

**MINUTES OF THE
SENATE COMMITTEE ON FINANCE**

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

The Senate Committee on Finance was called to order by Chair Joyce Woodhouse at 6:38 p.m. on Wednesday, May 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 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 Mark A. Manendo, Senate District No. 21
Senator Patricia Farley, Senate District No. 8

STAFF MEMBERS PRESENT:

Mark Krmpotic, Senate Fiscal Analyst
Alex Haartz, Principal Deputy Fiscal Analyst
Lona Domenici, Committee Manager
Mary Sullivan, Committee Secretary

OTHERS PRESENT:

Kiska Icard, Chief Executive Officer, Nevada Humane Society
Mendy Elliott, Community and Government Relations, Capitol Partners, Nevada Humane Society
Vicki Cameron, Retired Public Employees of Nevada

Senate Committee on Finance
May 3, 2017
Page 2

Christine Vaught, Vice President, Nevada Animal Owners Alliance
John Potash, Nevada Animal Owners Alliance, U.S. Association of Reptile Keepers
Lynn McLellan, Bonanza Kennel Club
Doug Farris, Administrator, Division of Animal Industry, Nevada Department of Agriculture
Patrick Cates, Director, Nevada Department of Administration; Chair, Board of the Public Employees' Benefits Program
Marlene Lockhart, Retired Public Employees of Nevada
Priscilla Maloney, Government Affairs Retiree Chapter, American Federation of State, County and Municipal Employees, AFL-CIO, Local 4041
Kent M. Ervin, Ph.D., Legislative Liaison, Nevada Faculty Alliance
Rob Boehmer, Executive Officer and Program Coordinator, Nevada Deferred Compensation Program
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association
Vicki Cameron, Retired Public Employees of Nevada
Kevin Ranft, American Federation of State, County and Municipal Employees, Local 4041, AFL-CIO
Carter Bundy, American Federation of State, County and Municipal Employees, International, AFL-CIO
Jeffrey Talbot, Ph.D., Assistant Dean for Research and Faculty Development, Director, Research Center on Substance Abuse and Depression, College of Pharmacy, Roseman University of Health Services
Nicole Rourke, Superintendent of Community and Government Relations, Clark County School District
Ciara Byrne, Co-Director and Co-Founder, Green Our Planet
Mary Pierczynski, Ph.D., Nevada Association of School Superintendents; Nevada Association of School Administrators

CHAIR WOODHOUSE:

We will begin with Senate Bill (S.B.) 405. Senator Manendo, please begin.

SENATE BILL 405 (1st Reprint): Requires the establishment and use of an animal abuser registry website. (BDR 14-10)

SENATOR MANENDO (Senate District No. 21):

We have before us the first reprint of S.B. 405. We have been working on keeping defenseless animals out of the hands of convicted abusers. An

important way to address animal cruelty at its source is by creating this needed safeguard to keep animals out of abusers' hands. It is reckless to place vulnerable animals in the care of convicted abusers. Animals do not show up battered and bruised at their friend's house, school, work or church. This bill would provide a resource to screen potential adopters to ensure that the adopters have not been convicted of animal abuse crimes, such as animal fighting.

I see this as a service for the shelters and organizations that work to place animals in good forever-loving homes. They will have a database to rely on to screen potential animal lovers. We know the Jeffrey Dahmer's of the world started out harming animals. He stated that as a child he would capture animals and torture them. He moved on to torturing people. The Tennessee legislature passed an online animal abuser registry with the support of the Tennessee Bureau of Investigation. They were able to create the Website with their current staff. This is not the case in Nevada. The Department of Public Safety (DPS) placed a \$1.2 million fiscal note on this bill. We worked together to find another solution. I have Mendy Elliott and Kiska Icard from the Nevada Humane Society (NHS) who will briefly tell you what we are doing.

KISKA ICARD (Chief Executive Officer, Nevada Humane Society):

I am Kiska Icard, Chief Executive Officer for the NHS, and I am also a certified animal welfare associate. I think this bill is really important. I have been in the animal welfare industry for over 20 years. The NHS does over 10,000 adoptions per year. This bill would allow our associates to ensure we are adopting animals to people who do not have any convictions of animal abuse.

