committee may recall that, unlike most other states that can enact sales tax exemptions through legislation, Nevada’s 2 percent sales tax rate was passed by voters in 1955 by referendum, and therefore, can only be amended by the voters. Section 2 states that a ballot question will go the voters at the general election on November 6, 2018, asking them to exempt feminine hygiene products from sales taxes.

Section 4 of S.B. 415 spells out the language that would appear on the ballot. Because the Nevada Constitution also requires tax exemptions to have expiration dates, section 7 of S.B. 415 sets 2028 as the year the exemption would expire.

Sections 10 and 11 of S.B. 415 provide a definition of feminine hygiene products in the general sales tax chapter that applies to the State rate and local sales taxes. Section 12 of S.B. 415 amends the local school support tax chapter to add the exemption for feminine hygiene products because that tax chapter is amended by the Legislature and therefore, cannot be covered by the ballot question.

Subsection 2 of section 13 of S.B. 415 makes the statutory sales tax exemptions for feminine hygiene products effective on January 1, 2019. The ballot question would make the same changes to the sales tax effective on the same date. Finally, subsection 2 of section 13 of S.B. 415 includes a parallel expiration date of December 31, 2028, to match section 7 of S.B. 415.

I would like to now speak to the need for this bill and of its importance. This bill is of particular significance because it aims to tackle gender inequality in what is



not often thought of as a place to tackle this issue: our sales tax laws. Historically, it has been male-dominated Legislatures that have decided what is exempted from taxation. I believe that now, more than ever, is the time for things like tampons and sanitary napkins to also be included. These are items that are not bought because they are fun; they are bought because they are medical necessities. They should be exempted from the sales tax.

My final remark is that is easy to say that the tax a woman might pay over a lifetime on feminine hygiene products is not a large amount of money. That statement is not wrong. However, the issue has to be viewed in the larger context of the gender pay gap and other pricing inequalities experienced by women. Multiple studies have documented that women pay more for services such as alterations and dry cleaning. Things like a woman's razor is more expensive than a man's razor is. At least one estimate puts the additional cost of these things at over \$1,350 annually.

Currently, only eight states exempt feminine hygiene products from state sales tax. Nearly 20 states are considering such legislation. I think it is time for Nevada to lead on this issue, not just in the Legislature, but also in letting voters take the initiative.

CHAIR WOODHOUSE:

The fiscal note on S.B. 415 is the cost of putting the question on the ballot. That is \$69,897, which I believe is the usual cost of any ballot question.

MR. KRMPOTIC:

That would be the usual cost. It would be worth having the Secretary of State's office testify on the cost and how it relates to printing out ballots.

WAYNE THORLEY (Deputy Secretary for Elections, Nevada Office of the Secretary of State):

Article 19 of the *The Constitution of the State of Nevada* and Chapter 293 of *Nevada Revised Statutes* (NRS) requires local election officials to publish certain information related to Statewide ballot questions in a newspaper in the general circulation various times before the election.

The cost of doing so is a charge against the State, specifically against the Reserve for Statutory Contingency Fund. In practice, the local election officials contract with a newspaper in their county to publish this information.

Depending on whether it is a Constitutional or statutory amendment, the number of times it has to be published changes. They pay for it and then submit a reimbursement request to the Secretary of State's office. Subsequently, we go to the State Board of Examiners to request a reimbursement from the Reserve for Statutory Contingency Fund.

In calculating the fiscal note we put on S.B. 415, we took the cost of printing all the ballot questions and the invoices that we received from the counties from the last election and we divided by four, since there were four Statewide ballot questions in that election. That is how we derived this cost, which is just an estimate. The cost depends upon the actual language and length of the arguments and fiscal impact statements. This is just an estimate based on costs from the last election.

SENATOR KIECKHEFER:

Have you submitted fiscal notes in the past for ballot questions? Is this consistent with past practices? I remember when we were going to put something directly on the ballot, and I cannot remember if this was an issue in terms of fiscal impacts and appropriations in the past.

MR. THORLEY:

I am not sure if the Secretary of State's office has put fiscal notes on legislation like this in the past. The appropriation would not go to the Secretary of State's office. It would go to the Reserve for Statutory Contingency Fund, because that is where the reimbursement is made from. Our involvement in the process is collecting the invoices from the 17 counties and submitting a request to the State Board of Examiners to receive the reimbursement. That amount is transferred to our budget account through a work program, and then we reimburse the counties.

MR. KRMPOTIC:

The Reserve for the Statutory Contingency Fund account is replenished from the General Fund through appropriations made each Legislative Session. I believe there is a bill in the Assembly that was submitted by the Governor's Finance Office to replenish this account. That appropriation is around \$1.5 million to \$2 million dollars usually, and can go up to around \$3 million each session. The expense described by Mr. Thorley and the process for seeking reimbursement from this account is ultimately funded from the General Fund.

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CHAIR WOODHOUSE:

I will now open the hearing to those who wish to testify in support of S.B. 415.

Ms. LOCKARD:

The Nevada Women's Lobby is in full support of this measure.

ASHLEY VAN BROCKLIN (Nevada Advocates for Planned Parenthood Affiliates):

We are in strong support of S.B. 415, as it would have a very positive effect on the patients we see Statewide.

JOLIE ROSS:

I conducted a survey for an article I wrote for Noticiero Movil, a bilingual news outlet at the University of Nevada, Reno. For the survey, 107 participants shared their feelings on this "pink tax." Most of those respondents expressed anger, annoyance and disappointment with the situation as it stands today.