Our adoption associates are paid less than \$10 per hour. I have asked our associates about this bill. They are very supportive of the bill. We would be able to find out if the people who we are adopting animals to have been convicted of animal abuse. If people convicted of animal cruelty are removed from the pool, we would be more comfortable.

I impress upon my associates to not cast judgement on people when they adopt animals. This bill would allow us to do a high volume of adoptions without prejudging those individuals who come to us to adopt an animal. We are in support of S.B. 405.

MENDY ELLIOTT (Community and Government Relations, Capitol Partners, Nevada Humane Society):

On page 4, section 30.2 of S.B. 405, the bill states that the Nevada Director of the Department of Agriculture (NDA) shall, on behalf of the Department, contract with a nonprofit organization. This is how we were able to remove the fiscal note. The nonprofit organization will be financially responsible for the development and maintenance of the Website throughout Nevada. The nonprofit will hotlink to the various animal shelters throughout the State. It will provide an opportunity for folks to check to see if a person wanting to adopt a dog or cat has a conviction on their record. When you go to an adoption program held at Petco or PetSmart you see multiple organizations participating in the adoption of dogs and cats in addition to the NHS. This bill, as presented, is limited to dogs and cats. It seemed like a good place to start. It also limits individuals who have been convicted of a gross misdemeanor and/or a felony from adopting animals.

The responsibility for the NDA will be to send out a request for quotation (RFQ) and select the organization. It is the organization's responsibility to establish the funding for the Website and its maintenance.

SENATOR GOICOECHEA:

I realize there is not a fiscal note from the NDA. I am concerned about an individual or organization that does not check the Website and sells an animal. I do not see a penalty in place on the bill.

SENATOR MANENDO:

I think the most important thing is that people have an opportunity to access information. When someone does come in and wants to adopt a dog or cat the NHS or pet stores can find out if that person has committed a gross misdemeanor or a felony.

SENATOR GOICOECHEA:

What is the penalty if the person that was charged does not report himself or herself?

SENATOR MANENDO:

My understanding is that it is self-reporting. If they do not report, similar to the sex offender registry, it is a misdemeanor.

SENATOR GOICOECHEA:

I know large animals and livestock are not included in this bill. What happens if a person is charged with neglect of livestock or large animals? Will they have to report? It does not appear to be covered in this bill.

MS. ELLIOTT:

If he or she is charged, there would be no reporting. If he or she is actually found guilty of a gross misdemeanor or a felony, he or she would be required to report. They would have to go through the court system and be found guilty.

SENATOR GOICOECHEA:

I am talking about large animal neglect. Maybe someone is charged and found guilty of abuse, such as failure to feed his or her livestock. Would he or she be required to review the Website before selling an animal, such as a cow or horse?

SENATOR MANENDO:

I do not believe so. For a person convicted, it would be appropriate for them to be registered on this Website. If it was a case of animal neglect, it would probably be a misdemeanor, and they would not fall under this bill.

SENATOR GOICOECHEA:

Even if the abuser is on the registry, there is no obligation by any seller or livestock holder to even visit the registry.

SENATOR KIECKHEFER:

How much will the implementation of this registry cost?

MS. ICARD:

We do not anticipate any costs to the State. A nonprofit would establish and maintain the registry.

SENATOR KIECKHEFER:

The bill states it will not cost the State anything. Is the NHS volunteering to establish and maintain the registry or enter into a contract with the State?

MS. ELLIOTT:

We are happy to volunteer. Because of the requirements, I think the NDA would prefer to have an RFQ to make sure we have the capacity, or any nonprofit

would have the capacity, to actually stand up and maintain the Website. More importantly, the NDA needs to ensure that any nonprofit would have the capacity to raise the necessary funds.

SENATOR KIECKHEFER:

My concern is in regard to a mandate on the State to do something that the State does not fund and then we rely on the kindness of others to find the funds. If the kindness of others does not come through, are we mandating a State agency to do something that we are not willing to pay for? What will happen if the NDA is not able to find someone that meets this requirement?

SENATOR MANENDO:

I think there will be at least one nonprofit, if not more, that will be extremely capable, and have a long history, not only in Nevada, but also across the Country. If it becomes an issue, we can come back again in two years to correct.