Multiple people shared the idea that this "pink tax" is sexist, and that they did not choose a lifestyle in which they are unfairly taxed. Out of the 107 participants, 40 did not know that this tax existed. This tax has been a hidden one for years and affects many people unknowingly. I myself did not really know about it until I decided to write an article on S.B. 415.

One participant wrote that taxes are necessary for our government and that people often complain about the national debt. They think this particular tax is unfair and that if there is going to be a tax on these types of products, it should not be specific to women. There are many more comments like this on my survey.

I believe this bill will help eliminate a biased and sexist tax that still exists in the State. The elimination of this tax will also create a precedent that allows us to become the fourth state to repeal the "pink tax." Nevada is a State of many cultures, ideas and beliefs, but this is much more than the opinion of 107 participants. I am sure that with more awareness of this tax, many more people would express their disdain for its existence.

ELISA CAFFERATA (Nevada Advocates for Planned Parenthood Affiliates):

I want to ensure that a few points make it onto the record. Firstly, the federal Food and Drug Administration recognizes tampons and sanitary napkins as

medical devices. This bill would just make the State's position consistent with the federal one.

Not only are several states passing proactive bills to remove this tax for reasons of gender equality; some states are being sued in courts because of nondiscrimination laws. It is better to be proactive in removing this tax than to be forced to do so through a legal process. I think this is a good proactive step for Nevada.

I also want to mention that, for many young women, this tax is a barrier for them attending school. This is also an educational issue. For these reasons and more, we hope you support S.B. 415.

CHAIR WOODHOUSE:

Seeing no one else who wishes to testify in support of this bill and no one who wishes to testify in opposition to it, the hearing is now open for those who wish to testify in the neutral position.

CHERYL BLOMSTROM (Interim President, Nevada Taxpayers Association):

I am not here to speak to the policy of specific exempted items, but rather to point out that a good tax is a broad tax. The broader the tax, the lower the rate can be. The narrowing of a base means the rate must be set higher to perform as expected.

Additionally, the Economic Forum report came out at the beginning of last week indicating that, for this year and for the 2017-2019 biennium, there were two taxes that did not gain; one of those was the sales tax.

BRYAN WACHTER (Retail Association of Nevada):

The Retail Association of Nevada is neutral on this idea. I will echo Ms. Blomstrom's statements about there being no good tax, however, taxes that apply to the broadest possible range of products are going to be better able to handle upturns and downturns in the economy than those of a narrower base.

I think that Senator Cancela is right in saying that if there is any place for a policy to be blind in terms of gender, age or other factors that it should be in our tax code. It is hard to plan a tax code based on everybody's traits and preferences.

I did want to comment specifically on sections 10 and 11 of S.B. 415. There should be some additional fiscal considerations. This bill tells the Department of Taxation to construe the term feminine hygiene product to include, without limitation, sanitary napkins, tampons or "similar items." I would expect that there should be regulations promulgated by the Department that further define what a "similar item" is. It is hard for us to be able to calculate exactly what to expect without knowing which products in particular are subject to the bill. That will help our retail stores figure out how to best approach this with our customers. It is going to be a unique situation where we have some products that are not taxable, such as food and medicine, and others that are. We are adding exemptions for certain products.

I look forward to the Department at least being able to promulgate regulations that help us better understand what will be taxed or not taxed.

CHAIR WOODHOUSE:

Before Senator Cancela gives us her closing remarks, I want to ask a question. In her testimony, she indicated that there were 20 states that are pursuing legislation like this and 7 states that have already done so. Is that correct?

SENATOR CANCELA:

Eight states have passed legislation. There are 20 states that I could find that at least introduced legislation on this subject.

I would close with a few points. First, I want to say that, because of the timeline by which this would be enacted, I think, as a State, we can prepare for any sort of consequence that this may have on our sales tax base. I would also refer back to a point I made previously which indicated that these exemptions would not total a large amount of money. It is important, but it is not enough to lead to any sort of diminishing of our tax base, in my opinion.

I think the definition of feminine hygiene products is pretty clear. I think we are talking about tampons and pads. To that end, we could always look to U.S. Food and Drug Administration (FDA) guidelines, which classify these things as Class 2 medical devices, and use that as a starting point.

SENATOR PARKS:

Listening to Ms. Cafferata talk got me to wonder. In the proposed ballot question, it says "or similar items used for feminine hygiene."

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I was wondering if items that prevent bladder leakage would fall into that category.

SENATOR CANCELA:

I think the intent was to capture primarily sanitary napkins and tampons. We would use FDA guidelines to guide our definitions. The intent was to start with products that primarily deal with periods.

SENATOR KIECKHEFER:

What else is categorized as a Class 2 medical device?

SENATOR CANCELA:

The list is quite lengthy, but can be found online. It is public information. I do not know what other feminine hygiene products may be listed. I would have to get back to you with specifics.

CHAIR WOODHOUSE:

That will conclude our hearing on S.B. 415. The Committee will now hear testimony on S.B. 189. I will be turning the gavel and the chairing of this meeting temporarily over to Senator Parks so that I may introduce this bill.

**SENATE BILL 189 (1st Reprint)**: Revises provisions relating to child care facilities. (BDR 38-61)

VICE CHAIR PARKS:

I will open the hearing for S.B. 189.

SENATOR JOYCE WOODHOUSE (Senatorial District No. 5):

This measure revises training requirements for employees working in childcare facilities. Research shows the importance of both training and education for childcare providers. Continued training and education is essential to protecting children's health and safety and in promoting their growth and development. I have submitted my remarks to be included in the record ([Exhibit F](#)).