SENATOR KIECKHEFER:

I understand. I have seen this type of scenario this year. The State does not want to pay for something, so we ask others to pay. We are still putting in a mandate for which the State Director of Agriculture will be responsible. He will be violating the law if he does not do it. It is a tough spot to put him in.

CHAIR WOODHOUSE:

Are there others who wish to testify in support?

VICKI CAMERON (Retired Public Employees of Nevada):

I am not here for this bill, but it does speak to my heart. I am a retired animal control administrator of 30 years. I wish this registry had been around when I was an administrator. I could tell stories of cases where people were abusers, and we had no prior knowledge. We had no recourse at the time. Fortunately, back in those days, it was a small community and the animal control agencies corresponded between one another. I am in support of this bill.

CHAIR WOODHOUSE:

Is there anyone opposed to the bill?

CHRISTINE VAUGHT (Vice President, Nevada Animal Owners Alliance):

I will read from my written testimony ([Exhibit C](#)). The fiscal notes have been removed from this bill by extensive amendment. However, regardless of the amendments, there are still costs associated with the administration, the creation and maintenance of a contracted abuse registry Website.

JOHN POTASH (Nevada Animal Owners Alliance; U.S. Association of Reptile Keepers):

I agree with Ms. Vaught's testimony. It has been my understanding that similar lists already exist. These lists are shared between many rescues and shelters. There is nothing stopping the nonprofits from creating their own animal abuse registry, a Website and maintaining it themselves. I do not understand why there is a need to make a State-funded mandate to do this.

LYNN MCLELLAN (Bonanza Kennel Club):

I am a breeder of dogs. I have a litter every other year. My last litter was one and a half years ago. It consisted of one puppy. Under this law, I am considered a dealer if I try to sell a puppy. It concerns me that a group that is nonprofessional nor a State agency is going to have information about me. The organization might be tempted to share my information to others who do not necessarily agree with the fact that I show dogs and occasionally breed them. It insinuates that there is a violation of law if I do not check with the registry. How are you going to back this up if the person is not checking with the registry?

DOUG FARRIS (Administrator, Division of Animal Industry, Nevada Department of Agriculture):

I am testifying neutral on this bill. I want to clarify that NDA does not see a financial cost for the NDA with the approval of this bill. It is based on the amendment enacted as it came out of the Senate. The animal abuser Website will only utilize public information already provided through the courts. The NDA will only be required to do a simple request for proposal (RFP) based on the law. They will review the applications and select the nonprofit to be contracted. This will have a minimal impact on the NDA.

SENATOR KIECKHEFER:

Do you feel that NDA has no obligation to monitor the contract or ensure that the terms of it are enforced?

MR. FARRIS:

I believe there will be a minor amount of time spent by an administrative assistant or someone else to monitor it.

SENATOR GOICOECHEA:

We already have groups like the NHS that have the ability to maintain this registry. This bill puts the NDA and the State in the middle. Do you not see any exposure there?

MR. FARRIS:

I do not want to speculate. I am testifying for the NDA director today.

CHAIR WOODHOUSE:

The DPS submitted a letter removing their fiscal note ([Exhibit D](#)).

MS. ELLIOTT:

Just for edification purposes, the NHS on an annual basis raises over \$4 million. One hundred percent of those funds are raised from private dollars, private foundations and grants. There is not one dime of public dollars in our budget. One of the purposes of the bill that makes it different from being just a registry is that there is a requirement, no different than a sex offender, for someone to report. I believe that is the difference between this bill and someone creating a registry. It is proactive. The responsibility will fall on the nonprofit to proactively work with the court system to make sure they have the list of individuals that have been processed and convicted through the court system. The NHS is in support of this bill. We may not be the nonprofit selected to do this, but we do have the capacity to maintain this registry.

SENATOR MANENDO:

It seems there are concerns regarding the bill. I have not heard these concerns prior to today's meeting. My door is always open. The registry list is targeted for the worst of the worst offenders. The purpose of the registry is so that a dog does not go to someone who would harm the animal. We know this does occur across the Country. I believe this is good public policy.

SENATOR GOICOECHEA:

If the NHS or someone else wanted to maintain the registry, I would be more comfortable than having the State in the middle. I think there is some exposure to the State. There is no penalty if an individual fails to access the registry

before they sell or adopt an animal. Conscientious people would contact NHS and check. Not everyone is going to.

CHAIR WOODHOUSE:

The following individuals provided written testimony via email in opposition to S.B. 405:

Brent Lubig ([Exhibit E](#)).
Daniel Siciliano ([Exhibit F](#)).
Doug Poindexter ([Exhibit G](#)).
Jenessa Bogue ([Exhibit H](#)).
Kristi Daniels ([Exhibit I](#)).
Timm Soquena ([Exhibit J](#)).
Steven Heidinger ([Exhibit K](#)).

We will close the hearing on S.B. 405. Next, we will move on to S.B. 502.

SENATE BILL 502 (1st Reprint): Makes various changes relating to the Public Employees' Benefits Program and the Public Employees' Deferred Compensation Program. (BDR 18-979)

PATRICK CATES (Director, Nevada Department of Administration; Chair, Public Employees' Benefits Program:

I will read from my written testimony ([Exhibit L](#)). I am here today to ask for support for S.B. 502. The intent of this bill is to improve the coordination of both the Public Employees' Benefits Program (PEBP) and the Deferred Compensation Program with the Department of Administration's (DOA) Division of Human Resource Management as a "total package" for State employees and retirees. I will also note that the PEBP Board and the Committee on Deferred Compensation for State Employees both voted to support this bill in its current form. The composition of the Board has several changes. The bill makes several changes concerning procurement for both the PEBP and deferred compensation programs.

CHAIR WOODHOUSE:

Please go to section 11 on page 6 of S.B. 502. Why is section 11 necessary?

MR. CATES:

My recollection is that previous verbiage talked about the authority of the Board to employ people. This language was added to refer to the executive officer position.

MARLENE LOCKHART (Retired Public Employees of Nevada):

We worked with Director Cates on this bill. We are in support of this bill as amended. Section 11 is as Director Cates stated. It is standard language that allows the executive director to enter into contracts, as do most department heads.

SENATOR FORD:

The repealed section on the last page of the bill repeals the continuing education requirements for the Board. My recollection from the Subcommittee is we took exception to this. Why is it in the bill as repealed?

MR. CATES:

The DOA felt that other boards and commissions do not have continuing education requirements in statute; therefore, it is not needed in this statute. There is concern about travel expenditures for continuing education conferences in resort places like Hawaii and Florida. There are other ways for people to complete their continuing education requirements without having an extensive travel budget.

SENATOR KIECKHEFER:

On page 14 of S.B. 502 there is language striking out the executive officer's participation in the review of contracts.

MR. CATES:

This language was a carve-out for PEBP from normal processes. In the previous language of *Nevada Revised Statutes* (NRS) 333, the Board had the authority to disregard the recommendations of the purchasing administrator. The original language allowed the executive officer to observe these activities. We are taking all the PEBP carve-outs from NRS 333.

CHAIR WOODHOUSE:

We will move to support for S.B. 502.

PRISCILLA MALONEY (Government Affairs Retiree Chapter, American Federation of State, County and Municipal Employees, AFL-CIO, Local 4041):

It is important to note that when we were negotiating, we were trying to delegate different parts of this bill. The American Federation of State, County and Municipal Employees (AFSCME) had concerns about the composition of the bill. Dr. Kent Ervin can address your concern about section 11 and any other questions about the deferred compensation program as opposed to the PEBP.

KENT M. ERVIN, PH.D (Legislative Liaison, Nevada Faculty Alliance):

One of the Nevada Faculty Alliance's concerns is the addition of the second member of the Nevada System of Higher Education to the PEBP Board. We currently have 36 percent of the active employees in PEBP. I am an appointed member of the Deferred Compensation Committee. The Board directly hires. It is a very lean program with only an executive officer and a part-time administrative assistant. The executive officer would need to hire the administrative assistant and some other services.

The purchasing procedures were a concern. The DOA's Purchasing Division has rules for a confidential evaluation of bids and open meeting laws. The members of public boards have expertise and fiduciary responsibility for the outcomes. We were able to strike the right balance.