In fact, studies show that the quality of care improves as training and education increases. Currently, individuals employed in a childcare facility in Nevada, other than facilities that provide care for ill children, are required to: one, complete 15 hours of training annually if the facility provides care for more than

5 children but less than 12 children, and two, complete at least 24 hours of training annually if the facility provides care for more than 12 children.

At least two hours of this training must be devoted to lifelong wellness, health and safety of children. This bill revises these provisions to require every employee of a childcare facility, except facilities that provide care for ill children, to complete twenty-four hours of training annually regardless of the number of children in its care if the facility receives compensation for any of the children.

In addition, every employee of a childcare facility is required to complete an additional two hours of training on recognizing and reporting child abuse and neglect. The bill requires an employee of a childcare facility to be present whenever an independent contractor is performing services at a childcare facility and a child is present.

Senate Bill 189 has a fiscal impact of \$706,843 in FY 2016-2017 and \$893,150 in FY 2017-2018 which was placed by DPBH in order to carry out the requirements of licensing the childcare facilities that furnish care to fewer than five children. I believe the facilities that serve less than five children should be licensed. I understand that if I remove this provision, which is section 2, subsection 2 of the bill, the fiscal note will be removed, and we could move forward with the other aspects of the bill.

In conclusion, S.B. 189 takes another step forward in ensuring children who are being cared for in a childcare facility have well-trained and qualified individuals providing care. Every mother, father, grandparent or any other guardian deserves to know that their children are safe when they must leave them in the care of others.

SENATOR KIECKHEFER:

Are you suggesting that we amend the bill again to strike section 2, subsection 2 from it?

SENATOR WOODHOUSE:

My understanding in talking with DPBH is that if I remove that section, the fiscal note would be changed to zero. That amendment is before us today. The fiscal note is quite hefty, and the training that this bill provides is a very positive step.

SENATOR KIECKHEFER:

I looked at the DPBH fiscal note. It talked about licensure. I did not read the section of the bill as requiring them to license establishments with fewer than five children. Section 2 of the bill redefines a childcare facility to include the current meaning and facilities fewer than five children. Section 3 references training requirements.

I am having a hard time cross-referencing where this bill requires licensure. Is it in statute somewhere?

SENATOR WOODHOUSE:

My testimony is my understanding of the bill through discussion with DPBH. Certainly, after this hearing is concluded, we can iron out what the requirements are exactly and where they are defined. We want to move forward and make sure our childcare facilities are the best they can be.

SENATOR KIECKHEFER:

Is the rating system that is discussed in section 4, subsection 2 of this bill in any way duplicative to what we are doing with the Department of Education and the Quality Rating and Improvement System for childcare facilities?

SENATOR WOODHOUSE:

This is part of the testimony the Committee will hear shortly.

VICE CHAIR PARKS:

I believe representatives from the Department of Education are here as well. They may be able to help with the questions Senator Kieckhefer presented.

DENISE TANATA (Executive Director, Children's Advocacy Alliance Nevada):

I am here to walk through some of the amendments that we have worked on. I hope that this will help address some of the questions that have been raised.

In reference to section 2, Senator Woodhouse stated that we are looking at removing subsection 2 from the bill. We see that part of the bill requires all childcare facilities, regardless of the number of children served, to be licensed or to at least be in contact with the licensing entity, because somebody has to oversee the new training requirements that are put forth in statute.



As stated, given the fiscal impact that this subsection would create, we are supportive of removing this part of the bill. I also wanted to note that we are working on another bill on the Assembly side, Assembly Bill 346, which would establish a system for background checks for license-exempt providers and addresses this section of S.B. 189.

**ASSEMBLY BILL 346 (2nd Reprint)**: Enacts requirements relating to certain providers of child care. (BDR 38-283)

A lot of what these two bills are looking at is quality and safety for kids. We recognize that at least doing the background checks is a beginning point.

Under section 3 of S.B. 189, it is stated that at least two hours of training will be in recognition and reporting of abuse and neglect. This would have to be completed within 90 days of employment and at least once every 5 years thereafter.

Section 4 of S.B. 189 elucidates the requirement for an authorized employee of the childcare facility to be physically present when any contractor is working in the facility while children are present. This is a safety issue.

I will briefly address subsection 2 of section 4 and note that this is an amendment that was submitted by Senator Spearman. Essentially, this would require DPBH to establish regulations that create a rating system for childcare facilities based on their annual inspections. I do not have many details on that currently.

In response to the question regarding the relationship of this proposed rating system and the Department of Education's system, my understanding is that they would look at slightly different metrics. Licensing inspections are looking primarily at health and safety issues at facilities. The Department of Education's system does include some of that, but is mostly looking at quality indicators such as teacher and director qualifications, curriculum used and other things like that. They are different.

Section 4, subsection 5 of S.B. 189 is also part of the amendment from Senator Spearman. This would allow DPBH to sanction childcare facilities that violate any law or regulation related to licensure. It lists the different types of sanctions that DPBH may impose on a licensed facility in violation and specifies

that any money collected through this must be used to carry out the provisions that protect the health, safety and wellbeing of children in childcare facilities.

Section 4, subsection 7 of S.B. 189 was also included in Senator Spearman's amendment. It would require regulations to be adopted to carry out section 4, subsection 5 of this bill. Specifically, it provides that the regulations must prescribe the circumstances and manner in which sanctions could be applied. It requires that DPBH must minimize time between identification of violations and the imposition of the sanctions. It provides for the incremental sanctioning for repeated or uncorrected violations. It also would require DPBH put regulations forward that provide for less severe sanctions for lesser violations.

Section 5 of S.B. 189 revises provisions regarding background checks for childcare providers and their employees. This section includes additional crimes that would prevent a person from being a licensee or working at a childcare facility. We did make some amendments to this section that would align with another bill, S.B. 46, which DPBH put forward to comply with some new federal regulations.

**SENATE BILL 46 (1st Reprint)**: Revises provisions governing background checks of operators, employees and certain adult residents of a child care facility. (BDR 38-131)

The alignment is around drug convictions. Section 5 of S.B. 189 would put a lifetime ban on a person who has a conviction for distribution or manufacture, including possession for purpose of sale, of any controlled substance or dangerous drug. It would put a ban on a person who has a conviction for possession or use of any controlled substance or dangerous drug within the last five years.

Additionally, there are two provisions that are different from S.B. 46. These would put a lifetime ban on someone who has a conviction for domestic violence. There is also a lifetime ban for those with a driving under the influence (DUI) charge that resulted in a death or substantial bodily harm. There is also a five-year ban for any other type of DUI conviction.

Section 5, subsection 5 of S.B. 189 has had the requirement to conduct background checks more regularly than every five years removed. However, we have added section 6, subsection 4 to the bill, which would require notice of

any charge, conviction or notice of investigation of the enumerated offenses included in NRS 432A.170 as well as those included in the bill itself while that individual is licensed or employed at a facility. This would also require the DPBH to adopt regulations to impose civil penalties on those who fail to comply with this, and would reduce the time of notification of a charge, conviction or notice from two days to twenty-four hours.

Section 5, subsection 5 of S.B. 189 requires that the background check be requested prior to any employee, resident or participant, having direct contact with any child at the facility.

Section 7 of S.B. 189 revises the training requirement for childcare providers by requiring twenty-four hours of annual training for all licensed providers regardless of the size of the childcare facility. This is in addition to the abuse and neglect training mentioned previously. At least twelve hours of this training must be devoted to the care, education and safety of children specific to the age group served by the facility. That training must be approved in accordance with regulations to be adopted by the State Board of Health. This training requirement is only for the licensed facilities. It would not apply to license-exempt facilities.

VICE CHAIR PARKS:

Thank you for that explanation. Seeing no one who wishes to testify either in support or in opposition to this bill, I will open the floor to those who wish to testify in a neutral position.

JOSEPH L. POLLOCK (Deputy Administrator, Regulatory and Planning Services, Division of Public and Behavioral Health, Department of Health and Human Services):

I am here to address the fiscal note issued by DPBH and make clarifications. We felt that section 8 of S.B. 189 required us to license the smaller childcare facilities. That is what we based our fiscal note on. Having removed that provision, we can reduce that fiscal note.

The regulation revision and the implementation of a grading system are things we believe we can do with existing resources and staff. Because of that, our fiscal note has been revised to zero.

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VICE CHAIR PARKS:

That will conclude our hearing on S.B. 189. The Committee will now hear testimony on S.B. 200.

**SENATE BILL 200 (1st Reprint)**: Revises provisions relating to instruction in computer education and technology. (BDR 34-266)

SENATOR WOODHOUSE:

You may remember that, during the 78th Legislative Session, I brought forward legislation similar to this. One of the reasons for doing so, and continuing to do so, was and is the need to heed the call to action put forth by the Brookings Institution's *Cracking the Code on STEM* report from several years ago. I have submitted my introductory remarks for the record ([Exhibit G](#)).

I will first provide some background for this bill. It is more important than ever for Nevada's students to be well versed in technology upon high-school graduation. Whether a student plans to continue on to higher education or into the workforce, it is vital that they have the computer and technical knowledge to succeed. Access to technology instruction must be provided early. Students should have the opportunity to explore and be challenged by rigorous computer science courses and problem-solving strategies that are inherent to computational thinking.

With these goals in mind, S.B. 200 makes various provisions regarding computer education and technology. Among other stipulations, this bill requires all high schools to offer a computer science course approved by the State Board of Education. It requires efforts to increase enrollment in this course for female students, students from racial and ethnic groups and students with disabilities that are underrepresented in this field.

The bill also requires all students in public schools and detention facilities to receive instruction in computer education and technology before sixth grade. In addition, S.B. 200 emphasizes computational thinking as well. It provides that if the State Board of Education prescribes a high school course in computer education and technology, the Board will adopt the regulations identifying the percentage of instructional time for the course. In addition, the Bill requires State standards for computer education and technology to include computer science and computational thinking.

To help schools develop solid courses and train teachers effectively, S.B. 200 requires the Advisory Council on Science, Technology, Engineering and Mathematics to appoint a subcommittee to make recommendations about instruction in computer education and technology.

This bill allows students to use one credit from certain computer science courses to count towards existing high school graduation requirements in math and science. One computer science credit could be counted towards math or science requirements for the Millennium Scholarship or for admittance to a public Nevada college or university.

The appropriation that you see in S.B. 200 provides the professional development needed by educators. The total for each year of the 2017-2019 biennium is \$1.5 million; that amount would generally be split based upon student population. This means about \$800,000 for the Clark County School District (CCSD), \$200,000 for the Washoe County School District (WCSD), and \$400,000 to be made available to rural school districts and charter schools via noncompetitive grants administered by the State Department of Education.