ROB BOEHMER, (Executive Officer and Program Coordinator, Nevada Public Employees' Deferred Compensation Program):

The Program, in 2014 when I was appointed to this position, was at \$539 million. In 2017, we are at about \$776 million. We are on target to be over a billion-dollar program in the next five to seven years. As Dr. Ervin said, we hired professional staff to administrate the Program. Prior to that, it was administered by someone on a part-time basis.

We hired an executive officer after approval of the 2011 Legislature. The administrative assistant was a contract employee through Manpower until the 2015 Legislature, when this position was made a full-time position under a three-quarter time position. The Deferred Compensation Committee supports this bill. The support of the DOA would be ideal.

The Committee is very pleased with and supports the clarity in this bill with regard to our procurement process. We put this to work in our last RFP in 2014.

Senate Committee on Finance
May 3, 2017
Page 12

We used this process; it was appealed and defended. We feel that following the guidelines under NRS 333 is essential.

We are allowing for a potential representative from a political subdivision to participate in our program. This will give them a voice in our Committee. Currently, the political subdivision makes up approximately \$165 million of our asset base. The Committee supports S.B. 502.

VICKI CAMERON (Retired Public Employees of Nevada):
We are in support of S.B. 502 as amended. We were initially against S.B. 80.

SENATE BILL 80: Makes various changes relating to the Public Employees' Benefits Program and the Deferred Compensation Program. (BDR 18-243)

CHRIS DALY (Deputy Executive Director of Government Relations, Nevada State Education Association):
I will read from my written testimony in support of S.B. 502 as amended ([Exhibit M](#)).

KEVIN RANFT (American Federation of State, County and Municipal Employees, Local 4041, AFL-CIO):
We support this bill as amended.

CARTER BUNDY (American Federation of State, County and Municipal Employees, International, AFL-CIO):
We are in support of this bill as amended.

SENATOR PARKS:
I would like to answer your question relative to section 11. On the top of page 6, section 11.5, it refers to NRS 333.335. This reference takes you to NRS 287.04345, page 9. On page 9, starting at line 29, you can see the original language, as was indicated by Mr. Cates that has been struck from the current statute.

CHAIR WOODHOUSE:
You know about the changes, as you were the chair of the committee that heard the policy on this bill.

SENATOR KIECKHEFER:

I know this was a budget implementation bill. The proposal in the *Executive Budget* was to move the PEBP Board into the DOA, and I want to confirm that there is no budgetary impact.

MARK KRMPOTIC (Senate Fiscal Analyst):

I am not aware of any budgetary impact of undoing the transfer of PEBP to the DOA as a result of this bill.

MR. CATES:

This bill changed quite a lot from when it was first introduced. There were many negotiations that resulted in the current language.

CHAIR WOODHOUSE:

We will close the hearing on S.B. 502 and begin the hearing on S.B. 166.

SENATE BILL 166 (1st Reprint): Establishes a pilot program to survey pupils enrolled in public schools concerning the use and abuse of tobacco, alcohol, prescription drugs and controlled substances. (BDR S-795)

SENATOR PATRICIA FARLEY (Senate District No. 8):

I am going to read from my prepared statement ([Exhibit N](#)). Senate Bill 166 attempts to gain a more robust and detailed understanding of the use of tobacco, alcohol and drugs by Nevada students utilizing student surveys. Section 1.7 of the bill appropriates \$978,312 to conduct the surveys.

JEFFREY TALBOT, PH.D. (Assistant Dean for Research and Faculty Development, Director, Research Center on Substance Abuse and Depression, College of Pharmacy, Roseman University of Health Services):

I am going to read from my prepared statement ([Exhibit O](#)).

Senator Farley's amendment includes a projected budget component that meets the criteria outlined in S.B. 166 to conduct student surveys. The Secondary Student Life Survey: Nevada employs skip-and-display logic. Each survey can be tailored to a specific individual student. For example, drug-naïve students who have not taken substances of abuse can answer in a way that can skip over certain drug-taking questions. The programming in the survey will skip the remainder of the questions dealing with that substance. This bill

protects students by not introducing drug-taking concepts, but it also allows us to question more deeply the students who do have experience with drugs.

I will continue to read from my prepared statement ([Exhibit O](#)).

SENATOR KIECKHEFER:

It appears that only \$155,000 is going to the operations of the survey itself; \$460,000 is research and support costs or people costs and \$107,000 per year is for capital and indirect expenditures or hardware costs. Is the hardware owned by Roseman University? Who is going to own these items, who are the people working? Is there anyone else who would qualify under S.B.166? In subsection 7, it states that the Nevada Department of Education (DOE) may contract with any qualified person or entity to administer the pilot program. Are you the only qualified entity, or are there others who qualify?

MR. TALBOT:

I am not aware if we are the only ones qualified. We have invested a number of years in developing the instrument we piloted throughout the State. Because it is a Web-based survey, the funds required to administer the survey are reduced. There is still a significant expense associated with data analysis. This is the other costs that you outlined. I do not know the legalities of contracted funds through the DOE that support hardware and or employees.

SENATOR KIECKHEFER:

Did you indicate that 1,500 students across the State have already taken the survey?

MR. TALBOT:

Yes, that is correct.

SENATOR KIECKHEFER:

How many do you expect to be able to survey based on this additional appropriation?

MR. TALBOT:

Through this appropriation, we have proposed population sampling through all of the rural school districts in Nevada on an annual basis. With student and parental consent, it would allow for every student in the rural districts if they choose to participate.

In populated areas such as Washoe County and Clark County, we worked with our statistical consultants and established a stratified population sampling. In areas such as Clark County, there are different geographies within the County that would need to be taken into account including those that are rural. In metropolitan areas, we can stratify based on demographics that will allow us to represent those counties without actually serving each student each year.

SENATOR KIECKHEFER:

Can you get statistically significant sampling in rural Nevada without surveying every student?

MR. TALBOT:

Yes, it is possible to get statistically significant data with sampling fewer students. However, we already believe we have demonstrated the value of population sampling. Models that sample fewer students and then mathematically extrapolate to represent broader populations are subject to the dynamics associated with mathematical modeling. They may not accurately represent the group to which they have been modeled. We feel it is imperative to sample those students.

SENATOR FARLEY:

There were a couple of school districts that applied a fiscal note. We believe those should be removed. They were probably not aware that we covered all the costs within the budget. We expect those to be a zero cost.

CHAIR WOODHOUSE:

That is correct. Section 1.7 of S. B. 166 discusses the cost of conducting the survey and how it will be appropriated.

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

We had some schools participate in the pilot program. The schools found the information valuable. We did have concerns about the original language in the bill. We worked on amendments with the sponsor and Roseman University.

SENATOR KIECKHEFER:

Is this the regulatory money from the medical marijuana program?

Senate Committee on Finance
May 3, 2017
Page 16

CHAIR WOODHOUSE:
Yes, it is.

SENATOR KIECKHEFER:
I think we processed another bill from Senator Ratti using this money for another purpose. I think we need to double check.

CHAIR WOODHOUSE:
We will check on this.

SENATOR FARLEY:
I think this bill is very important. The pilot survey of 1,500 students was paid for by the community. We held a fundraiser at Roseman University and raised all the money to pay for the pilot program. As a parent of children in elementary school, one of the shocking things I learned was how many drug transactions take place on our school playgrounds. The intent is to find out what is going on at those schools and make sure parents and teachers have this information in order to make an impact.

CHAIR WOODHOUSE:
We will close the hearing on S.B. 166 and begin the hearing on S.B. 167.

SENATE BILL 167 (1st Reprint): Makes an appropriation for the creation and maintenance of school gardens. (BDR S-834)

SENATOR FARLEY:
I will read from my written testimony ([Exhibit P](#)). Senate Bill 167 provides funding to support the creation and maintenance of school garden programs in Nevada's Title I federally assisted schools.

Assembly Bill No. 337 of the 77th Session was approved, strongly encouraging the leadership of Nevada school districts to ensure that each school participates in federal fresh fruit and vegetable programs. Garden-based learning is the focus of S.B. 167. School garden programs are powerful learning tools for science, technology, engineering and mathematics (STEM) programs.

I had the opportunity to visit five Title I schools in southern Nevada. It was amazing to see the pride the students had in their gardens. I observed the outdoor classrooms, which were amazing. I spoke with the teachers and felt

their engagement and recommitment to their schools and their students. I learned about the farmer's markets. Parents were coming on the weekends and during the summers to participate in the farmer's markets. The program achieved the whole goal of student involvement, STEM, creative learning and teacher engagement. This is one of the programs we legislators and parents strive for.