Professional development can be provided by school districts, institutions of higher education, regional training programs or a third party, if approved by the Department of Education. In addition, I have prepared a conceptual amendment ([Exhibit H](#)) regarding setting up an Account for Instruction in Computer Science and Literacy, which could receive outside funding for this program.

For your information, as an alternative to the appropriation in this bill, I am exploring the possibility of providing the funds for professional development through the Great Teaching and Leading Fund within the State Department of Education. We have been thinking about how we might manage to do this; more information about this will be forthcoming.

In conclusion, I would like to share a quote from Mr. Richard Knoeppel, an educator at the CCSD Advanced Technologies Academy:

If we, as a State, want to see real gains in student performance, we need to provide students with all of the tools they need to be productive members of society. Students who use computers and understand the appropriate use of technology have been shown to

attend school more steadily and perform better than those who do not. Classes based on computers and technology education can help students to develop important skills in problem solving, and more importantly, critical thinking, which are important to their college and career readiness.

MARK NEWBURN (Vice President, District 4, State Board of Education):

I am the chair of the Nevada Task Force on K-12 Computer Science. I am here because computers continue to radically change our world at an ever-accelerating rate. The number of connected smartphones is expected to exceed 6 billion by 2020. The “internet of things” is computerizing our cars and our homes. Recent advances in artificial intelligence now threaten to eliminate 83 percent of jobs that pay less than \$20 an hour and up to 47 percent of all jobs within two decades.

Our children are entering a world where every job may be a computer job. For most Americans, this computerized world might as well be built by magic. However, it is not magic; it is built from the computational problem-solving techniques embodied in the field of computer science.

Over the last two years, there has been a growing recognition that we are not providing the well-rounded education needed for this century. This has led to a national movement to expand the equity and access of computer science. When New York City did their analysis, they determined that only 1 percent of their students were receiving any type of computer science education. In 2014, we learned that there were 14 states where no African-American students took the Advanced Placement (AP) computer science exam.

In contrast, Gallup has released the results of a national poll showing nine out of ten parents want their children taught computer science. This gap in K-12 computer science education has become a serious problem for industry. The advocacy group *Code.org* has done an analysis showing that there are approximately 500,000 open jobs in computer-related fields. They predict that by 2020, that number could exceed 1 million.

For many of our top technology companies, the limiting factor is their ability to recruit a skilled workforce in computer science. Currently, this is a workforce with an almost complete lack of diversity. In 2014, Google released the demographic of their technical workforce. While women receive 60 percent of

all bachelor's degrees in all fields, women only make up 17 percent of the Google technical work force. African-Americans and Hispanics together make up about 27 percent of the national population, but only 3 percent of the Google technical workforce. They are not in the workforce because, largely, they were never given access to a computer science education.

Since the computer science workforce is now key to every new Nevada economic sector, 16 months ago, the Nevada Science, Technology, Engineering and Mathematics community established a special task force on K-12 computer science. The goal of the task force was to identify national best practices and make policy recommendations to the Legislature and the State Board of Education. Senate Bill 200 embodies the recommendations of the task force. If adopted, this bill will grant a competitive advantage to our kids and our efforts to attract companies to the new Nevada.

One point of clarification I want to make for this bill regards the language used. An approved computer science class would count as a fourth math credit or a third science credit for graduation. As the Committee examines the fiscal side of this bill, I would comment that Nevada has been awarded a \$25,000 grant to cover the cost to develop a K-12 computer science standard. The Department of Education has entered into an agreement with the College Board, *Code.org* and the Southern Nevada Regional Professional Development Program to provide free professional development for the next two years on the new AP Computer Science Principles course and the new middle school computer science discoveries course.

At our last meeting, the State Board of Education made teacher professional development for updated academic standards, including computer science, one of the three priorities for the Great Teaching and Leading Fund for the next two years.

VICE CHAIR PARKS:

I will now open the hearing up to those who wish to testify in support of S.B. 200.

PEGGY LEAR BOWEN:

This is a long time coming. Bill Raggio began this work in establishing technology in the State of Nevada by requiring that there be a computer in every single public school classroom.

What I want to caution against, and would like to see provisions to this effect, is giving school districts the choice of which schools these programs are established in. We want to make sure this bill is about programming and coding, not just typing. We do not want this bill to be discriminatory by having certain middle schools have these classes and others not having them.

It seems like schools with parents who actually go to school board meetings to rock the boat are the ones who get the computer classes. Please make sure these classes require a licensed teacher, that attendance is taken, and grades are given. These classes need to be reflected on report cards. Otherwise, the computer teacher could be taken out and those computers could be used for other purposes, like credit recovery or guest tests.

These computers are meant to be a tool of the new century that equalizes the educational field. People can ask questions and pursue many things through them, but they have to be taught how. Educating the educators so that we are sure the computers are not derelict is a part of that. Making sure that the education is equal and equitable is another. Thank you for helping this finally come to fruition.

CHRIS DALY (Nevada State Education Association):

We are in full support of this legislation. We are supportive of the appropriation in this bill. With technological advancements and how our emerging economy centers on technology, it is imperative that our State's students have access to an education that reflects these new realities. Whatever path a student may take, computer skills and technical knowledge will most definitely be necessary to succeed. Access to technology must begin at the earliest grade levels, so that students become comfortable using technology in the classroom.

The Nevada State Education Association also supports the social justice aspects of this bill that engage more girls and students from communities of color in computer science. We very much appreciate and support the contemplation of professional development for educators that was included in amendments made while this bill was in the policy committees. We think this bill, and the money spent on it, is appropriate given the direction the State is moving in.

SENATOR KIECKHEFER:

Is there a specific endorsement or licensure for computer science teachers in Nevada?



MR. DALY:

I do not have your answer. Perhaps a representative from a school district could speak to that.

SENATOR KIECKHEFER:

I am also interested in knowing whether those positions are difficult to fill. If we are mandating that schools provide this course to every student and we do not know how many students will actually enroll, are we setting the schools up for a difficult situation where they may have a hard time finding teachers?

MR. DALY:

I think almost every kind of teacher position across the State is understaffed and the districts are experiencing difficulty filling any of those positions, whether they are computer science teachers or not. I would again defer that question to a representative of a school district.

VICE CHAIR PARKS:

I see that Mr. Newburn is still with us. Maybe he can help answer that.

MR. NEWBURN:

There is currently a special endorsement for computer science. This is largely targeted towards the Career and Technical Education (CTE) Computer Science sequence. There is a new generation of courses, like the AP Computer Science Principles course, which I believe will need a different licensing requirement. I know that in Utah, standards were recently adopted in which the AP class required a slightly easier endorsement than the full CTE endorsement.

In terms of hiring teachers, it is going to be a major challenge. It is a problem that is facing the whole Nation, not just Nevada. A lot of work is being done in turning math and science teachers into computer science teachers. The trick is that we have to generate them faster than a desperate-for-labor industry will poach them away with double the salary. That will be a hard task; this is why we are rolling this program out with a five-year blueprint.

SENATOR KIECKHEFER:

Do you know how many teachers currently have that endorsement?

MR. NEWBURN:

I do not have that number at hand. I believe there is a significant number, but I do not know that all of them are teaching the course. I can provide the details to you after the hearing.

LINDSAY ANDERSON (Director of Government Affairs, Washoe County School District):

I remember that section 8 of S.B. 200 talks about the Commission on Professional Standards in Education and how it will review the licensing for teachers who teach these classes. I think the Commission will review what that licensure looks like and consider it.

In addition, I would add that computer science teachers are considered harder to find than math teachers are. That is why we think the professional development piece of this legislation is so important. It will take our existing teachers and give them the training they need to get the license. It is a "grow your own" strategy. Those teachers are definitely hard to find, but we know that the demand is there for our students.

Legislation like this will guide us in how we spend our capital improvement dollars, because we know our computer labs are in high demand and are used more and more as we move towards more online testing. We have some work to do in making sure that there is plenty of access for our students. We are in support of this legislation. Senator Woodhouse has been a pleasure to work with on this issue for many years now.

DR. BROOKS:

The NSHE is in support of S.B. 200. We view this as a mechanism that will allow students to be more college- and career-ready by the time they reach our doors. However, I did ask Senator Woodhouse for a friendly amendment to remove from section 6 of the bill the word "mathematics." We do have some concerns about the computer science courses being counted as both a math and science credit for the purposes of admissions. We do have high numbers of remedial students in math, so without reviewing curriculum and being involved in the process, we have some hesitation there. We hope to see such a friendly amendment included as this bill progresses.

CRAIG STEVENS (Director of Intergovernmental Relations, Clark County School District):

We are also in support of this legislation. We agree with Ms. Anderson's assessment. I would add that pushing down some of the computer technology requirements to the elementary schools would also cost some money for professional development. This is why we truly appreciate that appropriation in this bill.

MR. GONZALEZ:

The Clark County Education Association supports S.B. 200, including [Exhibit H](#). I wanted to reiterate something I said when this bill was in the policy committee. I know many of the schools in Clark County, which is in the middle of reorganization, have discussed professional development, especially regarding coding. I know that many school districts are trying to "grow their own" by training the teachers themselves to make sure that these classes are offered in their schools.

VICE CHAIR PARKS:

Seeing no others who wish to testify in support of S.B. 200, and no one who wishes to testify in opposition, I will now open the hearing to those who wish to testify in a neutral position.

DAVID BRANCAMP (Director, Office of Standards and Instructional Support, Nevada Department of Education):

I am speaking on behalf of Dr. Canavero. Mr. Newburn talked about how we won an award of \$25,000. With that in mind, the Nevada Department of Education would withdraw the \$8,000 fiscal note we had initially attached to this bill.

VICE CHAIR PARKS:

That is great news. Thank you for sharing with us.

BRIAN L. MITCHELL (Director, Governor's Office of Science, Innovation and Technology):

I really appreciate Senator Woodhouse for bringing S.B. 200 forward. This will be an important part of our work going forward. We testified in support of this legislation on the policy side and look forward to working with all the different parties regarding their fiscal notes.

SENATOR WOODHOUSE:

For my closing comments, I wanted to share with the Committee that yesterday afternoon Mr. Newburn and I did talk about the friendly amendment that Dr. Brooks proposed. We have not come up with the specific language just yet for that amendment. It is on our to-do list. As I indicated earlier, we will continue to work on how this program can be funded, whether that is through appropriation or some other means. We want to continue our dialogue with the Department of Education regarding the possibility of utilizing funding through the Great Teaching and Leading Fund.

VICE CHAIR PARKS:

That will conclude the hearing on S.B. 200. I will return the gavel and chairing of this meeting back to Senator Woodhouse.

CHAIR WOODHOUSE:

The Committee will now enter a work session. We will begin this portion of today's meeting with S.B. 212.