Section 1 of S.B. 167 speaks to the cost of creating and maintaining this program. In fiscal year (FY) 2017-2018 the cost is \$410,000, and in FY 2018-2019 it is \$205,000. This funding would be administered by the NDA. Grant funding would be provided to Title I schools that meet certain qualifications. Grants would be up to \$10,000 in the first year of the biennium and up to \$5,000 each in the second year to maintain the gardens.

There is no federal funding to support these programs. Federal funding through the U.S. Department of Agriculture, Child Nutrition Program is not authorized to support construction of school gardens or greenhouses. Section 2 provides for the measure to be effective July 1, 2017.

CIARA BYRNE (Co-Director and Co-Founder, Green Our Planet):

Green Our Planet is the largest school garden program in the United States. We operate in 111 school gardens. Over 100,000 students have access to learning outdoors in these gardens, and 3,000 teachers have access to our student curriculum. Since we started our program in March 2013, the schools have run 315 farmer's markets. We have hosted over 171 chef demonstrations for 17,000 students. There are 37 student garden clubs. Our schools have 46 outdoor classrooms. We trained 606 teachers. Twenty-two million gallons of water is saved every year by removing the grass and replacing it with raised beds.

On May 4, 2017, we will actually have the largest student-run farmer's market in Las Vegas. There will be 300 students, mostly fifth graders, with their vegetables and fruits.

One of the main reasons we do this is to impact STEM education. In a comprehensive review of 20 years of school garden literature, 93 percent of the studies reported improved student performance in science, 80 percent saw improvement in mathematics and 72 percent improvement in language arts. Learning in a school garden impacts students' health. Exposure to a school

garden increases children's vegetable consumption and the variety of vegetables eaten, per one study. In another study, it was proven that the consumption of fruits and vegetables in childhood leads to higher fruit and vegetable consumption as adults.

The other impact the gardens have is community engagement. Every Saturday when we build a garden, parents, teachers and students come out to help. We have parents painting murals in the gardens, helping with gardening and hosting harvest parties.

In southern Nevada, there is a movement happening. There are over 150 school gardens in our school district, and we are in 111 of them. We believe we can become the center for school gardens in the western United States.

Senator Farley talked about where the budget will go; we also feel that it would not be wise to spend all of the money on building schools gardens, but we should also invest money in teacher training. It is one thing to get the gardens, but it is equally important to provide teacher training and provide coordinators to help with the farmer's markets and the chef programs. We would like to know what kind impact we are having in a quantitative way and would like to conduct an impact study.

MR. DALY:

The Nevada State Education Association supports S.B. 167 to appropriate funds to bring more school garden programs to Title I schools. School gardens have been shown to improve academic achievement, increase student connection to the natural environment, and increase student interest and achievement in science. Schools gardens also promote physical health by getting more young students to eat more fruits and vegetables. Schools with school garden programs tend to have greater teacher satisfaction as well as a connection to the community. We believe targeting Title I schools with school gardens is an important social justice component that promotes academic achievement, physical health, and school and community benefits at school sites with the greater numbers of at-risk students. Although this bill may not be the highest priority, I do think that school gardens are certainly worthy of the moderate fiscal note attached.

MS. ROURKE:

We have many school gardens throughout our district. We have approximately 150 gardens. In addition to Green Our Planet, we are also partners with the American Heart Association, cooperative-based extension and other groups that help build gardens. A couple of years ago we produced guidelines and lesson plans for schools on how to build a garden and how to maintain it. We worked on standards in health, science and other areas to ensure there was curriculum time for the gardens. We have school gardens at all levels: elementary, middle and high school. Desert Oasis High School has a garden that they use with self-contained special education students. They have found this is a great way to engage students with special needs as well as get them outside and address behavioral needs.

MARY PIERCZYNSKI, PH.D, (Nevada Association of School Superintendents, Nevada Association of School Administrators):

There are school gardens in the rural counties as well. One of the largest is the greenhouse garden at Carson High School. This brought in Future Farmers of America agricultural program at Carson High School. We are in support of this bill.