**SENATE BILL 212 (1st Reprint)**: Revises provisions governing the welfare of pupils. (BDR 34-674)

ALEX HAARTZ (Principal Deputy Fiscal Analyst, Fiscal Division, Legislative Counsel Bureau):

This bill was heard on May 2 in Committee. This bill expands the Safe to Tell program of the Department of Education. Testimony was provided on the bill by Senator Gansert. This bill follows up on Safe to Tell legislation of the 78th Session. Testimony in support of the bill was provided by the WCSD, CCSD, the Nevada Association of School Superintendents, the Nevada Association of School Administrators and the Nevada Association of School Boards.

There was no testimony in opposition to S.B. 212. There was no testimony in the neutral position either. The Nevada Department of Education removed its fiscal note due to the availability of federal grant funds for purposes of implementing the 24/7 tip hotline. There were no amendments offered on this bill, and it would become effective on July 1, 2017.

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CHAIR WOODHOUSE:

I also want the record to reflect that the Committee did receive a letter from the State Public Charter School Authority that clarifies the fiscal note that they had attached to this bill ([Exhibit I](#)).

SENATOR HARRIS MOVED TO PASS S.B. 212.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WOODHOUSE:

The Committee will now move on to S.B. 323.

**SENATE BILL 323 (1st Reprint)**: Revises provisions governing the Supplemental Nutrition Assistance Program. (BDR 38-627)

MR. KRMPOTIC:

This bill was heard last week in Committee. Fiscal staff would note that the Division of Welfare and Supportive Services removed their fiscal note during the first reprint of this bill. However, Senator Cancela, in presenting this bill, proposed an amendment ([Exhibit J](#)).

Staff had met with the Division to discuss [Exhibit J](#) in detail. Section 2 of [Exhibit J](#) changes the 36-month period discussed from a rolling interval to a fixed one. This is for adults without dependents that qualify for this program.

Lines 8 through 13 of [Exhibit J](#) would direct the State to seek a waiver for a labor surplus area. Subsection 2 of [Exhibit J](#) indicates that the Division may, to the extent authorized by the provisions of 7 U.S.C. 2015, grant exemptions from the three-month limit to receive Supplemental Nutrition Assistance Program benefits pursuant to 7 U.S.C. 2015 and puts into statute what the State is already essentially doing from Staff's understanding.

On page 2 of [Exhibit J](#), lines 9 through 23 set the nature of when those exemptions can be made. Such exemptions can be made if the person works more than 20 hours per week for part of the year and less than 20 hours per

week for the remainder of the year. Staff's understanding of this language is that it is intended to cover seasonal employees.

Exemptions can also be made for one year after the person was discharged from the Armed Forces of the United States or the National Guard. That provision is unchanged from the existing language of the bill.

Lines 21 and 22 of [Exhibit J](#) change the language of the bill to also provide such an exemption if the person is an unpaid caregiver for a parent, child or sibling who is elderly or disabled. Staff's understanding is that these individuals are already exempt.

The language beginning on line 24 of page 2 of [Exhibit J](#) would assist the Division in determining eligibility.

Staff's understanding through talking with the Division is that [Exhibit J](#) would not add or affect the Division with respect to any fiscal impact. Fiscal staff thanks the Division for working with us on understanding this bill and on [Exhibit J](#).

SENATOR KIECKHEFER:

When I looked at this bill earlier, I was concerned that it would somehow weaken some of the work requirements we have for this program. Having spoken with the sponsor, I have been assured that it does not. In fact, this bill maintains and codifies that which is already happening and provides additional options for work. I feel comfortable with the bill, and want to ensure that people still receive good nutrition through it. I am happy to support this bill.

CHAIR WOODHOUSE:

I would like the record to reflect that the Committee has received a letter from the Division that provides their history with and intent for this bill ([Exhibit K](#)).

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 323.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WOODHOUSE:

The next bill under consideration for this work session is S.B. 510.

**SENATE BILL 510**: Revises provision governing the eligibility of a child for assistance from the Kinship Guardianship Assistance Program. (BDR 38-901)

MR. HAARTZ:

This bill was heard in Committee on April 17. This bill eliminates the existing requirement in NRS 430 that a child must have been eligible to receive maintenance pursuant to Title IV of the Social Security Act while residing with a relative for not less than six months as a condition to receiving assistance from the Kinship Guardianship Assistance (KinGAP) program.

This bill also clarifies that the relative with whom the child resides must be a licensed provider for foster care. Staff would note that in the language about the child having to be eligible for maintenance, maintenance is defined as general expenses for care such as board, clothing, transportation and any other necessary or incidental expenses or monetary payments.

Regarding this bill's fiscal impact, S.B. 510 would affect the Division of Child and Family Services' (DCFS) rural child welfare budget. A maintenance decision unit referred to the projected KinGAP caseload costs. The Human Services Joint Subcommittees approved this decision unit upon closing that budget on May 3.

Testimony on this bill was provided by Reesha Powell, who is the Deputy Administrator of Child Welfare at DCFS. There was no other testimony in support of the bill, and none in opposition or in neutral. There are no amendments. This bill would become effective upon its passage and approval.

SENATOR FORD MOVED TO DO PASS S.B. 510.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

\* \* \* \* \*

CHAIR WOODHOUSE:

The Committee will continue its work session with the consideration of S.B. 517.

**SENATE BILL 517 (1st Reprint)**: Establishes the Nevada State Infrastructure Bank. (BDR 35-602)

MR. KRMPOTIC:

The purpose of the Nevada State Infrastructure Bank is to provide loans and other financial assistance to various units of State and local government for the development, construction, improvement, ownership and operation of certain transportation and utility infrastructure. The bill was heard by the Committee on April 24.

I would note that there are two amendments submitted for this bill. One was submitted at the time of hearing by Judy Stokey of NV Energy ([Exhibit L](#)). [Exhibit L](#) was an amendment to section 18.2 and section 18.5 of S.B. 517, which deals with utility infrastructure.

The second amendment ([Exhibit M](#)) was received today and was submitted by the Regional Transportation Commission of Southern Nevada. Page 1 of [Exhibit M](#) indicates that the members of the Board of Directors of the proposed bank are public officers as defined in NRS 281A.160. [Exhibit M](#) further amends section 20 of S.B. 517.

Page 3 of [Exhibit K](#) says that, in administering the affairs of the bank, the Board of Directors will act in good faith in a commercially reasonable manner. Staff would note that the Committee had some concerns with the subsection that immediately precedes this regarding the language in subsections 2 to 36 that provides exemptions to that good faith clause. Under [Exhibit M](#), that subsection would remain.

Page 5 of [Exhibit M](#) contains a new subsection 3 for S.B. 517 that states that the Executive Director and any employees hired pursuant to subsection 2 must



be paid for through money allocated to the bank and appropriated or authorized by the Legislature or the IFC.

There were no fiscal notes on this bill. It was primarily referred to the Committee to review some of the potential areas that would have to be considered in establishing and funding this bank. Staff would note that section 44 of S.B. 517's first reprint makes the bill effective only upon the Director of the Department of Transportation providing notice to the Governor and the Director of the Legislative Counsel Bureau that sufficient money is available to capitalize and carry on the business of the bank created by section 19 of S.B. 517.

SENATOR HARRIS:

I want to thank the Regional Transportation Commission of Southern Nevada for coming to speak with me and addressing my concerns. I believe the language that they provided with regard to the commercially reasonable manner language gives the bank the flexibility they need, but ties them to specific standards without putting items that may change or go out of date into statute. I am grateful for them taking the time to get me comfortable with this legislation.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 517.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

\* \* \* \* \*

CHAIR WOODHOUSE:

For S.B. 212, Senator Gansert will be assigned the floor statement. For S.B. 323, Senator Cancela will make the floor statement. For S.B. 510, Senator Denis will make the floor statement. For S.B. 517, Senator Harris will be doing the floor statement.

That concludes our work session. The Committee will now consider any public comment.

Ms. BOWEN:

I wanted to comment about guardianships. There was an oversight in the Affordable Care Act (ACA). The ACA left out children in guardianship because most guardianships end at age 19. The children included in the ACA are foster children, biological children, adopted children and stepchildren. Under the ACA, those children do not have to live at home nor be enrolled in school. They could be married as well.

In Nevada, we had situations where State retirees who were guardians wanted to have their charges included in their Public Employees' Benefits Program insurance. There was an emergency measure taken by the Governor. That measure made sure that kids who were 19 years old were included on those insurance plans.

The children that were included were those who lived at home or were in school, and they could not be married. I would hope that, since this is an issue that was heard today, since there is statute on the books now and since that emergency measure, the Committee would make these provisions fair and equitable.

That means that these children under guardianship, who have already been traumatized, are not required to live at home or be in school and may be married and still qualify. It would be fair for those children in guardianships to be provided the same protections as those who are foster children, adopted children, biological children and stepchildren.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR WOODHOUSE:

Thank you for your testimony. Seeing no other business before the Committee, I will adjourn this meeting as 8:42 p.m.

RESPECTFULLY SUBMITTED:

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Colby Nichols,  
Committee Secretary

APPROVED BY:

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Senator Joyce Woodhouse, Chair

DATE: \_\_\_\_\_

| <b>EXHIBIT SUMMARY</b> |                                 |   |  |                                 |
|------------------------|---------------------------------|---|--|---------------------------------|
| <b>Bill</b>            | <b>Exhibit /<br/># of pages</b> |   | <b>Witness / Entity</b>  | <b>Description</b>              |
|                        | A                               | 2 |  | Agenda                          |
|                        | B                               | 8 |  | Attendance Roster               |
| S.B. 124               | C                               | 2 | Julie Butler / Nevada<br>Department of Public Safety                       | Letter Revising Fiscal Note     |
| S.B. 124               | D                               | 2 | Kimberly Mull / Nevada<br>Coalition to End Domestic<br>and Sexual Violence | Testimony in Support            |
| S.B. 139               | E                               | 1 | Cody L. Phinney / Division<br>of Public and Behavioral<br>Health           | Letter Deleting Fiscal Note     |
| S.B. 189               | F                               | 3 | Senator Woodhouse  | Introductory Remarks            |
| S.B. 200               | G                               | 5 | Senator Woodhouse  | Introductory Remarks            |
| S.B. 200               | H                               | 1 | Senator Joyce Woodhouse  | Conceptual Amendment            |
| S.B. 212               | I                               | 1 | Patrick Gavin / State Public<br>Charter School Authority                   | Letter Clarifying Fiscal Impact |
| S.B. 323               | J                               | 2 | Senator Yvanna Cancela   | Proposed Amendment 4284         |
| S.B. 323               | K                               | 1 | Steve Fisher / Division of<br>Welfare and Supportive<br>Services           | Letter Removing Fiscal Note     |
| S.B. 517               | L                               | 1 | Judy Stokey / NV Energy  | Amendment                       |
| S.B. 517               | M                               | 7 | Regional Transportation<br>Commission of Southern<br>Nevada                | Conceptual Amendment            |