SENATOR FARLEY:

This bill has a small price tag for the benefits received.

CHAIR WOODHOUSE:

We will close the hearing on S.B. 167. Senate Bill 124 will be rolled to another day. Senator Spearman is not in attendance to present her bill. We will begin the work session for S.B. 136.

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

SENATE BILL 136: Makes various changes concerning health care. (BDR 18-143)

MR. KRMPOTIC:

Senate Bill 136 was heard by the Committee on May 1, 2017. The bill creates the Nevada Council on Palliative Care and Quality of Life within the Department of Health and Human Services and establishes members and responsibilities. It authorizes the Council to apply for grants, gifts and accept gifts, grants,

appropriations and donations. It establishes the Palliative Care and Quality of Life Consumer Professional Information Education Program within the Department of Health and Human Services. It requires the director of the Department to encourage hospitals, assisted living facilities and skilled nursing facilities with 100 beds or more to educate their physicians, nurses and staff members regarding palliative care and provide information to patients or residents regarding palliative care.

The Division of Aging and Disability Services withdrew its fiscal note that was applied to this bill. Testimony in favor of this bill was provided by Senator Woodhouse, Mr. Tom McCoy, Carrie Harrington with Nevada Cancer Coalition and Dr. Michael Dyer with the Nevada Catholic Conference. There was an amendment provided by Mr. Bryan Evans of the Nevada Health Care Association ([Exhibit Q](#)). The proposed amendment in section 12 adds the word "clinical" at line 25 in front of the word staff.

SENATOR KIECKHEFER:

I have a concern with this bill in that it puts a mandate on a State department to do something, and then it relies on the nonprofit agency to fund it. We cannot guarantee it will materialize. I support the intent and cause. I would like to know if you would consider additional language. On the top of page 4, section 10, subsection 2, could we add additional language to make this contingent on the ability to raise the resources through grants, gifts or donations. Otherwise, we are mandating the Department do something the State is not funding. I appreciate the intent of this bill.

CHAIR WOODHOUSE:

There will be two amendments. The one Mr. Krmpotic read from the Nevada Health Care Association and the conceptual amendment from Senator Kieckhefer. Do we have a motion?

SENATOR FORD MOVED TO AMEND AND DO PASS S.B. 136 WITH AMENDMENTS TO ADD THE WORD "CLINICAL" IN SECTION 12, LINE 25, BEFORE THE WORD "STAFF" AND TO CHANGE SECTION 10, SUBSECTION 2 TO MAKE IT CONTINGENT ON THE ABILITY TO RAISE THE RESOURCES THROUGH GRANTS, GIFTS AND DONATIONS.

SENATOR KIECKHEFER SECONDED THE MOTION.

Senate Committee on Finance
May 3, 2017
Page 21

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR WOODHOUSE:
This meeting is adjourned at 8:13 p.m.

RESPECTFULLY SUBMITTED:

Mary Sullivan,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	7		Attendance Roster
S.B. 405	C	2	Christine M. Vaught/Nevada Animal Owners Alliance	Testimony in Opposition
S.B. 405	D	1	Julie Butler/Nevada Department of Public Safety	Letter removing Fiscal Note
S.B. 405	E	1	Brent Lubig	Email in Opposition
S.B. 405	F	1	Daniel Siciliano	Email in Opposition
S.B. 405	G	1	Doug Poindexter	Email in Opposition
S.B. 405	H	1	Jenessa Bogue	Email in Opposition
S.B. 405	I	1	Kristi Daniels	Email in Opposition
S.B. 405	J	1	Timm Soquena	Email in Opposition
S.B. 405	K	1	Steven Heidinger	Email in Opposition
S.B. 502	L	2	Patrick Cates/Department of Administration/Director's Office	Presentation
S.B. 502	M	1	Chris Daly/ Nevada State Education Association	Written Testimony in Support
S.B. 166	N	3	Senator Patricia Farley	Presentation
S.B. 166	O	2	Jeffery Talbot/Roseman University	Written Testimony in Support
S.B. 167	P	6	Senator Patricia Farley	Presentation
S.B. 136	Q	1	Nevada Health Care Association	Proposed Amendment